

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

4. TAX CONDITIONALITY.

The UK Government established new tax requirements for applications of particular licences across the UK. The rules for completing a tax check will change on 2 October 2023 in Scotland. The new rules have already been implemented in England and Wales from 4 April 2022. Tax checks will be required for a metal dealer licence.

The table below details when a tax check should be done prior to lodging an application and when confirmation of being aware of the HMRC guidance relating to tax checks is sufficient. Please note that if you are applying as a partnership, the requirement is in relation to the partner submitting the application.

For all renewal applications: You are now required to complete a tax check. Your renewal application will not be accepted by the Licensing Authority without your 9 character tax code provided by HMRC. Your code is valid for 120 days so please ensure you provide a valid tax code on your application form. To complete a tax check www.tax.service.gov.uk/tax-check-forlicence/start.

For majority of grant applications (see table below): You will be required to confirm on the application that you are aware of the content of the HMRC guidance in relation to your tax obligations. To find out more information about your tax registration obligations please visit www.gov.uk/register-for-self-assessment; www.gov.uk/corporation-tax and www.gov.uk/incometax/how-you-pay-income-tax Renewal

Renewal	New Grant application where last licence expired/revoked less than 1 year from date of new application	New Grant (and holds same type of licence with another licensing authority)	New Grant and never held same type of licence before	New Grant and previously held licence that expired/revoked over a year ago from date of new application
Tax Check and 9 character code provided with application	Tax Check and 9 character code provided with application	Tax Check and 9 character code provided with application	Applicant must confirm on application form aware of HMRC guidance relating to tax obligations	Applicant must confirm on application form aware of HMRC guidance relating to tax obligations

5. 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.

6. HOW DO YOU APPLY?

Email your completed application to LicensingEnquiries@glasgow.gov.uk along with any supporting documentation which will be checked by a member of the Licensing Team. If your application is incomplete you will be contacted by email to resolve the issue. Please check your spam/junk folder.

You should also make the appropriate fee payment as detailed in section 7 below.

7. HOW MUCH IS THE APPLICATION FEE?

The current application fees are detailed in the Licensing Section Fees and Charges document - see link below; the amount you pay is dependent on the licence type. The fee is payable when the application is lodged and is non-refundable.

Once your application has been submitted payment should be transferred by BACS to the following bank account:

Account Name: Glasgow City Council
Licensing Account No. 00116224
Sort Code: 83-44-00
Reference: Licence number (if renewal) or premises address

Please note your application will not be processed by the Licensing Section until the fee payment has been made.

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>

8. HOW WILL THE APPLICATION BE PROCESSED?

A 28 consultation period begins when your application is formally lodged. For grant or renewal applications, any person can object to your application during the consultation period. For temporary applications, only the statutory consultees can provide comment.

For grant or renewal applications, a member of the licensing team will email your receipt once your application has been formally lodged and will advise you to display the relevant site notice (included in the application pack) at or near the premises for a period of 21 days. (Please do not display the site notice until you have been advised to do so). 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 or Compliance to the Licensing section at LicensingEnquiries@glasgow.gov.uk to confirm the notice was displayed correctly. If you do not follow this part of the process, you may be required to redisplay your notice for a further period or the application may be refused. Applicants for a temporary licence are not required to display the site notice.

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 no adverse comments have been received, your certificate of compliance confirming display of the site notice has been returned and 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 or adverse Environmental Health report we will refer the application to a meeting of the Licensing and Regulatory Committee for a decision. If this happens you will receive an email requesting your attendance at the meeting and explaining the reasons why your application is being called before Committee. Although you are not legally required to attend it is recommended that you do so. We will contact you, by email, after the meeting to advise you of the Committee's decision.

Applications for temporary licences are processed in a similar manner with the following differences:

- the consultation period can be less than 28 days;
- members of the public cannot object or make representation to the application; and there is no requirement to display a public notice at the premises.

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 grant or renewal 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.

If you apply for a Temporary licence we will aim to process the application as quickly as possible but the application is still subject to the statutory process set out in section 8.

