



**Agenda for Licensing and Enforcement Sub Committee**  
**Wednesday, 2nd April, 2025, 12.00 pm**

**Members of Licensing and Enforcement Sub Committee**

Councillors: K Bloxham (Chair), O Davey and R Jefferies

**Venue:** Council Chamber, Blackdown House, Honiton

**Contact:** Sarah Jenkins;

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(or group number 01395 517546)

Monday, 24 March 2025

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**[www.eastdevon.gov.uk](http://www.eastdevon.gov.uk)**

- 1 Minutes of the previous meetings held on 29 January and 12 February 2025  
(Pages 3 - 8)
- 2 Apologies
- 3 Declarations of interest  
Guidance is available online to Councillors and co-opted members on making  
[declarations of interest](#)
- 4 Matters of urgency  
Information on [matters of urgency](#) is available online
- 5 Confidential/exempt items  
To agree any items to be dealt with after the public (including the Press) have  
been excluded. There are no items which officers recommend should be dealt  
with in this way.
- 6 Application for a Street Collection Permit - Sidmouth (Pages 9 - 28)

**Due to the requirements of the Licensing Act 2003 only parties to the hearing are permitted to address the sub-committee (through their representative as appropriate).**

[Decision making and equalities](#)

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**EAST DEVON DISTRICT COUNCIL**

**Minutes of the meeting of Licensing and Enforcement Sub Committee held at Tale Room, Blackdown House, Honiton on 29 January 2025**

**Attendance list at end of document**

The meeting started at 9.30 am and ended at 10.41 am

**26 Minutes of the previous meeting held on 11 December 2024**

The minutes of the previous meeting held on 11 December 2024 were agreed and signed as a true record.

**27 Declarations of interest**

There were no declarations of interest.

**28 Matters of urgency**

There were no matters of urgency.

**29 Confidential/exempt items**

There were no confidential / exempt items.

**30 To consider an application for the variation of a premises licence for the premises known as Heydays at Unit 1 Sideshore, Queens Drive, Exmouth EX82GD**

The meeting was a hearing under the Licensing Act 2003.

The Chair introduced the members of the Sub Committee and the Officers present.

The Sub Committee's Legal Advisor, Giles Salter, outlined the procedure for the meeting.

The Sub Committee considered the application for the variation of a premises licence to also permit the sale of alcohol for consumption OFF the premises at Heydays, Unit 1 Sideshore, Queen's Drive, Exmouth EX8 2GD.

The applicant, present and entitled to make representations, was Sam Beaton, accompanied by Andrew Biggs, on behalf of Exe Exe Exe Limited.

Also present, and entitled to make representations, were Cllr Graham Deasy, on behalf of Exmouth Town Council, Martin Heslop and Jenny Heslop.

The Licensing Officer summarised the application and stated that there had been no update since the report was written.

In response to a question from Members, the Licensing Officer stated that licensing conditions which the committee could consider were set out in Appendix J to the report. She added that as part of the Licensing Policy, applicants were provided with a Pool of

Conditions to guide them on suitable conditions which they could consider, to mitigate any risk that might occur as a result of their licensable activities.

There were no questions for the Licensing Officer from the applicant or the interested parties.

The applicant made the case for the application and highlighted the following points:

- Heydeys was a high-end bakery and lifestyle shop where it was intended that patrons could purchase a bottle of local wine or craft beer as a gift or to take home with them.
- In addition to Heydeys, the applicant operated two businesses in Dorset and there had been no issues as a result of their off sales.
- There was no intention to sell alcohol in open containers.
- Concerns were acknowledged around overconsumption of alcohol on the beach but it was noted that alcohol was on sale already at a small supermarket on the seafront, at a price which was more attractive to younger people. The applicant was not marketing themselves for this clientele, but to middle-class consumers.

In response to questions from Members, the applicant confirmed that they had been in business for 3-4 years, initially opening a restaurant in Lyme Regis, and growing organically into their current lifestyle and bakery business. They stated that it had been important to have car parking available so that locals could drop in for food and a bottle of something, to take home. The applicant reiterated that there were no plans to sell alcohol in open containers.

In response to a question from the interested party, Cllr Graham Deasy, on behalf of Exmouth Town Council, the Legal Advisor explained that the Public Spaces Protection Order (PSPO) in the area did not establish a blanket ban on the sale or consumption of alcohol, but gave the police and authorised officers of the Council the powers to remove alcohol in open containers and issue fixed penalty notices in the event of antisocial behaviour associated with the consumption of intoxicating substances.

In response to questions from the interested party, Martin Heslop, the applicant advised the following:

- If the variation was granted, they did not believe there would be a significant increase in the consumption of alcohol in the public area outside of their premises or on the beach, or that their intended clientele was likely to cause problems.
- Projections for alcohol sales were around £200-250 per week.
- The applicant knew their business model and their market and would not downgrade their business by changing their objectives in the future to sell alcohol cheaply to a mass market.
- Bins were provided by the business and the Council for the disposal of rubbish, and the applicant was confident that most people were responsible with their rubbish.
- It was not considered appropriate to offer any conditions at the point of application, without first knowing what the reaction to the application would be.

The interested party, Cllr Graham Deasy, on behalf of Exmouth Town Council, put their case and advised that their concerns were as follows:

- To protect the seafront area from antisocial or rowdy behaviour which people could find intimidating. There was a history of alcohol-related disturbances which were few and far between, perhaps due to the scarcity of alcohol sales points on the seafront.
- In the interests of public safety, to protect people from the risks associated with entering the water after consumption of alcohol.
- Rubbish which became buried in the sand could create a hazard to beach users and it was suggested to add labelling to the products around responsible disposal.

In response, the applicant stated that there had been restaurants selling alcohol from the premises historically with clients potentially then going onto the beach, before Heydeys were there. Heydeys biggest draw was families, particularly mums and children, and the sale of alcohol would be during the daytime only and not into the evening. The applicant added that they routinely integrated themselves into local communities, signing up to beach cleans and offering free coffee to beach cleaners.

Speaking also for Jenny Heslop, the interested party, Martin Heslop, put their case and advised that their main concerns were as follows:

- The variation, if granted, would raise the risks of greater alcohol consumption in the area and associated problems in relation to the licensing objectives.
- The variation would create a greater risk of glass containers being taken onto the public areas and the beach. Mr Heslop stated that conditions set out in the existing premises licence demonstrated that the sub-committee that granted that licence had in mind the dangers of glass.

