

## **Public Charitable Collections – Guidance Note**

Public charitable collections undertaken in Scotland are governed by the Civic Government (Scotland) Act 1982 and the Public Charitable Collections (Scotland) Regulations 1984, as amended (Statutory Instruments 1984 No.565 and 1988 No.1323).

### Definition

A Public charitable collection is a collection from the public of money for charitable purposes taken either in a public place or by means of visit from place to place. Charitable purposes mean any charity, benevolent or philanthropic purposes.

### Permission to hold a Public Charitable Collection

Unless exempt, it is essential that any person wishing to hold a Public Charitable Collection obtains permission from the local authority. The holding of a collection without permission is an offence under Civic Government (Scotland) Act 1982, Section 119.

### Street Collections (also known as a “flag day”)

Street Collections may now be held on any day of the week, however collections are only permitted on any three days in a week, and not on consecutive days. Street Collections will generally mean the City Centre but can include streets out with this area.

In December collections are permitted every day except Sundays and Public Holidays.

Where an applicant wishes to hold a collection at a related organised event, this may be held on any day of the week required in connection with the said event.

Under the Civic Government (Scotland) Act 1982, the applicant must give the local authority one month’s notice of the collection on application.

### Pub Collections/ other collections incidental to an event

Can be held at any time with the appropriate notice given to the Local Authority.

### House to House Collections

A house to house collection can only be for the duration of one week, from Monday – Friday. This does not apply to promises of money through setting up a direct debit which does not require the permission of the Local Authority.

## Exempt Organisations

Anyone organising collections over the whole or a substantial part of Scotland may apply to the Office of the Scottish Charity Regulator (OSCR) to be made an exempt promoter. The organisation will then be exempt from Section 119 (1) of the 1982 Act and will not require the permission from the Local Authority. The organisation must however, advise the Authority of its intention to collect three months prior to the beginning of the collection. Exempt organisations must also abide by other requirements in the regulations.

A list of exempt promoters can be found on OSCR's website:

<http://www.oscr.org.uk/managing-your-charity/fundraising/exempt-promoters/>

## Available Dates

Any organisation that wishes to hold a public charitable collection should contact licensing to discuss available dates for their proposed collection prior to making a formal application.

You may do so by emailing [licensing@aberdeencity.gov.uk](mailto:licensing@aberdeencity.gov.uk) or tel 01224 522449

## Processing Applications

Applications should be submitted by email or in writing. An application form is available on the Licensing website:

<http://www.aberdeencity.gov.uk/web/files/licences/pubcharcoll.pdf>

This application must be made not later than one month before the date of the collection. Any application which is received late will be considered by Licensing Urgent Business Sub Committee who will make the decision as to whether to allow the application. There is no fee associated with the application.

## Granting

In granting permission, the council may impose conditions as they think fit and may refuse to grant permission if it appears that:

- The date, time, frequency or area of the collection would cause undue public inconvenience;
- Another collection which is exempt or in respect of which permission has been granted is due to take place on the same or approximate/consecutive day;
- The amount likely to be applied for charitable purposes in consequence of the collection is likely to be inadequate having regard to the likely amount of its proceeds; and

- The organiser of the collection has been convicted of an offence under the above Regulations, or under legislation, or any other offence involving dishonesty.

### Proceeds of Collection

Arrangements must be made for the receipt of the collection proceeds for any licensed collection and all used and unused materials connected with it including the collector's badge and certificate of authority at a specified point authorised by the organiser of the collection.

A record must be kept of the proceeds collected by each collector and details of the collecting materials returned.

All proceeds of collectors must be remitted to the organiser of the collection unopened, together with the collector's badge and certificate of authority and any unused collection materials as soon as he ceases to act as a collector (i.e. at the end of the collection) or upon demand by the organiser.

Sealed collecting boxes/envelopes must only be opened by the organiser or his agent in the presence of an independent responsible person.

A record must be kept of each numbered collecting box which is returned as well as proceeds in each collector's collecting box (unless opened by a bank official). In the case of an envelope collection, a record must be kept of the number of envelopes issued to and returned by each collector and the total amount of money in them.

### Information to be provided following the collection

Within one month of the last date for which there was permission to collect, the organiser must submit to the Council accounts showing:

- a) The total amount collected;
- b) Any other amount attributable to the collection;
- c) All expenses incurred in the collection; and
- d) The application of the net proceeds of the collection.