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 detail any conditions or requirements you are subject to – for example the licence may have been granted subject to your compliance with Environmental Health conditions.

11. WHAT HAPPENS IF MY APPLICATION IS REFUSED?

You will receive an email 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 request to the Licensing Section at LicensingEnquiries@glasgow.gov.uk 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.

12. ARE THERE CONDITIONS ATTACHED TO MY LICENCE?

Yes. There are mandatory conditions attached to all metal dealer licences – see appendix 1 below.

As a licence holder you will be expected to comply with every condition. Failure to do so could result in the Council suspending your licence. The Licensing and Regulatory Committee may attach additional conditions to the licence as it sees fit, with each application being dealt with on its own merits.

OTHER FREQUENTLY ASKED QUESTIONS (FAQS)

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?

You should aim to lodge your renewal application the month before it is due to expire. 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 by emailing it to LicensingEnquiries@glasgow.gov.uk

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 email at LicensingEnquiries@glasgow.gov.uk

Conditions attached to a Metal Dealer's Licence

- (1) If the Licence Holder, or any person named as having responsibility for the day to day management of the business, is convicted of any offence they shall provide full details of the conviction in writing to the Licensing Authority within 28 days.
- (2) If the Licence Holder, or any person named as having responsibility for the day to day management of the business, changes address, the Licence Holder must return the licence to the Licensing Authority, together with details of the new address, within 14 days.
- (3) An authorised officer of the Licensing Authority, fire authority or a Police Constable shall be permitted free access to the premises at any reasonable time, for the purpose of carrying out their duties, and can:
 - (a) enter and inspect any premises, vehicle or vessel used or to be used in connection with the carrying on of business as a metal dealer;
 - (b) require production of and inspect any equipment, plant, apparatus or stock-in-trade used in connection with the carrying on of business as a metal dealer;
 - (c) require production of and inspect any records or other documents required by the Civic Government (Scotland) Act 1982 and can take copies or extracts from any such document.
- (4) Where the Licence Holder has ceased carrying on business as a metal dealer, or where the licence has been varied, suspended or revoked by the Licensing Authority, the Licence Holder must return the licence to the Licensing Authority within 7 days.
- (5) The Licence Holder must comply with the requirements made of metal dealers by the Civic Government (Scotland) Act 1982, and in particular in relation to record keeping, the retention of metal and acceptable forms of payment for metal.

Privacy Statement: Licensing schemes administered by the Council's Licensing & Regulatory Committee

WHO WE ARE

Glasgow City Council is a local authority established under the Local Government etc. (Scotland) Act 1994. Its head office is located at City Chambers, George Square, Glasgow G2 1DU, United Kingdom, and you can contact our Data Protection Officer by post at this address, by email at: dataprotection@glasgow.gov.uk, and by telephone on 0141 287 1055.

WHY DO WE NEED YOUR PERSONAL INFORMATION AND WHAT DO WE DO WITH IT?

You are giving us your personal information to allow us to carry out our statutory functions in relation to licensed activities regulated by the Council's Licensing & Regulatory Committee. We also use your information to verify your identity where required, contact you by post, email or telephone and to maintain our records.

LEGAL BASIS FOR USING YOUR INFORMATION

We provide these services to you as part of our statutory function as your local authority. You can find more details of our role on our website at www.glasgow.gov.uk/privacy. Processing your personal information is necessary for the performance of a task carried out in the public interest by the council.

If you do not provide us with the information we have asked for then we will not be able to provide this service to you.

We may also need to process more sensitive personal information about you for reasons of substantial public interest as set out in the Data Protection Act 2018. It is necessary for us to process it to carry out key functions as set out in law. In addition, we may also process data about any criminal convictions you may have. This is

because we are required to ascertain the suitability of individuals to hold licences and, to do this, we may need to process information on an individual's criminal convictions.

WHO DO WE SHARE YOUR INFORMATION WITH?

We are legally obliged to safeguard public funds so we are required to verify and check your details internally for fraud prevention. We may share this information with other public bodies (and also receive information from these other bodies) for fraud checking purposes.

