

Civic Government (Scotland) Act 1982

APPLICATION FOR GRANT/RENEWAL OF A METAL DEALER LICENCE

Please read the attached guidance notes before completing this form

Question 1 or 2, and all other questions must be answered. Please use block capitals.

1. To be completed if applicant is a private individual

Full name (if you have a previous name then please include that name too)	Surname	
	Forenames	
Home Address		
Post code		
Telephone number		
Email address		
Age, date and place of birth	Age	Date of birth
	Place of birth	
Is applicant to carry out the day to day management of the business If not, give full name, address and date of birth of any manager. Contact telephone number and email if different from above	YES	NO – give details

2. To be completed if applicant is not a private individual (e.g. Company or partnership)

Full name		
Address, post code and telephone number of principal or registered office		
Names, private addresses and dates of birth of directors, partners or other persons responsible for its management		
Full name and address of employee to carry on the day to day management of the activity		
Telephone number		
Email address		
Age, date and place of birth	Age	Date of birth
	Place of birth	

Date Received	Fee Paid	Date to Police, EHO Officer Trading Standards	Reply	Objectors	Granted/Refused	
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For office use only

<p>3. Proposed days and hours of opening</p> <p>Period for which a licence is required (maximum 3 years)</p>		
<p>4. State metals in which it is proposed to deal</p>		
<p>5. Address of premises from which dealing in metal is to take place</p> <p>When applying for renewal please specify all structural alterations carried out to premises since licence last granted</p>		
<p>6. Are the metals to be disposed of in the same condition in which they are received?</p> <p>If not, indicate (i) the nature of and (ii) the place at which any process is to be carried out in relation to metal received.</p>	<p>YES</p>	<p>NO</p>
<p>7. Have you previously held or do you currently hold a licence or permit for metal dealing?</p> <p>Have you ever applied for and been refused a licence for metal dealing?</p>	<p>YES – give details</p> <p>YES - give details</p>	<p>NO</p> <p>NO</p>

8. Subject to the provisions of the Rehabilitation of Offenders Act 1974, have you ever been convicted of any crime or offence? YES / NO. If YES, give details below (Continue on a separate page if necessary.)

Date	Court	Offence	Sentence

9. Declaration

A. * I/we declare that we are complying with Paragraph 2(2) of Schedule 1 of the Civic Government (Scotland) Act 1982 regulating the display of a site notice for a period of 21 days from today, at or near the premises so that it can be conveniently read by the public.

B. * I/we declare that we are unable to display a notice of this application at or near the premises because no access is available. The following action was taken to try to gain access:

But was unsuccessful

Or

C. * I/we declare that the application is for a temporary licence and therefore there is no requirement to display a site notice.

D. * I/we declare that the particulars given by me/us on this form are correct to the best of my/our knowledge and belief.

*** Delete A, B or C as appropriate**

I/ We declare that the particulars given on this form are correct to the best of my knowledge and belief.

I/ We understand that the information supplied by me/us as detailed in this form may be stored on a computer system by this authority for the purpose of licensing and that information may be disclosed to the police and other relevant parties for vetting and background enquiries whilst processing this application.

I/We understand that this authority is under a duty to protect the public funds it administers and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

For further information see <https://www.scotborders.gov.uk/nationalfraudinitiative> on the Council website or contact the Fraud Hotline on 01835 826825

**Signature:
(applicant/agent)**

Date:

Any person who in, or in connection with the making of this application makes any statement which he/ she knows to be false or recklessly makes any statement which is false in a material particular shall be guilty of an offence and liable, on summary conviction, to a fine.



METAL DEALER CONDITIONS

“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.

“Metal Dealer” means a person carrying on a business which consists wholly or partly of buying or selling for scrap old, broken worn out, defaced or partly manufactured articles made wholly or partly of metal (whether the metal sold is in the form in which it was bought or otherwise), other than a business in the course of which metal is not bought except as materials for the manufacture of other articles and is not sold except as a by-product of such manufacture or as surplus materials bought but not required for such manufacture.

“Processing” in relation to metal includes melting down and any process whereby the composition or form of the metal or of any article which is made of metal is altered so as to make it substantially less identifiable than before the process and “process” and “processed” shall be construed accordingly.