In response to Mr Heslop's statement, the Licensing Officer clarified that the condition in the premises licence which referred to no glass bottles except for wine and champagne, was added by the applicant or the responsible authorities, and not by the sub-committee.

In response to questions from Members, Mr Heslop stated that he had no evidence of increased antisocial behaviour or issues from glass on the beach since Mickeys or other restaurants had been open at Sideshore, but Exmouth Town Council had outlined incidents on the beach which had required police attendance. Most incidents had occurred in the early evening or at nighttime.

Responding to Mr Heslop's statement, the applicant stated that having spoken with Mickeys and Michael Caines, he understood that the licensing condition concerning glass was added due to the risks from the winds on the seafront shattering the glass containers.

In response to a question from Mr Deasy, the Licensing Officer outlined the procedure for the monitoring of licensed premises.

The applicant declined to make a closing statement.

The Chair thanked everyone for attending and advised that the decision would be notified in writing within five working days.

### **Attendance List**

#### **Councillors present:**

K Bloxham (Chair)

J Heath

R Jefferies (Vice-Chair)

#### **Councillors also present (for some or all the meeting)**

S Westerman (Reserve)

#### **Officers in attendance:**

Lesley Barber, Licensing Officer

Giles Salter, Solicitor

Sarah James, Democratic Services Officer

Zoe Jones, Licensing Officer

Chair: .....

Date: .....

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of the meeting of Licensing and Enforcement Sub Committee held at Council Chamber, Blackdown House, Honiton on 12 February 2025**

#### **Attendance list at end of document**

The meeting started at 9.32 am and ended at 9.58 am

#### **31 Declarations of interest**

There were no declarations of interest.

#### **32 Matters of urgency**

There were no matters of urgency.

#### **33 Confidential/exempt items**

There were no confidential / exempt items.

#### **34 To determine an application for the grant of a premises licence to authorise the sale of alcohol for consumption OFF the premises only at Finn Studio, Unit 5 Umborne Bridge, Dolphin St, Colyton EX24 6LU**

The meeting was a hearing under the Licensing Act 2003.

The Chair introduced the members of the Sub Committee and the Officers present.

The Sub Committee's Legal Advisor, Giles Salter, outlined the procedure for the meeting.

The Sub Committee considered the application for the grant of a premises licence to authorise the sale of alcohol for consumption OFF the premises only at Finn Studio, Unit 5 Umborne Bridge, Dolphin Street, Colyton EX24 6LU.

The applicant, present and entitled to make representations, was Mr George Chesterton, accompanied by the applicant's solicitor, Mr Colin Chesterton.

Also present, and entitled to make representations was Mrs Lorraine Revington who was also representing Mr A M Revington.

The Licensing Officer summarised the application and clarified the following points in the report:

- Paragraph 4.3 – representations raised by two Colyton residents were received by the Licensing Authority on 15<sup>th</sup> January 2025, and not 21<sup>st</sup> December 2024 as stated in the report. As the last date for receipt of representations was 17<sup>th</sup> January 2025, there had not been sufficient time to seek mediation.
- Paragraph 7.2 – the application was for sale of alcohol for consumption OFF the premises only.

In response to questions from Members, the Licensing Officer advised that the applicant proposed to stock a small selection of alcohol for consumption away from the premises.

Should the outside tables and seating area form part of the licensable premises, alcohol could not be consumed in that area.

Responding to a question from the applicant, the Licensing Officer confirmed that the Licensing Authority would usually seek to reach a negotiated position, but that in this case there had been insufficient time for mediation. The Licensing Officer also advised that there had not been any complaints previously when there had been two licensed premises in Colyton.

The interested party clarified that there were two seating areas used by customers; an area next to the serving hatch on the premises, and another on the opposite side of the river, which was not part of the premises.

The applicant offered to increase the licensable area applied for to include the on-site outside seating area within the licensed premises. This would ensure that alcohol could not be consumed on site.

As customers would not then be allowed to consume alcohol on site, the interested party accepted the offer.

The negotiated position having been agreed, the Chair thanked everyone for attending and closed the meeting.

### **Attendance List**

#### **Councillors present:**

K Bloxham (Vice-Chair)  
O Davey  
J Whibley (Chair)

#### **Councillors also present (for some or all the meeting)**

I Barlow

#### **Officers in attendance:**

Sarah Jenkins, Democratic Services Officer  
Giles Salter, Solicitor  
Lee Staples, Licensing Officer  
Zoe Jones, Licensing Support Officer

#### **Councillor apologies:**

None

Chair .....

Date: .....



Report to: Licensing and Enforcement Sub Committee

Date of Meeting 02 April 2025

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A



## Application for a Street Collection Permit – Sidmouth.

Report summary:

To consider an application under the Police, Factories ect. (Miscellaneous Provisions) Act 1916 for a Street Collection Permit to permit a collection outside the terms of the council's policy.

### Is the proposed decision in accordance with:

Budget Yes ☒ No ☐

Policy Framework Yes ☒ No ☐

Recommendation:

That the Licensing & Enforcement Sub-Committee determine an application for a street collection outside the terms of the current street collection policy.

Reason for recommendation:

Departure from current policy.

Officer: Phillippa Norsworthy, Licensing Manager, PNorsworthy@eastdevon.gov.uk

Portfolio(s) (check which apply):

- ☐ Climate Action and Emergency Response
- ☒ Coast, Country and Environment
- ☐ Council and Corporate Co-ordination
- ☐ Democracy, Transparency and Communications
- ☐ Economy and Assets
- ☐ Finance
- ☐ Strategic Planning
- ☐ Sustainable Homes and Communities
- ☐ Tourism, Sports, Leisure and Culture

### Equalities impact Low Impact

If choosing High or Medium level outline the equality considerations here, which should include any particular adverse impact on people with protected characteristics and actions to mitigate these. Link to an equalities impact assessment form using the [equalities form template](#).

