

# Guidance on Applying for Itinerant Metal Dealer's Licence

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



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

An "Itinerant Metal Dealer's Licence" is required for carrying on business as an itinerant 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 an itinerant metal dealer:

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, or
- (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).

## 2. WHO SHOULD APPLY?

The individual, company or organisation operating as an itinerant metal dealer should apply for a licence using the application form for an Itinerant 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 an Itinerant 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:

- |                  |  |
|------------------|--|
| <b>Grant</b>     | If you do not currently hold a licence you can make a Grant application. This type of licence lasts for three years. You will <b>not be licensed</b> until the licence is granted. |
| <b>Temporary</b> | You can apply for a temporary licence that lasts for a period of no more than 6 weeks. You will <b>not be licensed</b> 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	£121	£121
Renewal of Licence		£121

*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.

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.

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

If (a) no adverse comments have been received; and (b) 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 called. 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](mailto:LicensingEnquiries@glasgow.gov.uk)