



# Midlothian

## CIVIC GOVERNMENT (SCOTLAND) ACT 1982

### LICENSING OF METAL DEALERS

#### NOTES FOR GUIDANCE

- 1 A Metal Dealer's Licence is required by a Metal Dealer who carries on business 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 (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. Applications can be made on the relative application form, copies of which are available from the Council Offices, Midlothian House, 40-46 Buccleuch Street, Dalkeith.
- 2 A Metal Dealer's Licence shall not be required by a person in relation to whom there is in force an exemption warrant issued by the local authority in cases where the dealer produces certification to the effect that the amount which he received in the previous financial year exceeded £100,000, (£1,000,000 with effect from 20 February 2013). Further information about this aspect is available on request.
- 3 Completed application forms must be accompanied by a **sketch plan** of the premises and cheques/postal orders made payable to Midlothian Council or cash. If application forms are delivered by hand, applicants or their agents should deliver them to Reception, Midlothian House, 40-46 Buccleuch Street, Dalkeith.
- 4 All questions must be answered. Failure to do so may result in the application being delayed or possibly conviction.
- 5 **Subject to the provisions of the Rehabilitation of Offenders Act 1974, ALL CONVICTIONS MUST BE DECLARED including those not resulting in imprisonment or fines e.g. Admonitions, Community Service Orders, Compensation Orders, Deferred Sentences, Probation Orders, etc.**
- 6 If you are unable to provide this information you will be able to obtain it from Police Scotland You can submit a subject access request to Police Scotland by emailing: [dataprotectionsubjectaccess@scotland.pnn.police.uk](mailto:dataprotectionsubjectaccess@scotland.pnn.police.uk)

or by writing to Data Protection Central Processing Unit, Information Management Unit, Police Scotland, Queen Street, Aberdeen, AB10 1ZA.

Your request must be accompanied by scans/ photos/ photocopies of two official documents which between them should confirm your date of birth and your current address.

Once the Chief Constable is satisfied as to your identity, Police Scotland have one month to reply to your request. Further information and application forms can be found on the Police Scotland website on the following link:

<http://www.scotland.police.uk/access-to-information/data-protection/subject-accessrequests>

- 7 **Failure to make a full declaration may lead to refusal of the application, prosecution and, if any omission is discovered after the Licence has been granted, suspension.**
- 8 The fee is £377.00 (3 years).
- 9 The applicant shall, for a period of 21 days beginning with the date on which the application was submitted, display a Notice confirming that application has been made and after the expiry of the 21 day period, duly certify that this Notice has been posted.
- 10 The Council will consult the Chief Constable, Firemaster, Director of Trading Standards and Planning Officer.
- 11 It is the applicant's responsibility to ensure that they have the correct planning permission in place prior to using a site for any purpose. Ideally this should be established before applying for a licence. If they have any queries about the suitability of a site for a certain use then they should approach the planning authority directly for advice. Pre-Application Advice can be sought here:-  
  
[http://www.midlothian.gov.uk/info/180/development\\_management\\_planning\\_applications/279/planning\\_information\\_and\\_guidance](http://www.midlothian.gov.uk/info/180/development_management_planning_applications/279/planning_information_and_guidance)
- 12 It should be understood that any Licence does not carry with it the necessary consent or approval to any proposed development which may be required under Planning or Building Control legislation or under any other Statutes and Enactments.
- 13 If the property to which the application relates is owned by the Council, landlords' consent for the proposed use should be obtained
- 14 Metal dealers are required to maintain records as described in the **Appendix** hereto.
- 15 From **2nd October 2023**, the government has introduced tax requirements for applications for certain licences in Scotland. This is supported by a new digital service, being developed by HMRC. It helps people in the taxi and private hire industries to complete a tax check.

In Scotland this means that anyone (individuals, companies and any type of partnership) applying for renewal of:

- Metal Dealer
- Itinerant Metal Dealer

**On or after 2nd October 2023**, you must complete a tax check with HM Revenue and Customs (HMRC) before applying for the licence.

Applicants must also complete a tax check if applying for:

- The same type of licence already held with another licensing authority.
- The same type of licence previously held, that stopped being valid less than a year ago.

Applicants who are new to licensing or have been out of the 'trade' for more than 12 months, do not need to carry out a tax check. However, they must confirm as part of their application, that they are registering for tax, have read and understood the HMRC Tax Responsibilities and are aware of their tax obligations.

Applicants must do the check themselves and will receive a 9-character code which must be given to the licensing team along with a fully completed application form.

The tax check should only take a few minutes to complete and there is guidance on GOV.UK to help you complete the check. Anyone who needs extra support will be able to complete the tax check by phone, through HMRC's customer helpline.

HMRC have produced a tax check factsheet which will help you understand what is required for renewal applications.

For the avoidance of doubt, Midlothian Council do not receive any of your tax information, only confirmation that you have completed the relevant check.

#### Business Gateway Midlothian

If you are starting a business, or if you already run your own business and could use some extra support and advice please email [BG@midlothian.gov.uk](mailto:BG@midlothian.gov.uk) to register, an Adviser will then be allocated to provide a range of support services for businesses including support from a network of partners.

If you would like to know how Midlothian Council collects, uses and shares your personal information, please visit our website [www.midlothian.gov.uk](http://www.midlothian.gov.uk) to access our online Privacy notice