### Climate change Low Impact

Risk: Low Risk;

Links to background information [Who We Are – Sidmouth Coastal Community Hub CIC](#)

## [Link to Council Plan](#)

Priorities (check which apply)

- ☐ Better homes and communities for all
- ☐ A greener East Devon
- ☒ A resilient economy

Appendices

**APPENDIX A** – Police, Factories & etc. (Miscellaneous Provisions) Act 1916 (5) Regulations of street collections.

**APPENDIX B** – Regulations made by East Devon District Council – Street Collections.

**APPENDIX C** – East Devon District Council's Street Collection Policy.

**APPENDIX D** – Application.

**APPENDIX E** – Artist's Impression of proposed disabled access.

**APPENDIX F** – Information Flyer

**APPENDIX G** – Return of proceeds form 2024.

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## Report in full

### 1

- 1.1 Charity Street Collections are governed under the Police, Factories etc, (Miscellaneous Provisions) Act 1916. A copy of the relevant section from the legislation can be found at **APPENDIX A**.
- 1.2 District councils, as specified in the act may make regulations within their district as to where and the conditions of which persons may collect or sell articles for the benefit of charitable purposes. For the benefit of clarity, a 'street' includes any highway and any public bridge, road, lane, footway, square, court, alley, or passage whether a throughfare or not. A copy of the adopted regulations by East Devon District Council on 15 February 2017 are found at **APPENDIX B**.
- 1.3 East Devon District Council last reviewed the charity street collection policy on 15 February 2017 and the policy attached at **APPENDIX C** is the adopted current policy.

### 2

- 2.1 A previous application for a permit(s) to conduct multiple occasion street collections under the Police, Factories etc (Miscellaneous Provisions) Act 1916 was received from the Sidmouth Coastal Community Hub Community Interest Company (SCCH CIC) on 26<sup>th</sup> April 2024. At a sub-committee hearing on 26<sup>th</sup> June 2024, the licensing sub-committee granted permission for the SCCH CIC to conduct multiple occasion street collections at a location on Millenium Walk, Sidmouth to raise funds for a disabled access ramp at Chit Rocks.
- 2.2 An application was received from the SCCH CIC on 26<sup>th</sup> January 2025, requesting permission to conduct multiple occasion street collections in 2025, at the same location on Millenium Walk, Sidmouth to continue to raise funds for the disabled access ramp at Chit Rocks. The application can be found at **APPENDIX D** and an artist's impression of the proposed disabled ramp can be found at **APPENDIX E**.
- 2.3 The reason for requesting permission to hold additional street collections in 2025 is due to a delay in the larger beach management scheme in Sidmouth. Due to the delay, the organisation would like to continue to maintain awareness and gather support and funding for the disabled access ramp project.

- 2.4 Sidmouth Coastal Community Hub (SCCH) Community Interest Company (CIC) are a community company focussing on community engagement through events, education, the arts, sustainability and responsible tourism. A link to their public website can be found at '[links to background information](#)'.
- 2.5 SCCH are not a registered charity, however they are recognised as a Community Interest Company (CIC) and hold a registration number to certify this.
- 2.6 The current policy states:
- An organisation applying for a permit to collect does not need to be a registered charity.*
- Where an application is received that is considered not to be in the public interest the licensing manager, in consultation with the head of legal, licensing and democratic services, may refuse the application.*
- 2.7 The application to engage in multiple occasion street collections is in relation to a community project to raise funds to provide a disability ramp at Chit Rocks, Sidmouth. An information flyer of the proposed location of the ramp and a plan of the proposed ramp project are found at **APPENDIX F**.
- 2.8 A returns form has been completed to show the amount raised during the collections in 2024. This is attached as **APPENDIX G**.

### 3

- 3.1 SCCH have applied to collect on multiple dates at the same location at Millenium Walk, Sidmouth, between the hours of 10:00 to 18:00, with a maximum of two collectors. The dates applied for are as follows:

- 7<sup>th</sup>, 14<sup>th</sup>, 21<sup>st</sup>, 28<sup>th</sup>, June 2025.
- 5<sup>th</sup>, 12<sup>th</sup>, 19<sup>th</sup>, 26<sup>th</sup> July 2025.
- 16<sup>th</sup>, 23<sup>rd</sup>, 30<sup>th</sup> August 2025.
- 6<sup>th</sup>, 13<sup>th</sup>, 20<sup>th</sup>, 27<sup>th</sup>, September 2025.

This amounts to a possible total of 15 separate occasions of street collecting with each collection taking place on a Saturday over several consecutive weeks. This is an increase of five collections from the previous year. The total amount of collections which took place in 2024 was 10.

At the time of writing this report no other street collections in Sidmouth are due to take place on the dates specified above.

- 3.2 Under the current policy, adopted by East Devon District Council on 15 February 2017, the policy states at *Specific Policy Areas* (1) (a)

*That a collection for one day will be permitted per week in each of the towns in the district including Axminster, Seaton, Honiton, Ottery St Mary, Colyton, Beer, **Sidmouth**, Budleigh Salterton and Exmouth. Saturday is the day on which most collections take place with the exception of Axminster where Thursdays is the preferred choice of many organisations because of the market. The District Council will always attempt to be flexible and permit an organisation to collect, with prior agreement, on any day they wish providing always there is only one collection held in that town in that week.*

- 3.3 At section 2 of the policy, *The following exceptions will apply to the policy*, lists the nature of various scenarios that may be considered as an exception to the policy, either at the discretion of the Licensing Manager, the Licensing & Enforcement Committee or their sub-committee. In this instance, the scheme of delegation to determine this application is set out below at (6) of the policy.

*Occasionally the District Council will receive applications for permits to enable street collections in circumstances outside the terms of the council's policy. An example might be where an organisation/charity wishes to collect for longer periods or more often than the policy permits. In these circumstances the Licensing and Enforcement Committee or a Sub Committee of the Committee will consider the application.*

3.4 Members are asked to take note of the policy at *Specific Policy Areas (d)*

*Permits will be issued to permit collections between 10.00 am and 6.00 pm on the day approved for the collection. Exceptions to these times will be considered at the discretion of the Licensing Manager.*

**4**

- 4.1 Members are asked to consider the application and to decide whether or not they wish to use their discretion to depart from the current policy to permit SCCH to operate multiple street collections across a number of dates, as they have requested on the application.

## **Report Summary**

**5**

- 5.1 An application has been made by the SCCH to conduct a street collection, every Saturday commencing on 7<sup>th</sup> June to 27<sup>th</sup> September 2025, with a two week break in between, from 2<sup>nd</sup> August to 9<sup>th</sup> August 2025 when no collections are due to take place.
- 5.2 The application at **APPENDIX D** requests that only two collectors will be collecting at each occasion which is permitted in the current policy, and the location of the collecting will be situated at the Millennium Walk, Sidmouth only. The applicant has requested that the collections are to take place between the hours of 10:00 to 18:00.
- 5.3 Members are asked to have consideration to the legislation, Police, Factories & etc. (Miscellaneous Provisions) Act 1916, The Regulations and East Devon District Council's Street Collections Policy **APPENDICES A, B and C**, when making their determination whether or not to permit multiple street collections as applied for.

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Financial implications:

There are no financial implications in this report.

Legal implications:

The legal framework is set out within the report and requires no further comment at this time.