1. The licenceholder shall comply with the provisions of the Civic Government (Scotland) Act 1982 and any amendments thereto insofar as relevant to his/her business as a metal dealer.
2. For the purposes of paragraph 9 of Schedule 1 to the Civic Government (Scotland) Act, 1982 any change of address affecting the licenceholder is deemed to be a material change of circumstances and must therefore be notified to the licensing authority as soon as reasonably practicable after the change of address has taken place.
3. The licenceholder shall comply with all legislative provisions (including planning, building standards, health and safety at work and fire safety) affecting the premises or the processing of metal which he may carry out or have carried out on his behalf. In particular and without prejudice to the foregoing generality the licenceholder shall comply with and observe the provisions of Sections 33A (Acceptable forms of payment for metal), 33B (Acceptable forms of payment: meaning of “bank or building society account”), 33C (Requirement to keep records), 33D (Form of records), 33E (Metal Dealers to keep records for each place of business) and 34 (Offences relating to Metal Dealing) of the Civic Government (Scotland) Act 1982 as detailed in the attached Appendix.
4. The licenceholder is responsible in terms of Part 3 of the Fire (Scotland) Act 2005 and the Fire Safety (Scotland) Regulations 2006 for ensuring that a suitable and sufficient Fire Risk Assessment is carried out and that the fire safety provisions are adequate for the risk involved.

33A Acceptable forms of payment for metal

(1) A metal dealer or an itinerant metal dealer may pay for metal only by a method of payment specified in subsection (2).

(2) The methods of payment are:

- a. by means of a cheque which under section 81A of the Bills of Exchange Act 1882 is not transferable, or
- b. by electronic transfer of funds to a bank or building society account in the name of the payee.

(3) If a metal dealer or an itinerant metal dealer pays for metal otherwise than in accordance with subsection (1), the dealer and each of the persons listed in subsection (4) (if any) commit an offence.

(4) The persons are:

- a. in a case of payment being made by a metal dealer at a place of business of the dealer, the person with day to day management of the place,
- b. in any case, any person who, acting on behalf of the metal dealer or the itinerant metal dealer, makes the payment.

(5) It is a defence for a metal dealer, an itinerant metal dealer or a person described in subsection (4)(a) who is charged with an offence under this section to prove that the dealer or, as the case may be, person:

- a. made arrangements to ensure that the payment was to be made only in accordance with subsection (1), and
- b. took all reasonable steps to ensure that those arrangements were complied with.

(6) A person who commits an offence under this section is liable, on summary conviction, to a fine not exceeding level 5 on the standard scale.

(7) The Scottish Ministers may by regulations:

- a. amend subsection (2) so as to add, amend or remove methods of payment, and
- b. make such consequential modification of section 33B or 33C(3) as they consider appropriate.

(8) Regulations under subsection (7) are subject to the affirmative procedure.

(9) In this section, “place of business” means a place of business operated by a metal dealer in the ordinary course of that dealer’s business as a metal dealer.

33B Acceptable forms of payment: meaning of “bank or building society account”

(1) In section 33A(2)(b), “bank or building society account” means an account held with a bank or a building society.

(2) For the purposes of subsections (1) and (4):

- a. “bank” means an authorised deposit-taker that has its head office or a branch in the United Kingdom, and
- b. “building society” has the same meaning as in the Building Societies Act 1986.

(3) In subsection (2)(a), “authorised deposit-taker” means:

- a. a person who has permission to accept deposits under Part 4A of the Financial Services and Markets Act 2000 (but see subsection (4) for exclusions),
- b. an EEA firm of the kind mentioned in paragraph 5(b) of Schedule 3 to that Act that has permission under paragraph 15 of that Schedule (as a result of qualifying for authorisation under paragraph 12(1) of that Schedule).

- (4) The reference in subsection (3)(a) to a person who has permission to accept deposits under Part 4A of the Financial Services and Markets Act 2000 does not include:
- a. a building society,
 - b. a society registered as a credit union under the Co-operative and Community Benefit Societies Act 2014 or the Credit Unions (Northern Ireland) Order 1985 (S.I. 1985/1205 (N.I. 12)),
 - c. a friendly society within the meaning given by section 116 of the Friendly Societies Act 1992, or
 - d. an insurance company within the meaning of section 275 of the Finance Act 2004.”.

