

North Ayrshire Council

Public Charitable Collections - Standard Conditions

Civic Government (Scotland) Act 1982, Section 119(5)

The Permission granted is subject to the following conditions (unless the Licensing Committee has agreed to vary them in a particular case). The Conditions in Part A apply to **all** types of Collections. In **addition**, other Conditions apply to particular types of Collection:

Part B. House-to-House Collections

Part C. Street Collections

Part A: All Collections

1. General

The Collection shall be carried out in accordance with the requirements of the Public Charitable Collections (Scotland) Regulations 1984 (S.I. 1984-565) as amended.

2. Display of Notice

At all times that the Collection is carried out, either:

- a) the Organiser must display a Notice at each place where money is to be Collected; or
- b) the Collectors must each display a Notice

3. Form of Notice

The Notice must:

- a) be in writing, in text of height no less than 24 points;
- b) be visible by each individual member of the public prior to him being invited to donate money;
- c) state the information in Condition A.

4. Content of Notice

The Notice must state:

- a) whether or not there is any payment made for the use of the place where the Collection is to take place;
- b) whether or not the individual Collectors are paid or receive commission or expenses;
- c) the minimum percentage of the total money Collected which is to go to the cause for which the money is Collected.

For example:

"The Organiser of this Collection pays the land-owner for the site. The individual Collectors are paid. No less than 50% of the total money donated will go to the cause for which the money is Collected." ' '

5. Conduct of the Collection

- a) The Collection may only be between 9.00am and 6.00pm;
- b) No Collector shall cause annoyance to any person asked to donate.
- c) The Collection must not take place in a "No Cold-Calling" area.
- d) Only the Number of Collectors stated are permitted.
- e) The Collection will be taken in the Collection boxes, containers, envelopes or articles specified in the Application for the Collection Permission.
- f) The Organiser and all Collectors must comply with any instructions relating to the Collection that may be given by or on behalf of the Local Authority or by any Police Officer.

6. Certificates of Authorisation and badges

- a) Every Collector must both:
 - i. carry a Certificate of Authorisation issued by the Organiser;
 - ii. wear a badge giving his name and the name of either the Organiser of the Ultimate Beneficiary.
- b) A Collector must produce both these things when requested to do so by or on behalf of the Local Authority or by any Police Officer.

7. Alternative dates

If a Collection is not in fact held on the permitted date, this Permission authorises a Collection on any different date which was specified in the original Application, but **only** if both:

- a) the Organiser advises the Licensing Authority that the Collection has not taken place, or will not take place, on the permitted date, and that the Organiser wishes a Collection on one of those different specified dates; and
- b) that other date does not conflict with any Collection in the same town and of the same type ("House-to-House" Collections or "Street" Collections) which is already assigned to another Organiser (whether an 'Exempt Promoter' or an Organiser who has been granted a Permission).

8 Alcohol

If alcohol is supplied (for example, as a raffle prize):

- a) no alcohol is to be supplied to a person under the age of 18. If it appears to the person supplying the alcohol that the person entitled to receive it may be less than 25 years of age, then he must not supply the alcohol until both:
 - i. he has examined documentary evidence of that person's age which would be sufficient in order for that person to buy alcohol in Licensed Premises; and
 - ii. he is satisfied that that person is at least 18.
- b) any alcohol shall be supplied in a sealed container;
- c) the container shall not be opened, or the contents consumed, in a public place.

9 After the Collection

The Organiser must:

- a) prepare a statement of account using the form prescribed by the 1984 Regulations
- b) send it to the Local Authority within one month of the date (or the final date) of the Collection.

Part B: House-to-House Collections

1. House-to-House Collections are only permitted:

- a) Monday to Friday;
 - b) in areas which are not 'No Cold Calling Zones'; and
 - c) in the town stated in the Permission.
2. The Collectors must be at least 16 years of age.
 3. Collectors must leave any door if asked to leave by an occupier.

Part C: Street Collections

1. Street Collections are only permitted:

- a) on Saturdays;
 - b) in the town stated in the Permission.
2. The Collectors must be at least 14 years of age.

Notes

- 1 Because many different activities can be used for 'fundraising', it is possible that the Organiser will need Licences or authorisations **in addition** to the Public Charitable Collection Permission issued by the Council's Licensing Committee.

The "Public Charitable Collection" Permission is not a substitute for:

- a) a "Small Society Lotteries Registration" issued by the Licensing Board; or
- b) a "Roads Consent" issued by the Council acting as Roads Authority; or
- c) the permission of a land-owner to Collect on private land (e.g. in the Rivergate Mall in Irvine).

Organisers who propose to operate a stall or sell lottery tickets should check with the Licensing Board (which operates from the same office at Cunninghame House as the Licensing Committee) and the Roads Department to see if they need anything else from NAC apart from this Permission.

Lottery

- 2 Where the operation is a 'lottery' (such as a 'bottle stall' or raffle) then - **in addition** to having a PCC Permission - the Organiser **might** need a "Small Society Lotteries" Registration under the Gambling Act 2005. There is an alternative form of Lottery ("Incidental Non-Commercial Lottery") where there is no need for Registration, but you should check in advance with the Licensing Office to see if your intentions can be accommodated under that system.

If you need a Registration:

- a) it lasts one year, and is renewable a year at a time.
- b) it is held by the organising body, so there is no need to re-register before every individual event, but it is a legal requirement that the organizing body must give the Board a written statement within 3 months of **every** draw, stating details of proceeds, prizes and costs.

Road or footpath

- 3 If your operation involves a stall or other structure on a public road or footpath, you **might** need Council consent under the Roads (Scotland) Act 1984, Sections 59 and 97 ("road" means any public right of passage, and includes footpath or footway, the road's verge, and any bridge or tunnel).