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*Changes to legislation: Police, Factories, & c. (Miscellaneous Provisions) Act 1916, Section 5 is up to date with all changes known to be in force on or before 09 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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# Police, Factories, & c. (Miscellaneous Provisions) Act 1916

1916 CHAPTER 31 6 and 7 Geo 5

## PART I

### POLICE

#### 5 Regulations of street collections.

- (1) [<sup>F1</sup>Each of the authorities specified in subsection (1A) below] may make regulations with respect to the places where and the conditions under which persons may be permitted in any street or public place, within [<sup>F1</sup>their] area, to collect money or sell articles for the benefit of charitable or other purposes, and any person who acts in contravention of any such regulation shall be liable on summary conviction to a fine not exceeding [<sup>F2</sup>level 1 on the standard scale] or in the case of a second or subsequent offence not exceeding [<sup>F3</sup>level 1 on the standard scale]:

Provided that—

- (a) regulations made under this section shall not come into operation until they have been confirmed by the Secretary of State <sup>F4</sup>..., and published for such time and in such manner as the Secretary of State <sup>F4</sup>... may direct; and
- (b) regulations made under this section shall not apply to the selling of articles in any street or public place when the articles are sold in the ordinary course of trade, and for the purpose of earning a livelihood, and no representation is made by or on behalf of the seller that any part of the proceeds of sale will be devoted to any charitable purpose.

[<sup>F5</sup>(1A) The authorities referred to in subsection (1) above are—

- (a) the Common Council of the City of London,
- [<sup>F6</sup>(b) the Mayor's Office for Policing and Crime, and]
- (c) the council of each district;

*Changes to legislation: Police, Factories, & c. (Miscellaneous Provisions) Act 1916, Section 5 is up to date with all changes known to be in force on or before 09 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

but any regulations made by a district council under that subsection shall not have effect with respect to any street or public place which is within the Metropolitan Police District as well as within the district.]

(2) This section, except subsection (3) thereof, shall apply to Ireland with the following modifications:—

- (a) references to the Secretary of State <sup>F7</sup>... shall be construed as references to the Lord Lieutenant; and
- (b) references to [<sup>F8</sup>the Mayor's Office for Policing and Crime] shall . . . <sup>F9</sup> be construed as references to the Inspector General of the Royal Irish Constabulary.

(3) ..... <sup>F10</sup>

(4) In this section—

the expression “street” includes any highway and any public bridge, road, lane, footway, square, court, alley, or passage, whether a thoroughfare or not.

#### Textual Amendments

- F1** Words substituted by [Local Government Act 1972 \(c. 70\), Sch. 29 para. 22](#)
- F2** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), s. 46](#)
- F3** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), s. 46](#)
- F4** Words in s. 5(1)(a) omitted (9.11.2016) by virtue of [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\), art. 1\(2\), Sch. 2 para. 1](#) (with [art. 12](#))
- F5** S. 5(1A) inserted by [Local Government Act 1972 \(c. 70\), Sch. 29 para. 22](#)
- F6** S. 5(1A)(b) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 16 para. 65\(2\); S.I. 2011/3019, art. 3, Sch. 1](#)
- F7** Words in s. 5(2) omitted (9.11.2016) by virtue of [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\), art. 1\(2\), Sch. 2 para. 1](#) (with [art. 12](#))
- F8** Words in s. 5(2)(b) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 16 para. 65\(3\); S.I. 2011/3019, art. 3, Sch. 1](#)
- F9** Words omitted by virtue of [Statute Law Revision Act 1927 \(c. 42\), s. 3](#)
- F10** S. 5(3) repealed by [Civic Government \(Scotland\) Act 1982 \(c. 45, SIF 81:2\), s. 119\(15\)](#)

#### Modifications etc. (not altering text)

- C1** S. 5: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of [S.I. 2000/2853, reg. 2\(1\), Sch. 1 Table B\(39\)](#)
- C2** S. 5(1) functions made exercisable concurrently (13.12.2006) by [Transfer of Functions \(Third Sector, Communities and Equality\) Order 2006 \(S.I. 2006/2951\), arts. 1\(2\), 3\(1\)](#)
- C3** S. 5(1) function no longer exercisable concurrently (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\), arts. 1\(2\), 10\(4\)](#) (with [arts. 11, 12](#))
- C4** Functions of Lord Lieutenant of Ireland now exercisable by Secretary of State: [Irish Free State \(Consequential Provisions\) Act 1922 \(13 Geo. 5 Sess. 2 c. 2\), Sch. 1 para. 1\(1\)](#) and [Northern Ireland Constitution Act 1973 \(c. 36\), Sch. 5 para. 4](#)

**Changes to legislation:**

Police, Factories, & c. (Miscellaneous Provisions) Act 1916, Section 5 is up to date with all changes known to be in force on or before 09 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- s. 5(1) words repealed by [2008 c. 12 \(N.I.\) Sch. 8 para. 1\(3\)](#)[Sch. 9](#)
- s. 5(1) words repealed by [2006 c. 50 Sch. 8 para. 15\(3\)](#)[Sch. 9](#)
- s. 5(1) words substituted by [2008 c. 12 \(N.I.\) Sch. 8 para. 1\(2\)](#)
- s. 5(1) words substituted by [2006 c. 50 Sch. 8 para. 15\(2\)](#)
- s. 5(4) words inserted by [2008 c. 12 \(N.I.\) Sch. 8 para. 1\(4\)](#)
- s. 5(4) words inserted by [2006 c. 50 Sch. 8 para. 15\(4\)](#)

## EAST DEVON DISTRICT COUNCIL

REGULATIONS MADE BY EAST DEVON DISTRICT COUNCIL  
WITH REGARD TO STREET COLLECTIONS

*IN exercise of the powers conferred upon it by section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916, as amended by section 251 of the Local Government Act 1972 and Schedule 29 to that Act and the Criminal Law Act 1977 (Commencement No. 5) Order 1978 No. 712), East Devon District Council hereby makes the Regulations with respect to the places where and the conditions under which persons may be permitted in any street or public place within the district of East Devon to collect money or sell articles for the benefit of charitable or other purposes.*

- 
1. In these Regulations, unless the context otherwise requires – “collection” means a collection of money or a sale of articles for the benefit of charitable or other purposes and the word “collector” shall be construed accordingly, “promoter” means a person who causes others to act as collectors; “permit” means a permit for a collection; “contributor” means a person who contributes to a collection and includes a purchaser of articles for sale for the benefit of charitable or other purposes; “collecting box” means a box or other receptacle for the reception of money from contributors.
  2. No collection, other than a collection taken at a meeting in the open air, shall be made in any street or public place within East Devon District unless a promoter shall have obtained from the licensing authority a permit.
  3. Application for a permit shall be made in writing not later than one month before the date on which it is proposed to make the collection.

