

ANGUS COUNCIL

This note is intended for guidance purposes only. It does not constitute legal advice.

Civic Government (Scotland) Act 1982 as amended by the Air Weapons and Licensing (Scotland) Act 2015

Guidance for Metal Dealers and Itinerant Metal Dealers

Do I need a licence?

A metal dealer's licence is required for an individual or company to carry on business as a metal dealer. The definition of a metal dealer is a person who:

- (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))

A person carries on business as a motor salvage operator if the person carries on a business 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)

An itinerant metal dealer's licence is required for an individual or company to carry on business as an itinerant metal dealer. The definition of an itinerant metal dealer is a person who:

- (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,
- (b) collects articles of the kind described in paragraph (a)(i) and (ii) by means of visits from place to place, and

- (c) disposes of such articles without causing them to be kept in a metal store or other premises (including by disposing or giving custody of the articles to a person who keeps a metal store)

If your business falls within the definition of a metal dealer or itinerant metal dealer then you require a licence.

What will be expected of me?

There will be a variety of mandatory and standard conditions attached to the issue of your licence. You require to comply with all of the mandatory and standard conditions attached to your licence.

Payments for metal can only be made by metal dealers and itinerant metal dealers by a non-transferable cheque, by electronic transfer from a bank (with its head office or a branch in the UK) or a building society account in the name of the payee. The building society must be incorporated under the Building Societies Act 1986. No cash payments can be made. Detailed records, in the prescribed form, require to be kept when metal is acquired, processed or disposed of. The detailed records require to be retained for a period of not less than 3 years beginning with the date on which the information was recorded or document obtained.

How do I apply?

A single application form covering metal dealers and itinerant metal dealers can be obtained from Angus Council's website [Metal/Itinerant dealer application](#). Please note that the metal dealer application can be paid on line at Gov.uk. Once you have completed the application form it must be sent to Angus Council, accompanied by the relevant fee of £116.55 for a new application or £96.60 for a renewal. Please send your completed application and cheque, payable to Angus Council, for the attention of:

Service Leader – Legal & Procurement, Licensing Section, Angus Council, Angus House, Sylvie Way, Orchardbank Business Park, Forfar, DD8 1AN.

New Applicants only

New Metal Dealer licence applicants will require to confirm to us that they are aware of information provided by HMRC, please see

- www.gov.uk/register-for-self-assessment
- www.gov.uk/corporation-tax
- www.gov.uk/income-tax/how-you-pay-income-tax.

Renewal Applications Only

Please provide a tax check code from HMRC. We will use the code to verify with HMRC that you have completed their tax check. **Your application will not be considered without this.**

www.gov.uk/guidance/complete-a-tax-check-for-a-taxi-private-hire-or-scrap-metal-licence

When do I apply for a renewal of my licence?

An application form must be completed and submitted before the expiry of your current licence.

Do I need to display a site notice?

Only a metal dealer requires to display a site notice. An itinerant metal dealer does not require to display a notice.

On the day your application is lodged you must display the "NOTICE FOR DISPLAY" at or near the premises to be licensed intimating that an application has been lodged with the Council. This notice must be displayed for a period of 21 days commencing with the date on which the application is submitted to the Council. This notice advises the public that your application has been lodged and that objections and representations can be made to the application.

Only after expiry of the statutory 21 day period should the "Certificate of Compliance" be completed and returned to Angus Council's Licensing Team. Please note that failure to comply with this part of the process may result in your application being refused.

Copies of the certificate of compliance and notice for display can be found on Angus Council's website.

How long does a licence last?

For one year.

How can I pay?

Angus Council accepts cash, cheques and postal orders. Cheques should be made payable to Angus Council. Payments can also be made when submitting the application at Angus Council, Angus House, Orchardbank Business Park, Forfar, DD8 1AN. Please do not send cash in the post.

How long does it take for me to get a licence?

By law, Angus Council has 3 months to initially consider an application and a further 6 months to decide it. However, we aim to process your application sooner but please note that your application cannot start being processed until everything required from you has been received.

On receipt of your application form, a copy of the form will be forwarded to Police Scotland, Scottish Fire and Rescue and Trading Standards in order that they may carry out checks into your suitability to hold a licence and this will include a check on any relevant convictions/offences. Angus Council Revenues and Benefits Service will also be consulted to check whether you have any outstanding debts due to the Council. This process will take a statutory minimum period of 28 days.

If Angus Council receives objections, representations or information about you from any person then this will require to be considered by the Civic Licensing Committee which generally meets on a six weekly cycle.

Why do you send my application to Police Scotland?

Everyone who applies for a licence is assessed to make sure that they are suitable to hold a licence. Part of that assessment involves looking at whether you have relevant criminal convictions or whether the police hold other information about you which might suggest that you are not a fit and proper person to hold a licence. This is an important safeguard in protecting the public as many licence holders are in positions of trust or in jobs where public safety is very important.

What happens once you have all the information you need?

Once Angus Council receives responses back and your compliance notice, Angus Council can then decide whether to grant your licence. If no objections, representations or adverse comments have been received and there are no other issues with your application, then it can be considered and granted under delegated authority by the Civic Licensing Committee.

If there are objections, representations or other information which means that licensing staff do not feel able to grant your licence, then your application will be referred to the Civic Licensing Committee and you will be asked to attend. If this happens we will write out to you advising of the issues of concern and request that you attend the Civic Licensing Committee hearing where your application will be determined. It is recommended that you attend as you will be given an opportunity to speak to your application. If granted, Angus Council will write out to you advising of the decision and enclosing your licence. The letter will also explain any conditions or requirements of your licence.

What is the Civic Licensing Committee?

The Civic Licensing Committee is made up of Elected Councillors. You need to attend the Civic Licensing Committee if your application can not be dealt with by staff in the Licensing Team.

Can the Council attach conditions to a licence?

Yes, the Council may attach any conditions which they consider necessary.

Can a licence be refused and what happens if it is?

The law allows your application to be refused in certain circumstances. A decision to refuse a licence will only be made by the Civic Licensing Committee. In those circumstances, you will receive a letter advising that your application has been refused. If you are in any doubt, you may request a Statement of Reasons for the refusal. This can be obtained on written request to the Licensing Team within Angus Council. You may have a right to appeal a decision at Forfar Sheriff Court and this will be time limited. If you have any issues you should immediately obtain your own independent legal advice.

Do I receive a refund if I am refused a licence?

No. This is because Angus Council has had to carry out significant work in processing your application and consulting with other departments, organisations and, potentially, individuals.

Who should I contact if I have any further queries relating to licences?

E-mail LAWLicensing@angus.gov.uk

The Licensing Team can provide guidance and information regarding the council's application form and the application process but cannot provide legal advice. If you are in any doubt as to your licensing requirements, you should take legal advice from a licensing solicitor without delay.