## 5. Public Fundraising Regulatory Authority

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### Purpose of the Report

To inform the Licensing Committee how the Public Fundraising Regulatory Authority (PFRA) is working with local government in connection with the regulation of charitable collections, to seek approval for a joint working partnership between the PFRA and South Somerset District Council (SSDC) to be confimed by the District Executive.

### Recommendations

None this report is for Licensing Committee information only.

### Background

Under the present arrangements and in accordance with the Charity Act 1964, SSDC administers all applications for charitable collections throughout the district with the exception of Yeovil Town where the process is administered by Yeovil Town Council (YTC).

There is no income attached to the applications for consent or permission as by statute there are no fees payable. This does not change under the new Charities Act 2006 expected to come into force in November 2009.

However under the current delegation arrangements, YTC invoice SSDC annually to recover their costs to administer the function in the Yeovil Town area. Annually this amounts to approximately £1500, which SSDC is unable to recover from any other source.

For information, the YTC recharges over the last three years have been £1386.97 in January 2006, £1423.63 in January 2007 and £1466.40 in January 2008.

The formation of partnership agreements with the PFRA has been the subject of much debate at STARC meetings (Somerset Tackling Alcohol Related Crime) at County level and also through the Somerset Licensing Group. BANES, Bournemouth, Bristol, North Somerset and Poole councils already have agreements in place with the PFRA. So far 80 local councils across England and Wales have entered into voluntary site management agreements with the PFRA.

### PFRA

The PFRA is the nationally recognised body that acts as the self regulator for charity collections throughout the UK. With the advent of the new Charities Act 2006 the PFRA also negotiate, monitor and ensure the compliance of their members with voluntary site management agreements whereby local authorities in partnership with the charity fundraising community can establish acceptable levels of public fundraising activity in any given locality (including limits on the frequency of visits and size of teams) in preparation for and transition towards the councils new Charities Act duties and responsibilities.

In essence if SSDC were to enter into a voluntary site management agreement with the PFRA they would then administer the function of charity collections in the street or house to house. This includes the approval of collections, carrying out diary management across the district (to ensure that there are not more than the stipulated number of collectors and collections across the area), enforcement and the investigation of any complaints arising from the charity collections. All this would be carried out in partnership and consultation with SSDC. The SSDC role would be to monitor the agreement, oversee the management in SSDC and take legal action when required.

In addition the PFRA will, by way of quality control “mystery shop” a number of charity collectors per annum to ensure that they comply with local and legislative requirements.

Crucially for SSDC, the PFRA would also manage the transitional period from November 2009 with regard to the implementation of the new Charities Act 2006. This would be a period of intense work for the licensing service, and will otherwise require additional funding for the casual support during this time.

The PFRA do not attach a cost to the voluntary site management agreements as their costs are offset by the charity organisations membership fees to the PFRA.

The PFRA do intend to introduce a cost in 2010. It is estimated that the annual cost per council will be £50 to continue to manage, administer and enforcement the Charity Act 2006.

The PFRA is recognised by the Home Office, Cabinet Office, Charity Commission, Institute of Licensing and Association of Town Centre Managers. The PFRA has established positive links with the Trading Standards Institute, Office of Fair Trading and Local Government Association.

## Voluntary Site Management Agreements

The aim of the site management agreement (SMA) is to facilitate charity fundraising in a given location or locations within a local authority area and provide a balance between the right of the charity to fund raise and the right of the public to go about their business with the least impression of inconvenience.

Typically an SMA will address issues such as location and frequency of visits, by charity fundraisers, permitted team sizes and communication channels. The SMA for SSDC will specify a number of areas in which street collections will be permitted and town councils within those areas will be consulted on their requirements for the designated areas.

The SMA will provide a mechanism for reporting apparent instances of inappropriate activity / behaviour and for receiving feedback on how those issues have been resolved.

Once an agreement is in place it should minimise the administration for all concerned, providing just one channel for information as council staff will only have to deal with the PFRA instead of each individual charity and fundraising organisation separately. Equally, charities will only need to deal with one administrative body, rather than multiple local authorities.

The SMA is a voluntary agreement. It will not supersede or replace the councils rights or obligations under any relevant statutes (such as the Charities Acts and Local Government Acts) The SMA will need to be robust and durable whilst being flexible and responsive allowing both parties to effect reasonable changes to reflect public need (such as road works, special local events) and consumer demand (seasonal differences in footfall, increasing response rates etc).

## Financial Implications

SSDC cost saving of approximately £1400 per annum in Yeovil Town Council recharges.

The annual saving of officer time in respect of the administration and enforcement of the House to House and Street Collection permits.

The financial implication of not creating an SMA is additional staff resource, particularly during the transitional period. This would be in the region of one licensing administrator for 3 – 5 months.

## Implications for Corporate Priorities

Corporate Priority number one: Deliver well managed, cost effect services valued by our customers.
Corporate Priority number two: Increase economic vitality and prosperity
Corporate Priority number four: Ensure safe sustainable and cohesive communities.
Target 29 LLA and NI7 – working with the third sector.

***Background Papers:*** *Charities Act 2005*