

**Report to:** Licensing Committee  
**Date of meeting:** 14 September 2015  
**Report of:** Head of Community and Customer Services  
**Title:** Update on Public Fundraising Regulatory Association Agreement

## 1.0 **SUMMARY**

- 1.1 This report is to update Members on the progress and performance of the Site Management Agreement (SMA) with the Public Fundraising Regulatory Association (PFRA) in relation to direct debit fundraising in Watford Town Centre.
- 1.2 The report also requests officers in consultation with the Chair of Licensing Committee be authorised to amend or review the site management agreement on behalf of the Council when needed.

## 2.0 **RECOMMENDATIONS**

- 2.1 That Members note the report and authorise officers (in consultation with the Chair of the Licensing Committee where necessary) to make minor amendments to the site management agreement with the Professional Fundraising Regulatory Association

**Contact Officer:**

For further information on this report please contact Parminder Seyan (Licensing Officer) on telephone extension 8434 or email [parminder.seyan@watford.gov.uk](mailto:parminder.seyan@watford.gov.uk)

**Report approved by:** Alan Gough, Head of Customer and Community Services

### 3.0 **Background**

The council has the power to issue permits under the Police, Factories, etc (Miscellaneous Provisions) Act 1916 for sales of goods and collections of cash for charitable purposes to be made in public places. Applicants for a permit need not be a registered charity.

3.1 The Act permits the council to make regulations with respect to 'the places where and the conditions under which persons may be permitted in any street or public place, to collect money or sell articles for the benefit of charitable purposes...' Permit holders are required to submit returns to the council within one month of collection showing the amounts raised and the amounts spent on any administration expenses.

3.2 Whilst direct debit collectors are fundraising, they do not collect cash in the sense of an immediate donation. Any individual who signs up a direct debit can cancel at any time and amounts of donation can vary. Therefore, the fundraiser has no way of knowing how much is collected at each collection. This means this type of collection is not within the scope of licensing requirements.

3.3 Whilst majority of these direct debit collectors are responsible, there can be concerns raised from time to time over unregulated collections. Therefore bona fide collectors tend to belong to the Public Fundraisers Regulatory Association (PFRA) who set agreed standards on behalf of the charities on whose behalf collections are made. The PFRA will then enter into agreements with local councils to monitor compliance with these standards and importantly to limit and specify locations that collections can take place.

3.4 At a meeting of the Licensing Committee on 14 March 2014 authority was delegated to the Chair of Licensing Committee and the Head of Customer and Community Services to enter into a voluntary agreement with PFRA on behalf of Watford Borough Council known as a Site Management Agreement (SMA). The main aim of this SMA is to control the activities of direct debit street collectors in Watford Town Centre.

3.5 In March 2014, the council entered into an SMA attached at Appendix 1 which clearly sets out the parameters in relation to when, how, where, hours and days direct debit street collections and collectors can operate. This report is to inform members of the effectiveness of this agreement and to seek approval to continue with it.

### 4.0 **Analysis and effectiveness of the agreement**

4.1 There is no legislation which specifically regulates the activities of face-to-face direct debit charitable street collectors. By signing this agreement PFRA has become an effective partner in ensuring a safe and legitimately operated collection. Through their rules, which are signed up to by all the main charities, they enforce the terms of the agreement by giving penalty points for breach of protocols.

4.2 Members may wish to note that collectors who do not conform to the terms of the agreement and who do not have permission to collect are reported to PFRA. The PFRA has a published code of practice for collecting produced by the Fundraising Standards Board, and which is published on its website.

4.3 Since March 2014 PFRA have administered approvals and monitored charity

fundraising in agreed locations within the town centre and have provided a balance between the right of the charities to fundraise and the right of the public to go about their business with the least level of inconvenience.

- 4.4 The PFRA have reported that since the SMA was introduced, approximately twenty fund-raising companies have visited Watford, which is line with similar-sized towns. There have not been any complaints to the council about the activities of fund-raising companies, whereas a handful a year were received previously. Officers have only identified one occasion when an unexpected collection took place (at the start of the agreement) and when collectors occasionally mistake The Parade for the High Street as places they can collect. The PFRA have not undertaken specific spot-checks within Watford because most of the collecting companies visiting here also work in London, where most of the spot-checks are conducted.
- 4.5 SMAs are voluntary agreements, they are not legally binding and cannot be enforced through formal enforcement action. However, officers believe that it has worked well to reduce the issues of over-capacity and collector behaviour in the town centre.
- 5.0 **Future developments**
- 5.2 Officers are of the opinion that there is likely to be little or no impact on the collection process but that the review of Site Management Agreement would be advantageous to residents, visitors of the borough and businesses as it clarifies the parameters for these collections and ensures that only legitimate collections take place. For example, two collectors are currently allowed to collect in the High Street between Clarendon Road and Charter Place. The proposed 94-week redevelopment of Charter Place may make that area unsuitable and so it would be helpful to be able to amend the SMA in consultation with the Chair of the Committee to allow collections in another logistically feasible location.
- 5.3 In addition to the above the agreement promotes good practice and which in turn enhances the reputation of collections and charities involved.

## 6.0 **IMPLICATIONS**

### 6.1 **Financial**

- 6.1.1 The Shared Director of Finance comments that there are no financial implications arising from this report.

### 6.2 **Legal Issues** (Monitoring Officer)

- 6.2.1 The Head of Democracy and Governance comments that the legal framework behind the issue of permits is set out in the body of the report.

### 6.3 **Potential Risks**

- 6.3.1 None identified.

### 6.4 **Staffing**

- 6.4.1 The site management agreement with the PFRA has freed time currently taken up by the licensing team in processing and investigating complaints about direct debit collections.

## Appendices

Appendix 1 – Site Management Agreement

Appendix 2 - Council's policy for Charity Collections

## Background Papers

Police, Factories, etc (Miscellaneous Provisions) Act 1916 (available on [www.legislation.gov.uk](http://www.legislation.gov.uk))

Watford Borough Council Regulations on Street Collections (available on [www.watford.gov.uk](http://www.watford.gov.uk))

File Reference: Charity collection policy review 2014