Provided that the East Devon District Council may reduce the period of one month if satisfied that there are special reasons for so doing.

4. No collection shall be made except upon the day and between the hours stated in the permit.
5. The East Devon District Council may, in granting a permit, limit the collection to such streets or public places or such parts thereof as it thinks fit.
6. (1) No person may assist or take part in any collection without the written authority of a promoter.  
(2) Any person authorised under paragraph (1) above shall produce such written authority forthwith for inspection on being requested to do so by a duly authorised officer of the East Devon District Council or any constable.
7. No collection shall be made in any part of the carriageway of any street which has a footway.  
Provided that the East Devon District Council may, if it thinks fit, allow a collection to take place on the said carriageway where such collection has been authorised to be held in connection with a procession.
8. No collection shall be made in a manner likely to inconvenience or annoy any person.
9. No collector shall importune any person to the annoyance of such person.
10. While collecting:
  - (a) a collector shall remain stationary; and
  - (b) a collector or two collectors together shall not be nearer to another collector than 25 metres:
 Provided that the East Devon District Council may, if it thinks fit, waive the requirements of this Regulation in respect of a collection which has been authorised to be held in connection with a procession.



11. No promoter, collector or person who is otherwise connected with a collection shall permit a person under the age of sixteen years to act as a collector.
12. (1) Every collector shall carry a collecting box.  
(2) All collecting boxes shall be numbered consecutively and shall be securely closed and sealed in such a way as to prevent them being opened without the seal being broken.  
(3) All money received by a collector from contributors shall immediately be placed in a collecting box.  
(4) Every collector shall deliver, unopened, all collecting boxes in his possession to a promoter.
13. A collector shall not carry or use any collecting box, receptacle or tray which does not bear displayed prominently thereon the name of the charity or fund which is to benefit nor any collecting box which is not duly numbered.
14. (1) Subject to paragraph (2) below a collecting box shall be opened in the presence of a promoter and another responsible person.  
(2) Where a collecting box is delivered, unopened, to a bank, it may be opened by an official of the bank.  
(3) As soon as a collecting box has been opened, the person opening it shall count the contents and shall enter the amount with the number of the collecting box on a list which shall be certified by that person.
15. (1) No payment shall be made to any collector.  
(2) No payment shall be made out of the proceeds of a collection, either directly or indirectly, to any person connected with the promotion or conduct of such collection, in respect of services connected therewith, except such payments as may have been approved by the licensing authority.
16. (1) Within one month after the date of any collection the person to whom a permit has been granted shall forward to the East Devon District Council:-
  - (a) a statement in the form set out in the Schedule to these Regulations, or in a form to the like effect, showing the amount received and the expenses and payments incurred in connection with such collection, and certified by that person and a qualified accountant;
  - (b) a list of collectors;
  - (c) a list of the amounts contained in each collecting box.and shall, if required by the East Devon District Council, satisfy it as to the proper application of the proceeds of the collection.  
(2) The said person shall also, within the same period, at the expense of that person and after a qualified accountant has given his certificate under paragraph (1)(a) above, publish in such newspaper or newspapers as the East Devon District Council may direct a statement showing the name of the person to whom the permit has been granted, the area to which the permit relates, the name of the charity or fund to benefit, the date of the collection, the amount collected, and the amount of the expenses and payments incurred in connection with such collection.  
(3) The East Devon District Council may, if satisfied there are special reasons for so doing, extend the period of one month referred to in paragraph (1) above.  
(4) For the purposes of this Regulation "a qualified accountant" means a member of one or more of the following bodies:-
  - the Institute of Chartered Accountants in England and Wales
  - the Association of Certified Accountants
  - the Institute of Chartered Accountants in Ireland.
17. These regulations shall not apply:-
  - (a) in respect of a collection taken at a meeting in the open air, or
  - (b) to the selling of articles in any street or public place when the articles are sold in the ordinary course of trade.

# East Devon District Council

## Street Collections Policy

### Reviewed

2016

### Policy Approval

Licensing and Enforcement Committee 15 February 2017

### Reasons for introducing the Policy

This policy gives detailed guidance on the application of Regulations to regulate charitable and other street collections, made by the Council in 1975. It explains how the collections Regulations are to be applied, and where, and how often, an organisation may make a street collection in East Devon.

### Policy Statement

Permits are required for street collections in the area of East Devon District Council, and must be obtained from the Licensing Manager before any collection takes place. Collectors will be issued with a copy of the legal regulations they must comply with.

### Terms Explained

East Devon District Council has made Regulations under the Police, Factories, etc. (Miscellaneous Provisions) Act 1916 for the control of Street Collections.

### How will we go about it?

We will make information available about how to apply for a permit:

- ☐ At the Council's Licensing Office
- ☐ On the Council's website.

### Specific Policy Areas

There is currently no charge for the issue of a permit.

The legislation does not include statutory criteria for approval or rejection of a permit request. It is a matter for the Council's discretion, and the regulations, together with this policy, set out how the Council will normally deal with permits. An organisation applying for a permit to collect does not need to be a registered charity. Where an application is received that is considered not to be in the public interest the Licensing Manager, in consultation with the Head of Legal, Licensing and Democratic Services, may refuse the application. This is in addition to the general policy set out in paragraph 3.2. If necessary the application will be brought to the Licensing and Enforcement Committee or a Sub Committee of that Committee for consideration.

