MD6 – Version 2.3 (01.04.2024)

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| **Guidance Notes for Applicants****Metal Dealers Licence** | Fife Council logo |

**Introduction**

This guidance is provided for your information only and is not prepared as a substitute for any independent legal advice. If this is required you should contact your solicitor.

A Metal Dealer’s licence is required where the applicant carries on a business which consists wholly or substantially of buying or selling for scrap metal articles that are old, broken, worn out or defaced, or partly manufactured articles that are made wholly or partly from metal, or carries on business as a motor salvage operator.

A motor salvage operator is a person who 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).

“Metal” means any metal (including any precious metal) and any alloy of any metals, whether old or new and includes manufactured articles, whether old or new, made wholly or partly of metal, of any of the materials commonly known as hard metal or of cemented or sintered metallic carbides.

A dealer who combines the trade of “metal dealer”, “itinerant metal dealer” and/or “second hand dealer” will require a licence for each activity that they carry out.

**Application**

Application fees are non-refundable. You can apply for a 3 year licence.

Your application will not be processed until payment has been made by credit or debit card.

The application can be downloaded at this link: [Metal dealers licence | Fife Council](https://www.fife.gov.uk/kb/docs/articles/business2/licences-and-permits-for-business/dealer-licences/metal-dealers-licence)

Please note that if you apply as a company or partnership then you will have to provide details of the day-to-day manager. You should be aware that the day-to-day manager is a joint licenceholder and as such if they cease to be so at any time within the duration of the licence then a new application with the applicable fee will be required.

**Register of Applications**

Fife Council will keep a register of applications in which it will enter the date of receipt, the name and address of the applicant, the decision, the issue date and duration of the licence, and a note of any suspension, variation or surrender of the licence. This information is available for inspection by any member of the public.

**Notification to the Public**:- The Civic Government (Scotland) Act 1982 requires that all licence applications involving premises are notified to members of the public. As part of the application process for this type of licence, you must display a completed notice of application (form MD2) in a prominent place at your premises. This must be displayed for a period of 21 days starting on the day that the application is submitted to Fife Council. Once the 21 day period has passed, the certificate of compliance declaration (form MD3) must be completed, dated and returned to Fife Council’s Licensing Team.

**Application Process**

The Civic Government (Scotland) Act 1982, prohibits the Council from making a decision on your application until a minimum of 28 days has passed from the date of application. During this time any person can object to your application.

Applications will be copied to Police Scotland (Fife Division) and the relevant Council Services. On receipt of a reply from these consultees the licence will either be granted by the Licensing Team, or where there are any representations or objections to an application, the application will be considered at a meeting of the Regulation & Licensing Committee, to which the applicant and any objectors will be invited to attend.

The majority of applications with no representations or objections will take 4-6 weeks to process, however applications that are to be considered by the Regulation & Licensing Committee will take longer to determine. The Council has a maximum of 9 months from the date of application within which to make its decision.

**Previous Convictions**

A full police record check is undertaken for all applicants and Police Scotland (Fife Division) may report on any incidents applicants have been involved in which required Police assistance. This may include incidents that have not reached the Court, incidents resulting in “no proceedings” by the Court and any outstanding Court cases. The provisions of the Rehabilitation of Offenders Act 1974 apply to convictions.

**Refusal**

You will be informed of the Regulation & Licensing Committee’s decision, in writing, within 7 days of the date of the hearing. If your application has been refused you may appeal against the decision, to Kirkcaldy Sheriff Court, within 28 days of the date of the decision.

If you have been refused Fife Council will not entertain a subsequent application, within one year of the refusal, for the same type of licence unless in its opinion there has been, since the refusal, a material change of circumstances.

**Conditions of Licence**

A copy of the standard conditions applicable to this licence is available with the application pack. Fife Council requires all licenceholders to have a thorough understanding of these conditions. The Committee can, if it wishes, impose additional conditions and can grant the licence for a shorter period than that applied for.

**Renewal Applications**

If an application for the renewal of a licence is made before its expiry, the existing licence shall continue to have effect until, the renewal licence has been granted or where the Council has refused that application, the time within which an appeal against the decision can be lodged has elapsed or, where such an appeal has been lodged, the time when it has been abandoned or determined.

MD6 – Version 2.2 (25.05.2018)

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| **CIVIC GOVERNMENT (SCOTLAND) ACT 1982****METAL DEALERS LICENCE CONDITIONS** | Fife Council logo |

1. Change of address – If you change your address you **must** notify the Council’s Licensing Team at the address below as soon as is reasonably practicable.

2. The licenceholder shall comply with all legislative provisions affecting the premises, and each place occupied by them for the purposes of their business as a Metal Dealer, any metal store kept by them and any processing of metal which they may carry out or have carried out on their behalf.

3. A metal dealer may pay for metal only by:

(a) means of a cheque which is not transferable, or

(b) electronic transfer of funds to a bank or building society account in the name of the payee.

 If a metal dealer, or any person acting on their behalf, pays for metal otherwise than above, they are committing an offence.

1. The acquisition of metal from, or disposal of metal to, persons under the age of 16 is an offence.

5. The licenceholder shall keep the records relative to metal as specified in section 33C to the Civic Government (Scotland) Act 1982. Separate records must be kept for (a) each place of business and (b) any metal acquired, processed or disposed of otherwise than at such a place of business. Section 33C(2) is as follows:-

 In respect of any metal acquired, the dealer must record the following information:-

(a) the description and weight of the metal,

(b) the date and time of the acquisition of the metal,

(c) if the metal is acquired from another person:-

(i) the name and address of the person,

(ii) the means by which the person’s name and address was verified,

 (acceptable means of verification are: a valid United Kingdom passport, a valid passport issued by an EEA state, a valid Great Britain or Northern Ireland photo-card driving licence, a valid biometric immigration document, a bank or building society statement, a credit or debit card statement, a council tax bill or statement where the person’s address is in England, Wales or Scotland, a rate bill or statement where the person’s address is in Northern Ireland and a utility bill, but not a mobile telephone bill, provided that the date on which the document was issued is not more than three months before the date the metal is acquired by the dealer or not more than three months before the date the metal is disposed of by sale or exchange by the dealer).

