

APPLICATION FOR PERMISSION TO CONDUCT A PUBLIC CHARITABLE COLLECTION

FOR OFFICE USE ONLY
Received
Granted/Refused

Complete in typescript or block capitals

1. (a) Name and address of organisation				
(b) Name, address and phone no. of organiser	Tel:			
(c) Age, date and place of birth of organiser	<table style="width: 100%; border: none;"> <tr> <td style="width: 25%; text-align: center;">Age</td> <td style="width: 25%; text-align: center;">D. o. B.</td> <td style="width: 50%; text-align: center;">Place</td> </tr> </table>	Age	D. o. B.	Place
Age	D. o. B.	Place		
2. Give details of the organisation and the purpose for which the proceeds of the collection are to be used. State what percentage of the proceeds of collection is to be applied to charitable purposes <i>(Use separate sheet if necessary)</i>				
3. (a) Is permission sought for a street collection, house-to-house collection or both?				
(b) In what Council Wards does the organisation propose to collect? <i>(Refer to List of Wards attached)</i>				
(c) Please specify the date on which it is proposed to uplift the collection. Where possible alternative dates should be given but a preference should always be stated. <i>(Applicants should refer to paragraph 5.3 of the Notes for Guidance on the reverse.)</i>				
4. Has the organisation been granted permission for a collection before? If so, when was the last collection held, what type of collection was it and what were the proceeds? Give reasons for any collection held in the year immediately prior to the making of this application <i>(Use separate sheet if necessary)</i>				
5. How many people would be authorised to act as collectors:	Street collection: House-to-house collection:			
6. Please state any other information relevant to application.				

I/We hereby make application for permission to hold a Public Charitable Collection under the Civic Government (Scotland) Act 1982 and I/We hereby certify that the information given above is true and correct.

Signature of Applicant(s)

Date

Notes for Guidance

1. A copy of the organisation's last audited annual report and accounts must be submitted with this application. If this is not available a written explanation should be provided.
2. Whilst The City of Edinburgh Council will endeavour to give permission for a date requested no guarantee can be given that the date is available and applicants should check with the Licensing Section before making any final arrangements for the collection.
3. The application should be returned to the Licensing Section, The City of Edinburgh Council, City Chambers, High Street, Edinburgh, at least one month before the date requested to allow full processing.
4. A copy of the section of the Civic Government (Scotland) Act 1982 relating to public charitable collections is attached. Organisers should make sure they also have a copy of the Public Charitable Collections (Scotland) Regulations 1984 (1984 No. 565 (S.63)). The Regulations are available from the HMSO, 71 Lothian Road, Edinburgh.
5. The Council has adopted certain policies with regard to the grant of Public Charitable Collection permits and applicants should note these as follows:
 - 5.1 All collecting boxes shall be provided with a protective chute and shall be securely sealed. The boxes must indicate clearly the name of the organisation for which the collection is being taken.
 - 5.2 Street collections may only take place between the hours of 9 am and 8 pm. House-to-house collections may only take place between 9 am and 9 pm.
 - 5.3 Normally an applicant will only be granted one permission for up to six days per annum in the Edinburgh area, one of those days being a Saturday. Due to demand permits granted for city centre street collections will normally limit the number of collectors to five per permit granted. Only four organisers will be granted permits at any one time in the City Centre.
 - 5.4 Applications will be processed and considered on a first come, first served basis.
 - 5.5 Applications for collections in the vicinity of Murrayfield during the rugby international season will be processed and considered on the basis that a maximum of four permits will be issued for any one occasion with a total number of collectors of 50. In the event of the number of applications received exceeding this total the names of successful organisers will be drawn by lot.
6. Where an organiser has received permission to conduct a Public Charitable Collection on behalf of an organisation and has not submitted accounts relating to that collection in accordance with the 1984 Regulations processing of any subsequent application relating to that organisation will be delayed until accounts are received in the approved form.
7. Information supplied on this form may be held on computer and applicants are advised that in processing this application background enquiries will be made which may include reference to personal data held on computer.
8. Where an organiser so requests when submitting accounts relating to a collection the Council will waive the requirement to publish a summary of the accounts in a newspaper but the Council will make a summary of the accounts available for inspection by members of the public for a reasonable period of time.