1. The District Council's general policy for the issue of permits is:

- a) That a collection for one day will be permitted per week in each of the towns in the district including Axminster, Seaton, Honiton, Ottery St Mary, Colyton, Beer, Sidmouth, Budleigh Salterton and Exmouth. Saturday is the day on which most collections take place with the exception of Axminster where Thursdays is the preferred choice of many organisations because of the market. The District Council will always attempt to be flexible and permit an organisation to collect, with prior agreement, on any day they wish providing always there is only one collection held in that town in that week.
  - b) That a collection for one day will be permitted per week on Exmouth Seafront. The District Council will always attempt to be flexible and permit an organisation to collect, with prior agreement, on any day they wish providing always there is only one collection held on the seafront in that week.
  - c) All organisations/charities will only be permitted to collect once in a calendar year in each of the district's nine towns and Exmouth Seafront.
  - d) Permits will be issued to permit collections between 10.00 am and 6.00 pm on the day approved for the collection. Exceptions to these times will be considered at the discretion of the Licensing Manager
  - e) These general restrictions will be relaxed two weeks before Christmas at the discretion at the Licensing Manager but no organisation/charity in the run up to Christmas will be granted a permit to collect on more than one Saturday in the same town.
2. The following exceptions will apply to the policy:
- a) The Royal British Legion will be permitted to collect on two days (Friday and Saturday) of the week before Remembrance Day in all the towns in the district with the exception of Axminster where the organisation will be permitted to collect on three days - Thursday (Market Day), Friday and Saturday.
  - b) Permits granted for collections in the Exmouth Town Centre will prohibit collections along the seafront. This does not prevent a collector applying for a Exmouth Seafront permit in addition.
  - c) Permits granted for collections along the Exmouth Seafront will not permit collections in the town centre and the maximum number of collectors will be restricted to six.
  - d) Where collection permits are issued for Sidmouth Town these will permit no more than two collectors to collect on Sidmouth Esplanade.
3. Collections in the villages will be considered at the discretion of the Licensing Manager.
4. Permits for 'passing through' collections will granted at the discretion of the Licensing Manager. These events are normally sponsored walks, bed pushes or cycle rides etc.
5. Permits for special occasion events, for example - Red Nose Day, Children In Need, Red Arrows Display or one off collections for major disasters will be granted at the discretion of the Licensing Manager. Often these permits are sought with very little notice – applicants should normally provide a months notice but this can be relaxed in special circumstances. Where there is a major disaster, any permission to collect at short notice will normally be given to the group of charities co-ordinating help, rather than to small groups whose credentials cannot easily be

established. These permits will not be issued where there is a clash with a long-term booking. Therefore these special event collections will normally take place on a weekday.

6. Occasionally the District Council will receive applications for permits to enable street collections in circumstances outside the terms of the council's policy. An example might be where an organisation/charity wishes to collect for longer periods or more often than the policy permits. In these circumstances the Licensing and Enforcement Committee or a Sub Committee of the Committee will consider the application.

## **Outcomes**

To regulate charitable and other street collections and ensure that there is clear guidance on our policy as well as proper audits of collections.

## **Who is responsible for delivery?**

The Licensing Manager will operate the policy on a day to day basis, with the involvement, where necessary, of the Head of Legal, Licensing and Democratic Services.

## **Performance Monitoring**

The number of permits issued is monitored on an annual basis. The effectiveness and fairness of the policy will be kept under review by the Licensing Manager.

## **Policy Consultation**

Strategic Management Team, all Town and Parish Councils

## **Policy Review**

The Head of Governance and Licensing will review the policy in 2022.

## **Related Policies and Strategies**

None



# Application for Street Collection Permit

*To collect in accordance with the Regulations made by East Devon District Council by virtue of the powers conferred upon it by the Police, Factories etc (Miscellaneous Provisions) Act 1916 as amended by Section 251 of the Local Government Act 1972 and Schedule 29 to that Act and the Criminal Law Act 1977 (Commencement No 5) Order 1978.*

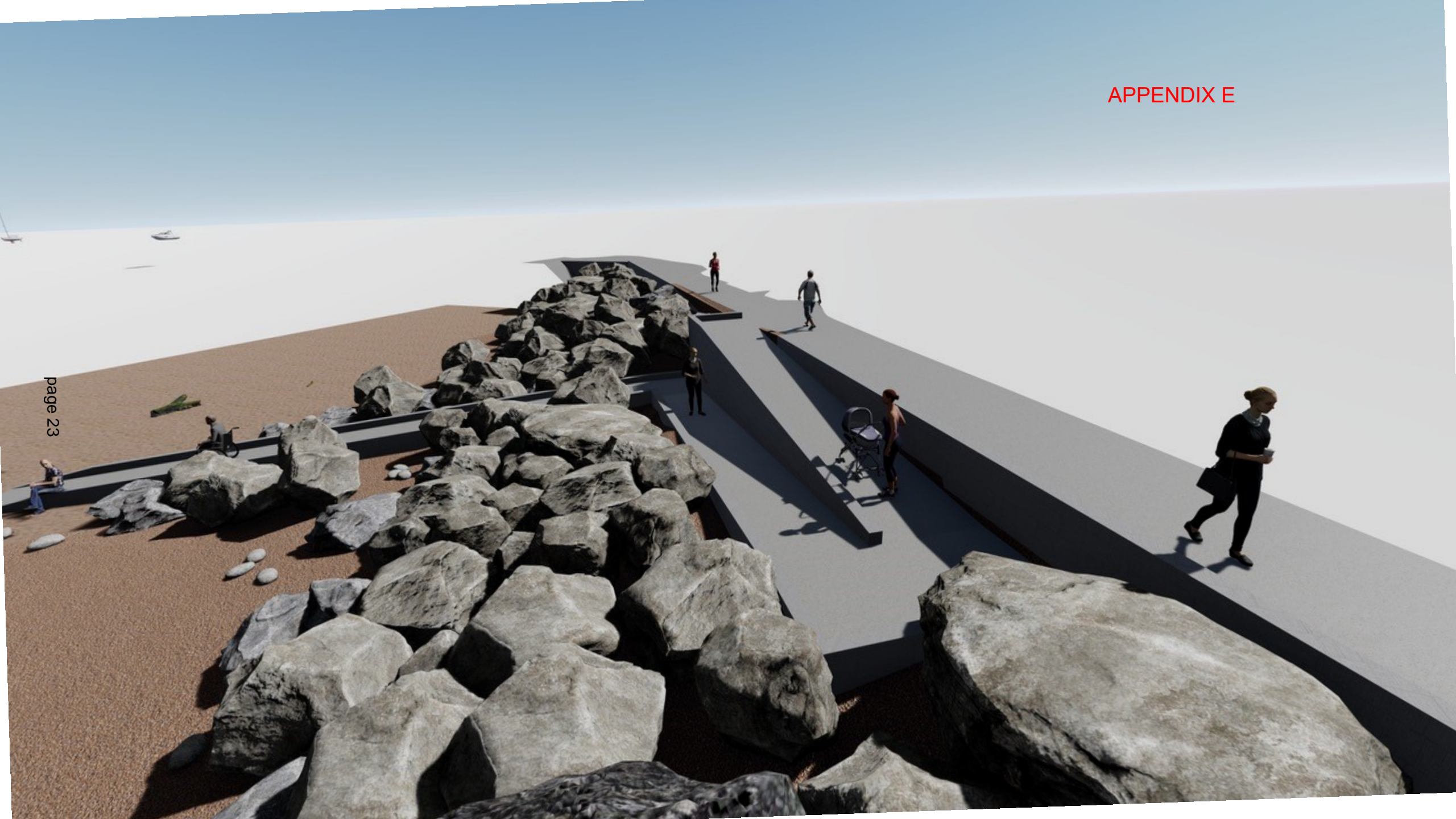
<b>1. Surname</b>		<b>All Forenames</b>	
Mr/Mrs/Miss/Other RAFFERTY		DAVID ALAN	
<b>2. Address</b>			
Post Code:..... Telephone No.:			
E-mail:..... Mobile No:.....			
<b>3. Particulars of charitable purpose(s) or organisation to which proceeds of collection are to be applied.</b>			<b>Charity Registration Number:</b>
Sidmouth Coastal Community Hub CIC			08762270
<b>4. Town or village it is proposed that the collection will be made in.</b>		Sidmouth	
<b>5. Day and date on which it is proposed to collect.</b>		Please see dates on attached email	
<b>6. Between what hours is it proposed to collect on the above date?</b> <i>Note: Normally limited to between 10.00 and 18.00 hours.</i>			
From: 10.00		To: 18.00	
<b>7. It is proposed</b>			
(a) to collect money*		(b) to sell articles for the benefit of charitable or other purposes*	
YES		NO	
<b>8. Approximately how many persons is it proposed to authorise to act as collectors in the area described above?</b>			2
<b>9. (a) Is it proposed to promote this collection in conjunction with a House to House collect?</b>			NO
<b>(b) If so, is that collection to be made under an Order of Exemption granted by the Home Office?</b>			N/A
<b>(c) If not, has an application been made to the Police or this Council?</b>			N/A
Please state which			
<b>10. (a) Has the applicant, or to the knowledge of the applicant anyone associated with the promotion of the collection been refused a street collection permit by any licensing authority?</b>			NO
<b>(b) If so, which authority and on what grounds?</b>			N/A
<b>Signed:</b>		<b>Date:</b>	
[Signature]		23rd January 2025	