(d) the price, if any, payable in respect of the acquisition of the metal, if that price has been ascertained at the time when the entry in the record relating to that metal is to be made,

(e) the method of payment of the price (if applicable),

(f) where no price is payable for the metal, the value of the metal at the time when the entry is to be made as estimated by the dealer,

(g) in the case of metal delivered to the dealer by means of a vehicle, the registration mark of that vehicle.

6. Where the dealer has paid for metal, the dealer must keep a copy of:-

(a) the cheque, or

(b) the document evidencing the electronic transfer of funds.

7. In respect of any metal processed or disposed of, the dealer must record the following information:-

(a) the description and weight of the metal immediately before its processing or disposal,

(b) in the case of metal which is processed, the process applied,

(c) in the case of metal disposed of by sale or exchange:-

(i) the consideration for which it is sold or exchanged,

(ii) the name and address of the person to whom the metal is sold or with whom it is exchanged, and

(iii) the means by which the person’s name and address was verified,

(d) in the case of metal disposed of otherwise than by sale or exchange, its value immediately before its disposal as estimated by the dealer.

8. The dealer must:-

(a) keep separate records in relation to:-

(i) metal acquired, and

(ii) metal processed or disposed of,

(b) record the information immediately after the metal is acquired, processed or disposed of,

(c) keep a copy of any document produced by a person to verify that person’s name or address, and

(d) retain information recorded or documents kept under this section for a period of not less than 3 years beginning with the date on which the information was recorded or document obtained.

9. A metal dealer must record the required information:-

(a) in books with serially numbered pages, or

(b) by means of a device for storing and processing information.

10. Where the required information is recorded in books, separate books should be used for (a) metal acquired, and (b) metal processed or disposed of and only one book of each type should be kept, at any time, for every place of business.

11. Where a dealer is required to keep a copy of a document under section 33C, it is sufficient for the dealer (a) to keep an electronic copy of the document, and (b) in relation to a document verifying a person’s name or address, keep only one copy of the document.

12. Where the required information is recorded on a device for storing and processing information, the dealer must, by means of the device or otherwise, keep details of all modifications made in the records kept by the device.

13. If, during the currency of the licence, the licenceholder is:

(a) charged with any offence; and/or

(b) issued with a fixed penalty, conditional offer or written warning

by the Police or Procurator Fiscal, the licenceholder shall provide, in writing, full details of these to the Licensing Team at the address below immediately.

MD2

# FIFE COUNCIL

Civic Government (Scotland) Act 1982

**NOTICE OF APPLICATION - METAL DEALER’S LICENCE**

NOTICE IS HEREBY GIVEN that application has been made on (date)

to Fife Council for a Metal Dealer’s Licence in respect of premises at

(address)

Days and Times of Operation

by Name of Applicant / Company -

Address -

Day to Day Manager -

Address -

**OBJECTIONS AND REPRESENTATIONS**

Any objections and representations in relation to the application may be made to Fife Council, Licensing Team, Finance & Corporate Services, Fife House, North Street, Glenrothes generally within 28 days of the abovementioned date. Objections and representations should be made in accordance with the following provisions, namely:-

1. Any objection or representation relating to an application for the grant or renewal of a licence will be entertained by the Council if, but only if, the objection or representation -

(a) is in writing;

(b) specifies the grounds of the objection or, as the case may be, the nature of the representation;

(c) specifies the name and address of the person making it;

(d) is signed by him or her or on their behalf;

(e) is made to the Council within 28 days of whichever is the later or latest of the following dates -

(i) where public notice of the application was advertised in a newspaper, the date when it was first so advertised;

(ii) where the Council has required the applicant to display the Notice for a second time, the date the Council specified in the second notice;

(iii) in any other case, the date when the application was made to the Council.

2. Notwithstanding 1. (e) above, it shall be competent for the Council to entertain an objection or representation received by it before it takes a final decision on the application if it is satisfied that there is sufficient reason why the objection or representation was not made in the time required.

3. An objection or representation shall be made for the purposes of 1. above if it is delivered by hand, within the time limit specified, to the Council or posted (by registered or recorded delivery post) so that in the normal course of post it might be expected to be delivered within that time.

**Any objection / representation submitted to the Licensing Team will be copied in full to the applicant. It is likely that the person making the objection / representation will be invited to attend the Regulation & Licensing Committee to speak in support of their objection / representation prior to the application being determined.**MD3

**PLEASE NOTE THIS DECLARATION SHOULD ONLY BE COMPLETED AND RETURNED TO FIFE COUNCIL ONCE THE NOTICE OF APPLICATION MD2 HAS BEEN DISPLAYED FOR THE 21 DAY PERIOD.**

FIFE COUNCIL

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

METAL DEALER'S LICENCE

CERTIFICATE OF COMPLIANCE

I,

applicant for a Metal Dealer’s Licence, hereby certify that a Notice has been posted at or near the premises at

from (date) to (date)

containing such information as is required by paragraph 2(3) of Schedule 1 to the above Act.

\* Where the said Notice was removed, obscured or defaced during the above-mentioned period, I took reasonable steps for its protection and replacement as follows:-
(give details and circumstances)

Date Signature

\* Delete if not applicable