



Walsall Council

LICENSING AND SAFETY COMMITTEE

19 JANUARY 2011

REPORT OF THE HEAD OF PUBLIC SAFETY

POLICE, FACTORIES, ETC. (MISCELLANEOUS PROVISIONS) ACT 1916

APPLICATION FOR A STREET COLLECTION PERMIT

THE PHOENIX CHILDRENS FOUNDATION

1.0 PURPOSE OF THE REPORT

- 1.1 To seek determination of an application for a street collection permit made by The Phoenix Childrens Foundation for the 29TH March 2011 and the 16th August 2011.

2.0 RECOMMENDATION

- 2.1 The committee is asked to determine the application having regard to the information contained in the report and to decide whether the street collection policy be varied in these particular circumstances.

3.0 FINANCIAL IMPLICATIONS

- 3.1 None. No fees are applicable to street collection permit applications. This is prescribed by legislation.

4.0 POLICY IMPLICATIONS

- 4.1 The Council does not encourage the use of animals in conjunction with street collections.

5.0 LEGAL IMPLICATIONS

- 5.1 Legal services consulted – No.
- 5.2 The Local Authority has the power to issue permits for organisations to undertake collections for the benefit of charitable purposes. Charitable purpose is defined in the Act to mean any charitable, benevolent or philanthropic purposes, whether or not the purpose is charitable, within

the meaning of any rule of law.

- 5.3 There are no grounds for refusal specified in the Act. There is no statutory right of appeal against the refusal of a street collection permit, and the only way a licensing authority's actions could be challenged is by way of Judicial Review,

6.0 BACKGROUND

- 6.1 The Phoenix Childrens Foundation submitted an application for two street collection permits on the 8th November 2010. Two collection dates per year, per charity are permitted by current policy. The collections if approved will take place in Aldridge and Walsall in March and August of 2011.
- 6.2 As well as authorised collectors on these dates, the charity also wishes to bring miniature Shetland Ponies who will also be in attendance at the collection points.
- 6.3 These ponies play an integral part of the charities work, they are primarily used as petting ponies for disabled and sick children when visiting childrens hospices and special needs centres. They are also utilised for street collections to further promote the aims of the charity. Information sheet attached as **Appendix 1**.
- 6.4 The guidelines issued by Walsall MBC in relation to charitable collections state in part;
'The use of animals in conjunction with street collections is discouraged. However, consideration will be given to the use of guide dogs on request'.
- 6.5 There are no concerns over the day to day operations of this charity, the charity is registered with the Charities Commission. The charity has also previously collected within the borough, no complaints have ever been received.

7.0 ISSUES

- 7.1 Council policy does not currently encourage the use of animals in association with street collection permits.

8.0 EQUAL OPPORTUNITIES IMPLICATIONS

- 8.1 None.

9.0 WARD(S) AFFECTED

- 9.1 All.

10.0 ASSOCIATED PAPERS

10.1 Appendix 1 – Charity information sheet.

11.0 CONTACT OFFICER : Steve Knapper. Tel: 01922 652221