

Report to: Licensing and Enforcement Sub Committee



Date of Meeting 26 June 2024

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

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## 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

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### 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 and location plan.

**APPENDIX E** – Plan of proposed ramp project and site photos.

**APPENDIX F** – Explanation from applicant.

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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 An 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 on 26 April 2024. A copy of the application and a map of the proposed location to conduct the street collections can be found at **APPENDIX D**.
- 2.2 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’.
- 2.3 Although the SCCH are not registered charity they are permitted to be considered for a street collection permit in line with the current policy. Please see paragraph, taken from the policy under *Specific Policy Areas*.

*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.*

- 2.4 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. Photos of the proposed location of the ramp and a plan of the proposed ramp project are found at **APPENDIX E** and further information from the applicant can be found at **APPENDIX F**.

### 3

- 3.1 SCCH have applied to collect on multiple dates at the same location at Millenium Walk, Sidmouth, between the hours of 09.00 to 17.00, with two collectors. The dates applied for are as follows:

- 6<sup>th</sup>, 13<sup>th</sup>, 20<sup>th</sup> July 2024.
- 17<sup>th</sup>, 24<sup>th</sup>, 31<sup>st</sup> August 2024.
- 7<sup>th</sup>, 14<sup>th</sup>, 21<sup>st</sup> and 28<sup>th</sup> September 2024.

This amounts to a possible total of 10 separate occasions of street collecting with each collection taking place on a Saturday over several consecutive weeks.

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 and to acknowledge the Licensing Manager's discretion with regard to the timings at which the collections may be permitted to take place.

## Report Summary

### 5

- 5.1 An application has been made by the SCCH to conduct a street collection, every Saturday commencing on 6<sup>th</sup> July 2024 to 28<sup>th</sup> September 2024, with a three week break in between, from 27<sup>th</sup> July 2024 to 3<sup>rd</sup> August 2024 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 09.00 and 17.00.
- 5.4 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 observations are contained within the report and require no further comment.