33C Requirement to keep records

- (1) This section applies where a metal dealer or an itinerant metal dealer (“the dealer”), in the course of the dealer's business:
- a. acquires any metal (whether or not for value), or
 - b. processes or disposes of any metal (by any means).
- (2) 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,
 - 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 (within the meaning of section 23 of the Vehicle Excise and Registration Act 1994) borne by the vehicle.
- (3) 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.
- (4) 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.
- (5) 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.

(6) The Scottish Ministers may by regulations:

- a. specify the means by which a person's name and address may be verified for the purposes of this section,
- b. require further information to be recorded about any metal acquired, processed or disposed of by metal dealers or itinerant metal dealers.

(7) Regulations under subsection (6):

- a. may make different provision for different purposes, and
- b. are subject to the negative procedure

33D Form of records

(1) A metal dealer or an itinerant metal dealer ("a 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.

(2) Where a dealer records the required information in books, the dealer must use separate books for recording the required information about:

- a. metal acquired, and
- b. metal processed or disposed of.

(3) Where a dealer uses 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.

(4) 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 in relation to a document verifying a person's name or address, keep only one copy of the document.

(5) In this section, "required information" means the information about metal acquired, processed or disposed of that a dealer is required to record under or by virtue of section 33C(2), (4) or (6).

33E Metal dealer to keep records for each place of business

(1) A metal dealer must keep separate records of the required information in relation to:

- a. each place of business operated by the dealer, and
- b. any metal acquired, processed or disposed of otherwise than at such a place of business.

(2) Where a metal dealer records the required information in books, the dealer must not, at any time at a place of business, use more than:

- a. one book for recording the required information about metal acquired, and
- b. one book for recording the required information about metal processed or disposed of.

(3) In this section:

- a. "place of business" means a place of business operated by a metal dealer in the ordinary course of that dealer's business as a metal dealer,
- b. "required information" means the information about metal acquired, processed or disposed of that a dealer is required to record under or by virtue of section 33C(2), (4) or (6)."

(4) In section 34 (offences relating to metal dealing):

a. after subsection (2) insert:

i. "(2A) Any metal dealer or itinerant metal dealer who fails to comply with a requirement of section 33C, 33D or 33E commits an offence and is liable, on summary conviction, to a fine not exceeding level 3 on the standard scale."

b. in subsection (3), for the words from "furnishes" to "keep" substitute "produces any information or document which the dealer is required to record or keep under section 33C which is false or misleading in a material particular".

34 OFFENCES RELATING TO METAL DEALING

1. Any metal dealer who disposes of metal to a person apparently under the age of 16 or who acquires metal from such a person, whether that person is acting on his/her own behalf or on behalf of another person, shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.
2. In any proceedings for an offence under subsection (1) above, it shall be a defence to prove that the persons to whom it is alleged the metal was disposed of or from whom it is alleged it was acquired was 16 years of age or over at the time.
- 2A. Any metal dealer or itinerant metal dealer who fails to comply with a requirement of Section 33C, 33D or 33E commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale..
3. Any metal dealer who knowingly or recklessly produces any information or document which the dealer is required to record or keep under Section 33C which is false or misleading in a material particular shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 4 on the standard scale.
4. Any person who, when selling metal to or purchasing metal from a metal dealer, gives the dealer a false name or address shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.



CIVIC GOVERNMENT (SCOTLAND) ACT 1982

SITE NOTICE

NOTICE IS HEREBY GIVEN
that application has been made on:*

to **SCOTTISH BORDERS COUNCIL** for a **METAL DEALER LICENCE**

in respect of premises at:*

Name and address of applicant:*

Proposed business hours:*

Any objections and representations in relation to the application may be made to the Licensing Unit, Regulatory Services - Legal and Licensing, Scottish Borders Council, Council Headquarters, Newtown St Boswells TD6 0SA within **28 DAYS** of the above mentioned date.

Objections and representations must be made in accordance with the following provisions:

Any objection or representation relating to an application for the grant or renewal of a licence shall be entertained by the licensing authority 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 and is signed by him or on his behalf;
- (d) was made to them within 28 days of the above mentioned date of application.

An objection or representation shall be considered to have been made to Scottish Borders Council within the period referred if it is delivered by hand or posted (by registered or recorded delivery post) so that in the normal course of post it might be expected to be delivered to them within that time.

Applicant's Signature:*

Date:*

This site notice must be displayed for a period of 21 days from the date the application was lodged with Scottish Borders Council at or near the premises in a position clearly visible to the public.