Regulation of charitable collections

119. (1) Subject to the provisions of this section, any person who organises a public charitable collection in respect of which the local authority for the area in which it is to be held have not given their permission under this section shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding £200.
- (2) Subsection (1) above does not apply to 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.
 - (3) An application for permission under this section shall be made in writing to the local authority by the organiser of the collection not later than 1 month before the date of the collection, or within such other period as the authority may fix.
 - (4) On receipt of an application for permission under this section the local authority shall consult the chief constable for the area which comprises or includes their area and may make such other inquiries as they think fit.
 - (5) In granting permission under this section a local authority may, subject to the provisions of any regulations made under subsection (13) below, impose such conditions as they think fit, having regard to the local circumstances in which the collection is to be held, including conditions —
 - (a) specifying the date, time or frequency of the collection;
 - (b) specifying the area within which it is to take place;
 - (c) regulating its conduct;
 - (d) specifying the form of collection boxes, other containers and any other articles used for the purposes of the collection; and
 - (e) as to any other matter relating to the local circumstances of the collection.
 - (6) A local authority may refuse to grant permission under this section on any of the following grounds —
 - (a) that the date, time, frequency or area of the collection would cause undue public inconvenience;
 - (b) that another collection in respect of which permission under this section has been granted or which is exempt under subsection (11) below is due to take place on the same or a proximate day;
 - (c) that it appears to them that the amount likely to be applied for charitable purposes in consequence of the collection is inadequate having regard to the likely amount of the proceeds of the collection;
 - (d) that the organiser of the collection has been convicted of an offence under section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916 or the House to House Collections Act 1939, or under regulations made under subsection (13) of this section, or of any other offence which involves dishonesty or the commission of which would be likely to be facilitated by the grant of permission under this section.
 - (7) A local authority may —
 - (a) if they have reason to believe that there has been a change in the circumstances which prevailed at the time when they granted a permission under this section and they are of the opinion that, in consequence, grounds of refusal under subsection (6) above apply, withdraw the permission or vary any conditions imposed by them under subsection (5) above in relation to that permission;
 - (b) if they have reason to believe that there has been, is or is likely to be a breach of any condition imposed by them under subsection (5) above, withdraw a permission under this section.
 - (8) Where permission for a collection is refused under subsection (6) above or withdrawn under subsection (7) above, the local authority shall give written notice of that fact to the organiser of the collection and such notice shall include a statement of the reasons for such refusal or withdrawal.
 - (9) The organiser of a collection may appeal to the sheriff against the decision of a local authority —
 - (a) under subsection (6) above, refusing permission for a collection;
 - (b) under subsection (7) above, withdrawing such permission;
 - (c) under subsection (5) above, imposing any condition;
 - (d) under the said subsection (7), varying any condition,and an appeal under this subsection shall be made by way of summary application and shall be lodged with the sheriff clerk within 14 days of the date of the decision appealed against or, in a case where reasons for a decision have been given, within 14 days from the date of receipt of those reasons.
 - (10) In upholding an appeal under subsection (9) above, the sheriff may —
 - (a) remit the case with the reasons for his decision to the local authority for reconsideration of their decision; or
 - (b) reverse or alter the decision of the local authority.
 - (11) If he is satisfied that a person pursues charitable purposes throughout the whole or a substantial part of Scotland, the Secretary of State may direct that that person shall, subject to such conditions as may be specified in the direction, be exempt from subsection (1) above. A direction made under this subsection may be revoked or amended by a further direction so made.
 - (12) Notwithstanding the provisions of subsection (11) above, any person who has been exempted from subsections (1) above by a direction of the Secretary of State under subsection (11) above shall unless the Secretary of State otherwise directs, give to the local authority in whose area he intends to organise a public charitable collection 3 months notice of that intention. A direction made under this subsection may be revoked or amended by a further direction so made.
 - (13) Subject to the provisions of this section, the Secretary of State may make regulations for the purposes of regulating public charitable collections and, without prejudice to that generality, regulations may include provision about the keeping and publication of accounts, provision for prevention of annoyance to the public and provision making it an offence to fail to comply with any obligation imposed by the regulations which is specified in the regulations as an obligation breach of which is an offence and making any person guilty of such an offence liable on summary conviction to a fine not exceeding £50 or such lesser sum as may be specified in the regulations.
 - (14) Regulations under this section shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
 - (15) Section 5(3) of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916, the House to House Collections Act 1939 and section 7(2) of the War Charities Act 1940 shall cease to have effect and in section 7(1) of the said Act of 1940, for the words "collection as defined by the House to House Collections Act 1939" there shall be substituted the words "public charitable collection within the meaning of section 119 of the Civic Government (Scotland) Act 1982",
 - (16) In this section "public charitable collection" means a collection from the public of money (whether given by them for consideration or not) for charitable purposes taken either in a public place or by means of visits from place to place and "charitable purposes" means any charitable benevolent or philanthropic purposes whether or not they are charitable within the meaning of any rule of law.