***Data Protection***

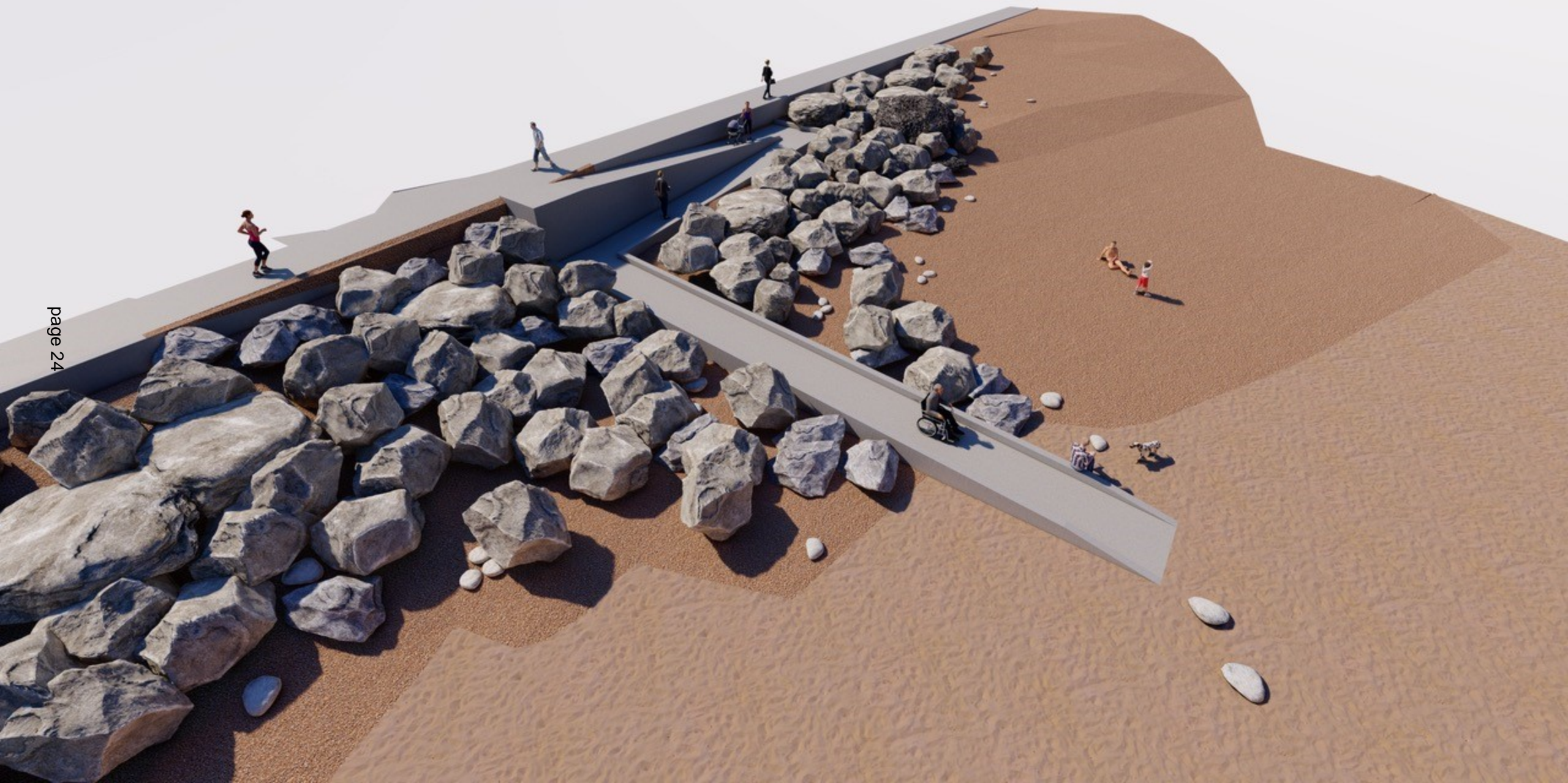
Any personal information which you provide will be held and used by East Devon District Council for the purpose of processing your Street Collection application. Your information may be provided to a third party acting on our behalf. Your information may also be shared within East Devon District Council for the purposes of carrying out our lawful functions. Otherwise your personal information will not be disclosed to anybody outside East Devon District Council without your permission, unless there is a lawful reason to do so, for example disclosure is necessary for crime prevention or detection purposes. Your information will be held securely and will not be retained for any longer than is necessary. There are a number of rights available to you in relation to our use of your personal information, depending on the reason for processing. Further detail about our use of your personal information can be found in the relevant Privacy Notice which can be accessed on our website <http://eastdevon.gov.uk/privacy>.



