

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

PUBLIC CHARITABLE COLLECTIONS

NOTES FOR GUIDANCE

- 1 The Permission of the Council is required before a Public Charitable Collection can take place, i.e. except in respect of a collection which takes place in the course of a public meeting or to a collection which takes place by means of an unattended receptacle kept in a fixed position in a public place.
- 2 Definitions
 - 2.1 "Public charitable collection" means a collection from the public of money (whether given by them for a consideration or not) for charitable purposes taken either in a public place or by means of visits from place to place.
 - 2.2 "Charitable purposes" means any charitable, benevolent or philanthropic purposes whether or not they are charitable within the meaning of any rule of law.
 - 2.3 "Public place" means any place (whether a thoroughfare or not) to which the public have unrestricted access and includes (a) the footways or entrances of premises abutting on any such place, and (b) any common passage, close, court, stair, garden or yard pertinent to any tenement or groups of separately owned houses.
- 3 All questions must be answered. Failure to do so may result in the application being delayed or possibly conviction.
- 4 **Subject to the provisions of the Rehabilitation of Offenders Act 1974, ALL CONVICTIONS MUST BE DECLARED including those not resulting in imprisonment or fines e.g. Admonitions, Community Service Orders, Compensation Orders, Deferred Sentences, Probation Orders, etc.**

If you are unable to provide this information you are advised to delay the submission of the application. You can make application for a list of convictions recorded against you at any Police Station on payment of a fee of £10. Some form of identity should be produced when making application for this. The list will not include driving offences, e.g. speeding, etc. The Police normally take 10-15 days to process applications in respect of convictions imposed in Scotland - convictions imposed in England will require separate application and the process will take 15-30 days.

Failure to make a full declaration may lead to refusal of the application, prosecution and, if any omission is discovered after the Permission has been granted, suspension.

- 5 Completed application forms must be submitted at least five weeks prior to the proposed date of the collection.
- 6 If application forms are delivered by hand, applicants or their agents should deliver them to Reception, Midlothian House, Buccleuch Street, Dalkeith.
- 7 There is no fee. On receipt of the application, the Council (a) will consult the Chief Constable and he will report on the background of the individual and the bona fides of the organisation; and (b) will examine the adequacy of the amount likely to be applied for charitable purposes.
- 8 There is strong demand for permissions to hold public charitable collections, and it is the policy of the local authority to refuse permission for more than one collection in one place at one time. If promoters announce their intention to collect over several weeks, this can lead to other charities being denied the opportunity to collect. Organisers who intend to stagger their collections over several weeks should therefore make clear the type of collection and the particular locality in which each collection will be made. For example, an exempt promoter could say that he or she wishes to hold a house to house collection in certain part of a town. This could allow the local authority to give permission for other collections elsewhere at the same time.
- 9 Organisers of collections are reminded that every collecting box used in a public charitable collection must be marked with a number, which should be recorded by the organiser against the name and address of the collector². There are also detailed requirements about the use of envelopes and the recording of takings.
- 10 A copy of the Regulations is shown in the **Appendix** hereto.

² Regulation 4(2) of the Public Charitable Collections (Scotland) Regulations 1984 (SI 1984/565)

National Fraud Initiative

“Information supplied in this form may be given to HM Revenue & Customs (HMRC) and other agencies investigating potential criminal activity. Midlothian Council is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes. For further information please visit www.midlothian.gov.uk and search for “National Fraud Initiative”.