

BROMSGROVE DISTRICT COUNCIL

**LICENSING
COMMITTEE**

12th January 2015

**SITE MANAGEMENT AGREEMENT BETWEEN BROMSGROVE DISTRICT
COUNCIL AND PUBLIC FUNDRAISING REGULATORY ASSOCIATION**

Relevant Portfolio Holder	Councillor Rita Dent
Portfolio Holder Consulted	Yes
Relevant Head of Service	Steve Jordan – Head of Worcestershire Regulatory Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

1. SUMMARY OF PROPOSALS

To provide Members with an update on further progress and negotiations with the Public Fundraising Regulatory Association (PFRA) with a view towards entering into a site management agreement to help regulate face to face fundraising in Bromsgrove Town Centre.

2. RECOMMENDATIONS

Members are asked to RESOLVE;

- (i) To note the contents of the report and the content of the updated draft site management agreement, and**
- (ii) To authorise the Head of Worcestershire Regulatory Services to sign the updated site management agreement on behalf of Bromsgrove District Council.**

3. KEY ISSUES

Financial Implications

- 3.1 The costs involved in liaising with the PFRA are being met from existing budgets held by Worcestershire Regulatory Services.

Legal Implications

- 3.2 Section 5 of the Police, Factories, etc (Miscellaneous Provisions) Act 1916 enables authorities to make regulations to control street collections in their area. However the legislation does not cover face to face fundraisers who ask people in the street or other public place to sign up to donating to charitable causes by direct debit.

Service / Operational Implications

- 3.3 The Council regulates charitable collections taking place in any street or public place under the Police, Factories, etc (Miscellaneous Provisions) Act 1916. The Council can regulate collections where there is a collection of money or the selling of articles for the benefit of charitable purposes (cash collections).
- 3.4 The legislation does not cover face to face fundraisers who ask people in the street or other public place to sign up to donating to charitable causes by direct debit. The Council therefore cannot regulate this type of collection. The Council could however engage with the Public Fundraising Regulatory Association (PFRA) to try and establish a site management agreement to control this type of collection.
- 3.5 At the Licensing Committee on 23 June 2014, Members resolved to authorise the Head of Worcestershire Regulatory Services to enter into discussions with the PFRA with regard to establishing a site management agreement to regulate face to face fundraising by way of direct debit in Bromsgrove Town Centre.
- 3.6 Officers subsequently met with representatives of the PFRA in Bromsgrove Town Centre in order to discuss the contents of a site management agreement that would be acceptable to both the Council and charitable organisations that wish to conduct face to face fundraising in the town centre.
- 3.7 A draft agreement was then produced and was discussed at Licensing Committee on 10th November 2014. The draft agreement restricted fundraising to taking place in the pedestrianised area of the High Street between New Road and Stratford Road. The number of collectors permitted to visit on any day was restricted to five. The agreement also made clear that face to face fundraising can only take place on only three days Mondays, Wednesdays and Thursdays.

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- 3.8 Originally it had been the Council's intention to use terms of the site management agreement to restrict fundraising to taking place on just two days per week (Mondays and Wednesdays) and this was the starting point during the discussions with the PFRA. However the PFRA consulted its' membership on the proposed site management arrangements and the charities indicated that the demand is such that three days per week would be required for fundraising in Bromsgrove.
- 3.9 When considering the draft agreement in November 2014, Members of the Licensing Committee made clear that they were keen to ensure that the site management agreement only permitted collections on two days per week (Mondays and Wednesdays) and therefore resolved to direct officers to return to negotiations with the PFRA and make the strong feelings of Members known on the issue.
- 3.10 Further discussions and negotiations with the PFRA have since taken place. The PFRA has in turn consulted its Membership once again on the site management agreement proposals for Bromsgrove. This has led to a revised draft site management agreement being put forwards by the PFRA, which can be seen at **Appendix 1**. In the revised draft agreement, collections are restricted to two days of the week (Mondays and Wednesdays) in accordance with the wishes of Members of the Licensing Committee.
- 3.11 The PFRA has however reported that persuading their members regarding the reduction in days from 3 to 2 had been difficult, and that they could only do so on the basis that it was made it clear that this is a 6 month arrangement with an opportunity to review after 6 months to see if the restriction was having an unduly adverse effect on fundraising in the area. It is inherent within site management agreements for Councils and the PFRA to keep the agreements under review anyway, but this has been made explicit within the agreement drafted for Bromsgrove.
- 3.12 Members are asked to note the contents of the report and to authorise the Head of Worcestershire Regulatory Services to sign the site management agreement on behalf of Bromsgrove District Council.
- 3.13 If the site management agreement is entered into, the agreement would then need to be reviewed with the PFRA six months later to see if the terms of the agreement are having an unduly adverse effect on fundraising in the area.

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4. RISK MANAGEMENT

- 4.1 If a site management agreement is not entered into, face to face fundraising in Bromsgrove Town Centre will not be controlled in any way.

5. APPENDICES

Appendix 1 – Revised Draft Site Management Agreement

AUTHOR OF REPORT

Name: Dave Etheridge – Senior Practitioner (Licensing)
Worcestershire Regulatory Services
E Mail: d.etheridge@worcsregservices.gov.uk
Tel: (01527) 534121