

West Lothian Council

Standard conditions for licensed itinerant metal dealers

1. The licence holder shall produce records kept by them in the course of their business as a licensed itinerant metal dealer under the relevant provisions of the Civic (Government) Scotland 1982 to a council officer or officer of Police Scotland on request.
2. The licence holder shall not do anything in the course of their business as a licensed itinerant metal dealer which is unlawful.
3. Where there is a material change of circumstances affecting the licence holder, or the activity to which the licence relates, the holder of the licence shall, in accordance with paragraph 9(1) of Schedule 1 of the Civic Government (Scotland) Act 1982, notify the council as licensing authority of the change as soon as reasonably practicable after it has taken place by giving notice in writing to the Chief Solicitor, Legal Services, West Lothian Civic Centre, Howden South Road, Livingston EH54 6FF.
4. Where the licence holder is required to deliver their licence to the council as licensing authority in order to comply with the requirements of paragraph 13(2)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982 i.e. within 7 days of the coming into effect of a decision to suspend, vary or revoke their licence, they shall do so by either:
 - a. hand delivering their licence to an officer of the council's Licensing Team at West Lothian Civic Centre, Howden South Road, Livingston EH54 6FF; or
 - b. posting their licence to the Chief Solicitor, Legal Services, West Lothian Civic Centre, Howden South Road, Livingston EH54 6FF.
5. Where the licence holder is required to deliver their licence to the council as licensing authority in order to comply with the requirements of paragraph 13(2)(b) of Schedule 1 of the Civic Government (Scotland) Act 1982 i.e. due to their having given up the activity of metal dealing for which they hold their licence, they shall do so by either:
 - a. hand delivering their licence to an officer of the council's Licensing Team at West Lothian Civic Centre, Howden South Road, Livingston EH54 6FF, together with a letter stating that they wish to surrender their licence; or
 - b. posting their licence, together with a letter stating that they wish to surrender it, to the Chief Solicitor, Legal Services, West Lothian Civic Centre, Howden South Road, Livingston EH54 6FF.

6. Where the licence holder is:
 - a. charged with any crime or offence of any nature; or
 - b. convicted of any crime or offence by any court

they shall notify the council as licensing authority within 10 working days of the date of any of the above being intimated to them by giving notice in writing to the Chief Solicitor, Legal Services, West Lothian Civic Centre, Howden South Road, Livingston EH54 6FF.

7. The licence holder shall in the course of their business as a licensed itinerant metal dealer behave in a professional, considerate and orderly manner and shall not do anything which is a breach of any road traffic or other legislation.

Acceptable forms of payment for metal and record keeping

Sections 33A to 33E of the Civic Government (Scotland) Act 1982 as amended contain legal requirements from 1 September 2016 regarding acceptable forms of payment for metal and record keeping. The requirements include that from 1 September 2016 cash is not an acceptable form of payment for metal by a licensed itinerant metal dealer and that cheque or electronic transfer payment is required.

A copy of the requirements is available on the council's website:

www.westlothian.gov.uk/article/10670/Changes-to-the-licensing-of-metal-dealers-under-the-Air-Weapons-and-Licensing-Scotland-Act-2015

Under section 34 of the Civic Government (Scotland) Act 1982 as amended failure to comply with these requirements is an offence, liable on summary conviction to a fine.

As these are legal requirements under the legislation applicable to all licensed itinerant metal dealers, they are not repeated in the council's standard conditions. However, all licence holders are reminded that they must be familiar with the requirements applicable to them, and comply with them at all times in the course of their business as a licensed itinerant metal dealer.