



## **Civic Government (Scotland) Act 1982 Guidance Notes - Metal Dealer's Licence**

The 1982 Act provides for licensing of Metal Dealers.

A licence for this activity is required when anyone carrying on a business as a metal dealer which consists wholly or partly of buying and selling for scrap:- old, broken, worn out, defaced or partly manufactured articles made wholly or partly of metal. If metal is bought only as material for the manufacture of other articles and is sold as a by-product of such manufacture or as surplus, this will NOT amount to metal dealing. NOTE: Where anyone carries on business as a Second Hand Dealer and as a Metal Dealer, he will require the appropriate licence in respect of each activity.

**The lodging of an application form lodged does not allow a person to trade unless and until the Licence is granted and issued.**

### **Exemptions From Licensing**

A Metal Dealer whose turnover exceeds £100,000 may apply to the Council for an exemption warrant in which case the provisions of the Act relating to the keeping of records and retention of metal shall not apply. A temporary exemption warrant may also be granted in specific circumstances.

### **How to apply for a Licence**

Application forms are available from Kilncraigs, Alloa, FK10 1EB.

The licence itself may be held in the name of a firm or company (i.e. non natural person) or in the name of the individual. Please make sure that you complete the correct section of the form. Please also make sure that you complete every part of that section, including any convictions against you e.g. road traffic offences should be included.

Because your business will be carried on from premises, you will require to display a SITE NOTICE for a continuous period of TWENTY ONE DAYS from the date of submission of your application. You will receive a site notice with your application form.

After the Twenty One days are over, you will have to send into the Licensing Section, a CERTIFICATE OF COMPLIANCE stating that you have complied with the site notice requirement. This form will also be given to you with your application form. If, for any reason, you are unable to gain access to the site to display the site notice, please complete the appropriate part of the Certificate to this affect and the Local Authority will arrange to advertise your application in the local press.

When your application is lodged and the appropriate fee has been paid, a copy of the form will be sent automatically by this office to the Police and Firemaster. They will carry out their own investigations and inspections and report directly to this office. If the council feels that any other enquiries should be carried out, you will be told of the nature of these enquiries and that the results of these enquiries may be taken into account in coming to a decision on your application.

If objections are lodged you will be sent a copy of the letter or letters of objection and an opportunity will be given to you to give your views in writing on such objection(s). Your application, the letter(s) of objection(s) and your response will then be referred to the appropriate Committee. You may be called to a hearing before the Committee. You can check on the dates of the Committee meetings at this office.

Your application must be considered within Three Months of it being lodged and the Council must reach a decision on it within Six Months.

If your application is granted you will be issued with a licence which will last for THREE YEARS. You will be reminded when your licence is due for renewal at the end of that time. You will also receive notification of the conditions (if any) which attach to the licence.

If your application is refused, or granted conditionally, you are entitled to ask the Council within Twenty Eight days to give reason for such refusal, or the imposition of such conditions, and thereafter you are entitled to appeal to the Sheriff against the decision on various grounds. You should seek the advice of a Solicitor if matters should get to that stage.

*If you require any further information please contact the Licensing Administrator on telephone number 01259 452093 or email address [licensing@clacks.gov.uk](mailto:licensing@clacks.gov.uk)*