



Walsall Council

LICENSING AND SAFETY COMMITTEE

WEDNESDAY 21ST JULY 2010

REPORT OF THE HEAD OF PUBLIC SAFETY

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

APPLICATION FOR A STREET COLLECTION PERMIT

THE ROYAL BRITISH LEGION POPPY APPEAL

1.0 PURPOSE OF THE REPORT

- 1.1 To seek determination of an application for an annual street collection permit made by the Royal British Legion. The permit would run for a two week period. The actual dates of collection may vary from year to year.

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 to permit a two week collection period.

3.0 BACKGROUND

- 3.1 The Royal British Legion Poppy Appeal has already been granted a street collection permit by this committee for the 30th October 2010 – 13th November 2010. Copy of report attached as **Appendix 1**
- 3.2 On the 18th May 2010 a further application was received requesting a street collection permit to cover the whole of the Borough from the 29th October 2010 to the 12th November 2011 inclusive.
- 3.3 Following a request from the licensing unit a letter was received from the Royal British Legion on the 28th May 2010 detailing the reasons as to why a further application had been submitted for consideration. Letter attached as **Appendix 2**.

3.4 From the letter it can be seen that the request has been made to collect within the Walsall borough for a two week period in all future years.

3.5 No other street collection permit applications have been received for these dates in 2011.

4.0 ISSUES

4.1 Council policy does not currently permit this length of collection to be made by the Royal British Legion Poppy Appeal on an annual basis.

4.2 There have been no problems with any previous charitable collections held by the Royal British Legion.

5.0 POLICY IMPLICATIONS

5.1 At a meeting of the Policy and Resources (Licensing) Sub – Committee on the 12th April 2002 it was resolved that;

‘The street collection policy be varied and approval be given to future applications for street collections by the Royal British Legion Poppy Appeal for seven collection days per annum’.

5.2 The Council has a policy of only permitting two street collection dates per organisation per calendar year for all other charitable organisations who wish to collect.

6.0 LEGAL IMPLICATIONS

6.1 Legal services consulted – No.

6.2 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.

6.3 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,

7.0 FINANCIAL IMPLICATIONS

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

8.0 EQUAL OPPORTUNITIES IMPLICATIONS

8.1 None.

9.0 WARD(S) AFFECTED

9.1 All.

10.0 ASSOCIATED PAPERS

10.1 Appendix 1 – Previous committee report
Appendix 2 – Supporting letter

11.0 CONTACT OFFICER : Steve Knapper. Tel: 01922 652221