Where the application is made by a Company or Partnership, full names and addresses of all Directors or Partners must be detailed in an annexed list.

CONFIRMATION OF DISPLAY OF SITE NOTICE

TO BE RETURNED TO SCOTTISH BORDERS COUNCIL FOLLOWING THE 21 DYS DISPLAY PERIOD

I (full name of applicant)*

Confirm the site notice has been displayed as prescribed above for a period of not less than 21 days

Signed:*

Date:*

* REQUIRES TO BE COMPLETED IN FULL

Civic Government Licensing

PRIVACY NOTICE – METAL DEALER LICENCES

What information do we need?

Scottish Borders Council will act as the 'Data Controller' for the personal data you provide to us. The Data Protection Officer, who is responsible for ensuring personal data is managed in accordance with data protection legislation, can be contacted as follows:

Address: Data Protection Officer, Information Management, Scottish Borders Council, Newtown St Boswells TD6 0SA.

Email: dataprotection@scotborders.gov.uk

Telephone: 0300 100 1800

The information we collect from you will include details such as your name, address, Email address, telephone number, date and place of birth.

For the purposes of this specific service, the personal data we require includes special category information about you (also known as 'sensitive personal data'), specifically health information (disability, allergies, fitness to operate), For taxi driver or private hire driver licence applications, we ask for and hold specific information relating to medical conditions and a full group 2 medical standards certificate is required.

In addition we also require details of any previous criminal convictions and previous licence information.

Why do we need this information?

Your information is being collected to allow Scottish Borders Council to administer the process of applying for licences under the Civic Government (Scotland) Act 1982.

We need to know the personal data requested on the application form in order to provide this service to you. If you do not provide this information then we will be unable to process your request for a licence. We will not collect any personal data from you that is not needed for this purpose.

The lawful basis for collecting your information in these circumstances is:

Compliance with legal obligation:

Scottish Borders Council is required to collect your information in order to carry out the function of providing licences in relation to the Civic Government (Scotland) Act 1982, which is a statutory function of a local authority.

Where we collect special category data this processing is necessary for reasons of substantial public interest for aims that are proportionate and which contain appropriate safeguarding measures.

What will we do with your information?

We will use your information to process your application for a licence. Depending on the type of licence, this will involve sharing your information as shown in the table below.

Type of licence	Who your information will be shared with
Metal dealer	Police Scotland, Trading Standards and Scottish Fire and Rescue Service

Applications where valid objections or representations are made will be considered at meetings of the Civic Government Licensing Committee, which are open to the public however some business maybe held in private. We are also required to publish information in licensing registers, which will include your name, address and type of licence. No special category data is included in the register.

When you do not provide information directly to us, we may receive it from other relevant organisations including other Council services, other Local Authorities or Police Scotland.

You should also be aware that your data will be stored on servers located within the United Kingdom. We will take all reasonable steps to ensure that your data is kept secure and more information on how we do this can be provided by contacting the Data Protection Officer.

How long will we keep your information?

We will keep your information for the length of time specified within our document retention schedules, and after this period it will be destroyed under secure arrangements More information on our retention policy and procedure can be obtained from the Data Protection Officer if required.

Automated Decision Making

No automated decision making will take place.

Your Rights

You have the right to request access to any personal data held about you by the Council. You can also request that we restrict the use of your information or even object to any further processing. You can do this by contacting the Data Protection Officer using the contact details provided above. We will respond to your request within thirty calendar days.

For more information on your rights please visit our website <http://www.scotborders.gov.uk/DPYourRights> or if you would like a hard copy of this information, please contact us using the contact details provided above.

If you are unhappy with the way the Council has processed your personal data please contact the Council's Data Protection Officer. If after raising your concerns with the Data Protection Officer you remain dissatisfied you have the right to complain to the Information Commissioner's Office.

Information Commissioner's Office

The ICO is the UK's independent body set up to uphold information rights.

Information Commissioner's Office
Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF
Telephone: 0303 123 1113
[Email: casework@ico.org.uk](mailto:casework@ico.org.uk)

The Information Commissioner's Office – Scotland
45 Melville Street, Edinburgh, EH3 7HL
Telephone: 0303 123 1115 [Email: Scotland@ico.org.uk](mailto:Scotland@ico.org.uk)