

BIRMINGHAM CITY COUNCIL

**REPORT OF ACTING DIRECTOR OF REGULATION AND ENFORCEMENT
TO THE LICENSING AND PUBLIC PROTECTION COMMITTEE**

20 APRIL 2016
ALL WARDS

REGULATING FACE TO FACE FUNDRAISING
PFRA SITE MANAGEMENT AGREEMENT

1. Summary

- 1.1 Face to face fundraising is the practice by which representatives of charities approach members of the public in the street to persuade them to provide contact information with a view to the person agreeing to make regular donations by direct debit to the charity in question. It is commonly referred to as 'chugging' and often it results in complaints from members of the public who feel intimidated by it and retail businesses who say that it adversely affects their footfall.
- 1.2 This Committee has looked at ways of limiting the practice in Birmingham, and in particular in the City Centre. This culminated in an application to the Secretary of State for a byelaw for Birmingham that would have created an offence if the fundraising was carried out in a street or public place 'in such a manner as to cause obstruction or give reasonable grounds for annoyance to any person in that street or public place'.
- 1.3 Birmingham's application for a byelaw was rejected by the Secretary of State on the grounds that Birmingham had not attempted to control the practice by voluntary means: specifically by signing a Site Management Agreement (SMA) with the Public Fundraising Association (PFRA).
- 1.4 This report considers a draft version of an Agreement and seeks the Committee's views.

2. Recommendations

- 2.1 That the Committee considers that the number of face to face fundraisers in any zone at any point in time should be a maximum two.
- 2.2 That a response should be sent to the PFRA outlining the Committee's decision and inviting it to reconsider its proposals.

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3. Background

- 3.1 Your Committee has considered reports on regulating face-to-face fundraising over a period of more than three years. A report produced by Birmingham's Licensing service in 2012 evidenced high levels of annoyance among the general public about being constantly approached by fundraisers in the City Centre and in some of our larger suburban shopping centres. Retailers also recorded complaints about the effect that face to face fundraisers had on their businesses as customers started avoiding certain parts of the city where fundraisers were known to operate. In 2012:
- 634 people in Birmingham responded to our on-line survey. 96% had been stopped in the street by face to face fundraisers.
 - 95% minded being stopped.
 - 93% were in favour of stopping face to face fundraising in Birmingham.
- 3.2 Your Committee asked officers to explore the possibility of obtaining a byelaw to control chugging. Officers took advice from Queen's Counsel, which was that a byelaw could not ban face to face fundraising, but that it could curb the worst effects. A byelaw was subsequently drafted and submitted to the relevant Secretary of State at the Department for Communities and Local Government for approval, but it was rejected because we had not provided evidence as to why a Site Management Agreement with the PFRA was not felt to be appropriate.
- 3.3 The PFRA is a trade organisation that represents fundraisers working on behalf of charities. It operates SMAs in many towns and cities across the UK in conjunction with local authorities. The purpose of a SMA is to agree with the PFRA when and where face to face fundraising can take place and how many fundraisers are permitted to work at any given time. The agreement can then be policed by the PFRA itself, the fundraising companies that have signed up to it, and the local authority, although only the PFRA would be able to issue sanctions for breaches of the Agreement. The PFRA publishes a rule book that fundraisers agree to follow and it can impose financial penalties on companies that disregard the rules.
- 3.4 As a consequence of the Secretary of State's decision, officers approached the PFRA last year to discuss proposals for the basis of a SMA for Birmingham. A walking tour of the City Centre and Sutton Coldfield took place at the end of last summer with the PFRA, officers and elected members from the Committee to identify the key locations. Following the site visit the PFRA invited officers to consider a draft SMA.
- 3.5 The Head of Licensing reviewed the proposed SMA and responded to the PFRA with comments. The PFRA has identified 7 sites in Birmingham City Centre and it provided a schedule of days of the week when fundraisers would be permitted to operate at each location, with as many as 6 fundraisers being able to work on some days. The Bull Street site would only be used as a relief site if one of the other sites was not available. The sites are:

- New Street (divided into 2 zones).
- Cherry Street/Union Street.
- Colmore Row.
- High Street.
- Broad Street.
- Corporation Street.
- Bull Street (to be used as a relief site on days when activities at any of the other sites made fundraising not possible).

- 3.6 The response to the proposals from the Head of Licensing were that the number of fundraisers at each site were too many and that the number should be restricted to no more than 2 per zone. This is based on the fact that it is not uncommon to find 5 or 6 fundraisers working in teams now: unless the numbers are reduced the public may not notice a difference under a SMA.
- 3.7 The PFRA circulated the response to its proposals to its members. As a consequence it has suggested some amendments, which include reducing the maximum number of fundraisers from 6 to 4 and ensuring that no more than 3 zones are in operation on any given day (currently as many as 8 can be operating at the same time) with only 2 on Wednesdays. None of the zones would adjoin each other on a day when fundraisers were working and they have agreed to a shorter zone in Corporation Street to prevent it overlapping with New Street. Victoria Square has been removed completely. New Street would be completely free of fundraisers on Wednesdays and Saturdays. Broad Street has also been removed entirely because of its proximity to the war memorial. The PFRA feels that its members have moved as far as they are able in terms of reaching a compromise with the City Council.
- 3.8 The attached Appendix is a copy of the latest draft SMA which contains the PFRA's preferred locations and numbers of fundraisers at each location.
- 3.9 Your Committee is invited to consider the new proposals from the PFRA contained in the Appendix and indicate whether it gives approval to its terms with a view to a SMA being signed on this basis. Failure to reach an agreement will enable the current situation to persist with up to 6 fundraisers per location working at numerous locations in the city centre.

4. Consultation

- 4.1 The PFRA consulted with its members to enable it to arrive at the revised position in the Appendix. If the Committee decides that the revised position remains unacceptable, it may wish to consider carrying out a wider public consultation, to include the Business Improvement Districts to measure wider opinion. However, at this stage, there is still an opportunity for the Committee to revert to the PFRA with counter proposals.

5. Implications for Resources

5.1 The cost of policing the SMA will be met by the PFRA.

6. Implications for Policy Priorities

6.1 Addressing people's concerns about face to face fundraising will support the Council's strategic priorities of 'succeed economically' and 'stay safe in clean, green neighborhoods', by making the city centre and major shopping districts more welcoming.

7. Public Sector Equality Duty

7.1 No specific issues have been identified with the contents of this report.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil