

Guidance on Applying for Metal Dealer's Licence

Before lodging your application for Metal Dealer's Licence please ensure that you have read the following guidance.



1. WHEN DOES A BUSINESS REQUIRE A METAL DEALER'S LICENCE?

A "Metal Dealer's Licence" is required for carrying on business as a metal dealer.

Section 37 of the Civic Government (Scotland) Act 1982 [as amended by the Air Weapons and Licensing (Scotland) Act 2015] sets out the following statutory definition of a metal dealer:

A person carries on a business as a metal dealer if the person—

- (a) carries on a business which consists wholly or substantially of buying or selling for scrap—
 - (i) metal articles that are old, broken, worn out or defaced, or
 - (ii) partly manufactured articles that are made wholly or partly from metal, or
- (b) carries on business as a motor salvage operator (so far as that does not fall within paragraph (a)).

Section 37 defines a "motor salvage operator" as:

A person carries on business as a motor salvage operator if the person carries on a business which consists wholly or substantially of—

- (a) recovering salvageable parts from motor vehicles for re-use or sale and selling or disposing of the rest of the vehicle for scrap,
- (b) buying significantly damaged motor vehicles and subsequently repairing and reselling them, or
- (c) buying or selling motor vehicles which are to be the subject (whether immediately or upon a subsequent resale) of any of the activities mentioned in paragraphs (a) and (b)

2. WHO SHOULD APPLY?

The individual, company or organisation operating as a metal dealer should apply for a licence using the application form for a Metal Dealer's Licence.

If a company or organisation applies for a licence they **must** provide details of an individual who will be responsible for the day to day management of the business.

An individual applying for a licence who does not intend to be responsible for the day to day management of the business can name another individual as their day to day manager.

Potential applicants are advised to take their own independent legal advice if they are in any doubt as to who should be detailed on their application. In particular applicants should note that a day to day manager will be considered a joint licence holder and, should that manager leave during the currency of a licence, there will be implications for the licence.

3. WHAT ARE THE MINIMUM REQUIREMENTS FOR APPLYING?

Before you can apply for a Metal Dealer's Licence you must meet these minimum requirements

- Any individual named on the application form must be at least 18 years or age;
- Any individual named as day to day manager must be able to work legally in the UK; and

4. ARE THERE DIFFERENT TYPES OF APPLICATION?

Depending on your circumstances you can apply for one of three types of application.

If you do not currently hold a licence with this Council you can apply for the following:

Grant

If you do not currently hold a licence you can make a Grant application. This type of licence lasts for three years. You will **not be licensed** until the licence is granted.

Temporary You can apply for a temporary licence that lasts for a period of no more than 6 weeks. You will **not be licensed** until the licence is granted.

If you currently hold a licence with this Council you can apply to renew the licence before it expires.

Renewal Your renewal application must be lodged no later than the expiry date of your current licence. You cannot submit your renewal application more than six months before the expiry of the licence. Provided your renewal is lodged before the expiry of your current licence you can continue to operate whilst the application is being considered.

If you forget to renew your licence or are unable to do so due to unforeseen circumstances you should contact the Licensing Section as soon as you become aware your licence has expired.

5. HOW DO YOU APPLY?

To apply for a Licence you should complete the attached application form and submit it to the Licensing Section with the relevant fee.

AT OUR CITY CENTRE SERVICE DESK

Your application can be submitted in person at our:

City Centre Service Desk
45 John Street
Glasgow G1 1JE

From 5 February 2018 you can book an appointment online to submit your application at the Service Desk. Please be aware you will no longer be able to book your appointment via telephone. An appointment can be made using the following link. Please select 'Licensing' from the list of available options and choose 'Apply for a Licence' to schedule a suitable appointment.

<http://www.glasgow.gov.uk/booking>

Appointments are available Monday to Friday excluding Public Holidays. More information on making an appointment is available on our website:

<http://www.glasgow.gov.uk/licences/appointments>

We recommend that applications are lodged in person in order to ensure they are correct. Our staff will check your application and help you correct any mistakes. Please note our staff cannot complete the form for you.

You can ask someone to lodge the form on your behalf at the Service Desk; however, if the form requires to be amended, you must initial any changes before the form is accepted.

BY POST

You can submit your application by post to the following address:

Licensing Section
Glasgow City Council
City Chambers
George Square
Glasgow G2 1DU

We do not recommend that you send a renewal application to us by post. If you do, you must ensure that it is lodged with us before the expiry date of your current licence.

6. HOW MUCH IS THE APPLICATION FEE?

The current application fees are detailed below; the amount you pay is dependent on the duration. The fee is payable when the application is lodged and is non-refundable.

| | Temporary | 3 Year |
|------------------|-----------|--------|
| Grant of Licence | £124 | £298 |

| | |
|--------------------|------|
| Renewal of Licence | £298 |
|--------------------|------|

The fees given are correct as of 1 April 2016. Fees are reviewed on 1 April each year and may change.

Applications lodged in person can be made by Cash, Cheque, Postal Order or Credit/Debit Card. Applications lodged by post can be paid by Cheque or Postal Order only (**Do not send cash by post**).

Cheque and Card payments will only be accepted from the applicant. Cheques should be made payable to 'Glasgow City Council'.

A list of the fees and charges levied by the Council's Licensing Section can be found on our website:

<https://www.glasgow.gov.uk/CHttpHandler.ashx?id=8747&p=0>

7. HOW WILL THE APPLICATION BE PROCESSED?

A 28 day consultation period begins on receipt of your application. Any person can object to your application at this stage.

On the day your application is lodged (unless you apply for a temporary licence), you must display the relevant A3 sized site notice (included in the application pack) at or near the premises for a period of 21 days. If the notice is taken down or defaced you must take steps to immediately replace the notice. At the end of the 21 days you should remove the notice and return the relevant Certificate of Compliance to the Licensing section. If you do not follow this part of the process, your application may be not considered.

During the consultation period your application will be sent to the following:

| | |
|---------------------------|---|
| Police Scotland | The Police may object or make a representation to the application if they do not consider you or anyone else named on the application to be a 'fit and proper person' to hold a licence. The Police may also charge you with an offence if you have made a false statement on your application form or failed to declare convictions. |
| Environment Health | The council's environmental health team will arrange to inspect the premises and provide the Licensing section with a report. |
| Local Councillors | A notice of the application will be sent to the local Councillors for the area in which the premises are located. The notice will provide details of the application and advise them of the last date for making an objection or representation. |

Once the 28 day consultation period is complete, we will review your application.

If (a) no adverse comments have been received; (b) your Certificate of Compliance has been returned; and (c) there are no other issues with your application, then it will be considered 'straightforward' and placed on a list of applications to be granted. We will then contact you, in writing, once the application has been granted.

If there is a problem with the application such as a police objection we will refer the application to a meeting of the Licensing and Regulatory Committee for a decision. If this happens you will receive a Recorded Delivery letter requesting your attendance at the meeting and explaining the reason you are being cited. Although you are not legally required to attend it is recommended that you do so. We will contact you, in writing, after the meeting to advise you of the Committee's decision.

9. HOW LONG WILL IT TAKE?

The Council is allowed nine months to determine your application but we aim to deal with all applications as soon as possible. It normally takes about 3 to 4 months to deal with most applications.

Applications which are not straightforward (e.g. Police Scotland object to the application) have to be referred to the Licensing and Regulatory Committee and normally take 4 to 6 months to process. This is due to the volume of applications that the Committee can consider at each meeting.

10. WHAT HAPPENS AFTER MY APPLICATION IS GRANTED?

You will receive a letter advising that your application has been granted. The letter will include your licence and explain any conditions or requirements you are subject to.

11. WHAT HAPPENS IF MY APPLICATION IS REFUSED?

You will receive a letter advising that your application has been refused. You have the right to appeal the decision at Glasgow Sheriff Court (unless your application was for a temporary licence).

An applicant wishing to appeal normally requires to first obtain a written Statement of Reasons for the decision. This can be obtained on written request to the Licensing Section within 28 days of the decision. The Council will give written reasons for its decision within 10 days of being requested to do so.

The Council cannot provide guidance on making an appeal; if guidance is required you should consider taking your own independent legal advice or, alternatively, you can contact the Sheriff Clerk at Glasgow Sheriff Court, 1 Carlton Place, Glasgow, G5 9DA.

OTHER FREQUENTLY ASKED QUESTIONS (FAQs)

HOW LONG DOES IT TAKE TO SUBMIT A FORM AT THE CORPORATE SERVICE DESK?

The Service Desk is often very busy and you should expect to have to queue. It normally takes about 10 to 15 minutes to submit the application form and pay; this includes waiting times.

The peak times for the Service Desk are 10am to 11am and the lunch period of 12 Noon to 2pm. If you visit the Service Desk during these hours it may take longer to deal with your application.

As licences expire at the end of each month, the last few working days of the month can be very busy and lengthy queues are likely.

AM I GUARANTEED TO BE REFUSED BECAUSE I HAVE CERTAIN CONVICTIONS?

No. The fact that you have certain convictions does not prevent you applying nor does it guarantee that you will be refused. Every application is considered on its own merit.

MY LICENCE EXPIRES ON A WEEKEND OR PUBLIC HOLIDAY, WHAT SHOULD I DO?

Your licence ceases to have effect unless you lodge a renewal application on or before the expiry date shown on your licence. This applies even if the expiry date shown on the licence is a weekend or a public holiday such as 31 December. If you find yourself in this situation, ensure you lodge your application, at the latest, on the last working day prior to the licence expiry.

CAN I GET FURTHER INFORMATION?

Yes. If you have any further questions about the application process the Council's Licensing Team will be happy to assist you. Please note that whilst the Licensing Team can provide guidance, the team cannot offer you legal advice.

You can contact us by phone or email.

Phone: 0141 287 5354

Email: LicensingEnquiries@glasgow.gov.uk