## APPENDIX E









# CHIT ROCKS

## BEACH ACCESS FOR ALL

GoFundMe Chit Rocks  
Beach Project

APPENDIX F

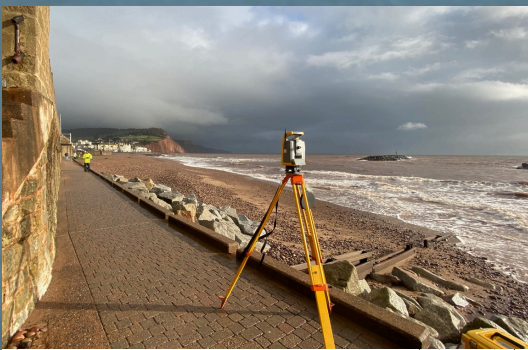
Imagine being unable to feel the sand, play in the beach and swim in the sea. That is the reality for many children, young people and adults for a variety of reasons. Chit Rocks Beach Ramp project is in place to allow access for all onto our wonderful sandy beach and natural rock pools. We organise events, to highlight our project at Chit Rocks. At the moment many people are restricted because of the pebble foreshore or steep steps. We are launching our project to publicise awareness of this issue and to raise the funds necessary to get the ramp built. This project fits with the East Devon District Councils Tourism and Culture strategies, as well as being included in the Coast and Country Sustainable Tourism Plan

MAKING ACCESS FOR  
**ALL**

### WHAT YOU CAN DO TO HELP

- Talk to friends and family about this project to raise awareness.
- Organise a fundraising event to help us achieve our target.
- Make a donation using our GOFUNDME link
- Talk to us if you are interested in making a large donation so we can consider GiftAid.
- Check out our Facebook page and Instagram via the links

Get in Touch



Facebook – Instagram – Email  
chitrockssidmouth@gmail.com



# CHIT ROCKS

## BEACH ACCESS FOR ALL

### Frequently asked questions

- Where is Chit Rocks?

It is at the end of Millennium Walk at the western end of the town.

- Why was this site chosen for the ramp?

Because it is the shortest distance to the sandy beach and the rock pools.

- How long will it take?

We have 12 months to raise the money with construction planned to coincide with the larger Beach Management Scheme.

- Will the Ramp angle be too steep?

No, there are lots of different design aspects we have taken into consideration and the angle is a priority.

- Why not use mats?

Mats will be a great temporary solution to access, it will also be seasonal as will be removed in winter. Unfortunately they cannot enable full access to the sea and sand.

- How much will it cost?

The construction cost has been calculated by a senior estimator and we will need to raise £250.000

- Where will the money come from?

It will be raised from a combination of grants, donations and sponsorship, along with local fundraising events to get everyone involved.

- Who will look after it?

East Devon District Council have agreed to include clearing and cleaning the ramp with their work along the esplanade. Ongoing maintenance will be considered at the final design stage. We will look to establishing a Friends of the Ramp group as the project progresses.

- Will it negatively affect the environment?

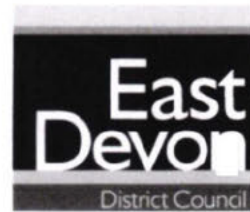
No, the materials used and design support creation of new habitats for marine biodiversity.

- How can I help?

By organising a fundraising event or by making a donation. It is also really helpful to talk with others about the project and get as many people involved as possible.

Licensing Office  
East Devon District Council  
Blackdown House  
Border Road  
Heathpark Industrial Estate  
Honiton, EX14 1EJ

Tel: 01404 515616  
www.eastdevon.gov.uk



## Schedule – Form of Statement

Surname of person to whom the permit was granted		All Forenames (in full) of person to whom the permit was granted	
Mr/Mrs/Miss/Other <b>RAFFERTY</b>		<b>DAVID ALAN</b>	
Address of person to whom the permit was granted			
[Redacted Address]			
Post Code: [Redacted]		Telephone No.: [Redacted]	
E-mail: [Redacted]		Mobile No: [Redacted]	
Name of Charity or Fund which is to benefit			Charity Registration Number: <b>CIC</b>
<b>CHIT ROCKS BEACH RAMP. SIDMOUTH COASTAL COMMUNITY HUB</b>			<b>08762270</b>
Place of Collection		Date of Collection	Permit No.
<b>CHIT ROCKS MILLENNIUM WALK</b>		<b>MULTIPLE</b>	<b>SC3807 SC3809 SC3808</b>
SHOW NIL ENTRIES			
Proceeds of Collection		Expenses and Application of Proceeds	
Amount	Total	Amount	Total
From collecting boxes		Printing and Stationery	
	<b>565.41</b>	Postage	
		Advertising	
Interest on proceeds		Collecting boxes	
		Badges	
		Emblems	
Other items:		Other items:	
<b>Card payments</b>	<b>273.04</b>		
		Payments approved under Reg. 15(2)	
		Disposal of balance	
		(Insert particulars)	
TOTAL PROCEEDS OF COLLECTION		TOTAL EXPENSES	
<b>838.51</b>		<b>—</b>	
CERTIFICATE OF THE PERSON TO WHOM THE PERMIT WAS GRANTED			
I CERTIFY that to the best of my knowledge and belief the above is a true account of the proceeds, expenses and application of the proceeds of the collection.			
Signed: [Redacted Signature]		Date: <b>14 March 2025</b>	



<b>CERTIFICATE OF ACCOUNTANT</b>	
I CERTIFY that I have obtained all the information and explanations required by me and that the above is in my opinion a true account of the proceeds, expenses and application of the proceeds of the collection.	
<b>Signed:</b>	<b>Date:</b>
<b>Qualification:</b>	

#### Data Protection

Any personal information which you provide will be held and used by East Devon District Council for the purpose of the Licensing Service to process your premises licence application and administer any premises licence which is granted. Your information may also be shared within East Devon District Council for the purposes of carrying out our lawful functions. Otherwise your personal information will not be disclosed to anybody outside East Devon District Council without your permission, unless there is a lawful reason to do so, for example disclosure is necessary for crime prevention or detection purposes. Your information will be held securely and will not be retained for any longer than is necessary. There are a number of rights available to you in relation to our use of your personal information, depending on the reason for processing. Further detail about our use of your personal information can be found in the relevant Privacy Notice which can be accessed online at <http://eastdevon.gov.uk/privacy>