We are also legally obliged to share certain data with other public bodies, such as HMRC and will do so where the law requires this. We will also generally comply with requests for specific information from other regulatory and law enforcement bodies where this is necessary and appropriate. Your information is also analysed internally to help us improve our services.

This data sharing is in accordance with our Information Use and Privacy Policy and covered in our full privacy statement on our website. It also forms part of our requirements in line with our Records Management Plan approved in terms of the Public Records (Scotland) Act 2011.

We are required by law to enter personal information about applicants and other relevant persons on a public register of applications for licences. This register can be accessed by any member of the public. We may publish this register or extracts of the register online. We may also provide the register to other public bodies to support a national register of licences.

In processing an application for a licence or a complaint, we may need to refer you to our Licensing and Regulatory Committee. Your personal information will be included in the agenda, reports and minutes for the Committee. Some of this information will be published on our website. You can find out more on our website at www.glasgow.gov.uk/privacy

Licensing and Regulatory Committee meetings are held in public. At a meeting your personal information may be disclosed to those in attendance. This may happen even if you do not attend a meeting that you are invited to.

We will also share your personal data with other public bodies and statutory consultees as required by law.

HOW LONG DO WE KEEP YOUR INFORMATION FOR?

We only keep your personal information for the minimum period amount of time necessary. Sometimes this time period is set out in the law, but in most cases it is based on the business need. We maintain a records retention and disposal schedule which sets out how long we hold different types of information for. You can view this on our website at www.glasgow.gov.uk/rrds or you can request a hard copy from the contact address stated above.

YOUR RIGHTS UNDER DATA PROTECTION LAW

- **access to your information** – you have the right to request a copy of the personal information that we hold about you.
- **correcting your information** – we want to make sure that your personal information is accurate, complete and up to date. Therefore you may ask us to correct any personal information about you that you believe does not meet these standards.
- **Deletion of your information** – you have the right to ask us to delete personal information about you where:
 - I. you think that we no longer need to hold the information for the purposes for which it was originally obtained
 - II. you have a genuine objection to our use of your personal information – see *Objecting to how we may use your information* below
 - III. our use of your personal information is contrary to law or our other legal obligations.

Objecting to how we may use your information – You have the right at any time to tell us to stop using your personal information for direct marketing purposes.

Restricting how we may use your information – in some cases, you may ask us to restrict how we use your personal information. This right might apply, for example, where we are checking the accuracy of personal information that we hold about you or we are assessing the objection you have made to our use of your information. This right might also apply if we no longer have a basis for using your personal information but you don't want us to delete the data. Where this right is realistically applied will mean that we may only use the relevant personal information with your consent, for legal claims or where there are other public interest grounds to do so.

Please contact us as stated above if you wish to exercise any of these rights.

INFORMATION YOU HAVE GIVEN US ABOUT OTHER PEOPLE

If you have provided anyone else's details on this form, please make sure that you have told them that you have given their information to Glasgow City Council. We will only use this information to carry out our statutory functions in relation to licensed activities regulated by the Council's Licensing & Regulatory Committee. If they want any more information on how we will use their information they can visit our web site at www.glasgow.gov.uk/privacy or email dataprotection@glasgow.gov.uk.

COMPLAINTS

We aim to directly resolve all complaints about how we handle personal information. If your complaint is about how we have handled your personal information, you can contact the Council's Data Protection Officer by email at dataprotection@glasgow.gov.uk or by telephone on 0141 287 1055.

However, you also have the right to lodge a complaint about data protection matters with the Information Commissioner's Office, who can be contacted by post at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. By phone on 0303 123 1113 (local rate) or 01625 545 745. Visit their website for more information at- <https://ico.org.uk/concerns>

If your complaint is not about a data protection matter you can find details on how to make a complaint on our website at www.glasgow.gov.complaints

MORE INFORMATION

For more details on how we process your personal information visit www.glasgow.gov.uk/privacy
If you do not have access to the internet you can contact us via telephone to request hard copies of our documents.