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| Form amended October 2023 | CIVIC GOVERNMENT (SCOTLAND) ACT 1982 SECTION 32 APPLICATION FOR THE GRANT/ RENEWAL\* OF ITINERANT METAL DEALER’S LICENCE\*DELETE AS APPROPRIATE |

For use by West Lothian Licensing Team

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| --- | --- | --- | --- |
| Date application received |  | Receipt number |  |
|  |  |  |  |
| Date application complete |  | Deadline for initial decision |  |
| Date acknowledged |  | Deadline for final decision |  |
| Date to Police Scotland |  | Date to committee (if applicable) |  |
|  |  |  |  |
| Date to Trading Standards |  | Decision |  |
| Date fee paid |  | Date of determination |  |
| Fee paid |  |  |  |

**Applicants should start completing the form below**

Please read the guidance notes before completing the application. Please make sure when submitting your application that you attach all the required documentation as outlined in the guidance notes. Incomplete applications submitted by post will be returned by second class mail which will delay the processing of your application. Otherwise we will return incomplete applications sent by email by email.

Question 1 – Applicant details

|  |  |  |
| --- | --- | --- |
| First name | Middle name(s) | Surname  |
|  |  |  |
|  |  |  |
| Age | Date of birth | Place of birth |
|  |  |  |
|  |  |  |
| Previous name(s) | National Insurance Number |
|  |  |
|  |  |
| Length of time resident in the UK | Nationality |
|  |  |
|  |  |
| Permanent address | Previous address (only to be completed if you have lived at your address for less than 3 years) |
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|  |  |
|  |  |
|  |  |
| Post code  | Post code  |
| Time resident at this address | E-mail address |
|  |  |
| Telephone number | Mobile number |

1

**Question 2 Tax Conditionality Declaration** (see guidance note 2)

**Part 1 for New Applicants Only**

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| --- | --- |
| Do you hold or have you held the same type of licence with any other licensing authority in the UK within the 12 months preceding this application?If **YES** the law requires that you complete a tax check with HMRC and you should now go to Part 2 below.If **NO** the law requires that you confirm that you are aware of your tax responsibilities when making an application, please continue to the next box. | Yes/No |
| **Declaration of tax responsibilities**I confirm that I am aware of the content of HMRC guidance relating to my tax registration obligationsThe guidance can be viewed at the following link <https://www.gov.uk/guidance/confirm-your-tax-responsibilities-when-applying-for-a-taxi-private-hire-or-scrap-metal-licence>See also links to HMRC guidance in Guidance Note 2 | Yes/No |

**Part 2 for Renewal Applications or Applicants who Have Answered Yes to Part 1 Above**

If you are applying to renew a licence or you currently or have held the same type of licence within the UK within the 12 months preceding this application you’ll need to complete an online tax check with HMRC prior to submitting your application and provide the 9-character code. Please see guidance note 2

|  |  |
| --- | --- |
| HMRC 9-character codeThe code is valid for 120 days. You should be aware that failure to provide a valid code will prevent the Council from accepting and considering this application. |  |

Question 3 – Licence details

|  |  |
| --- | --- |
| Is this a renewal application? | yes/no |
| If yes, what is the licence number and renewal date? |  |
| Have you ever applied for and been refused a licence by any council? | yes/no |

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| --- | --- |
| If yes, which council refused the licence? |  |
| When was it refused? |  |

|  |  |
| --- | --- |
| Have you ever held a licence which was suspended or revoked? | yes/no |

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| --- | --- |
| If yes, which council suspended or revoked the licence? |  |

2

Question 4 – Further details (see note 3 of the attached guidance notes)

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| (a)Have you ever been convicted of any crime or offence or accepted a fixed penalty for an offence? Subject to the Rehabilitation of Offenders Act 1974, all unspent crimes and offences must be declared.If answer is yes please provide details below; continue on separate sheet if necessary. | yes/no\* (\*delete accordingly) |
| Date of conviction/fixed penalty | Court where convicted or fixed penalty paid | Offence | Sentence/penalty |
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| (b) State the nature of metals in which it is proposed to deal |  |
| (c) State the type and registration number of your vehicle (if applicable) |  |

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| Please tick the box to confirm that you have attached a passport size photograph (see note 6 of the attached guidance notes) |

Question 5 - Declaration by applicant

I declare that the information given by me on this form is correct to the best of my knowledge and belief.

|  |  |  |
| --- | --- | --- |
| Date | Signature of applicant(handwritten forms only) |  |
|  | Print name of applicant |  |

3

If the application is being signed by an agent on behalf of the individual please sign and complete the boxes below.

I declare on behalf of the applicant referred to in Question 1 of this form that the information given by me on this form is correct to the best of my knowledge and belief.

|  |  |  |
| --- | --- | --- |
| Date | Signature of agent(handwritten forms only) |  |
|  | Print name of agent |  |
|  | Address of agent  |  |

Privacy Statement – Data Protection

All personal information that you supply will be used to process your application in accordance with data protection law and the Civic Government (Scotland) Act 1982. In terms of the 1982 Act we are required to share this information with the following bodies:-

* Police Scotland; and where the licensed activity takes place within premises,
* the Scottish Fire and Rescue Service or other enforcing authority under Part 3 of the Fire (Scotland) Act 2005

We are required by law to protect the public funds we administer. Therefore in line with the National Fraud Initiative (NFI) we may also share your information with other bodies responsible for auditing or administering public funds in order to prevent and detect fraud.

Some of the information provided by you on this form will be held on a register which is available for inspection by members of the public.

Further information about how we handle your personal information, including how long we retain the information, information about the NFI and how you can complain about our handling of your information, is available in our Privacy Notice which can be found on the Licensing Team’s webpage <https://www.westlothian.gov.uk/licensing>. A copy of our Privacy Notice is available on request by contacting the Licensing Team, email: licensingservices@westlothian.gov.uk, telephone: 01506 281632.

4

GUIDANCE NOTES - ITINERANT METAL DEALERS

1. If you have a seasonal base, please give details in answer to Question 1 “Home address/Contact address”.
2. **Tax Related Requirements**

**Legislative Background**

From 2 October 2023 the UK Government has brought in new tax-related requirements which apply to hire car driver licences, and how that will affect your application and what information you need to provide will depend on whether you are applying for a new licence or applying to renew an existing licence.

Schedule 23 to Finance Act 2011 (Data Gathering Powers) and Schedule 36 to Finance Act 2008 (Information and Inspection Powers), grant HMRC powers to obtain relevant information from third parties. This includes licensing bodies being required to provide information about licence applicants.

Even if you do not need to complete a tax check the Council are required to give you the following GOV.UK website addresses for HMRC guidance about tax registration obligations:

[www.gov.uk/register-for-self-assessment](http://www.gov.uk/register-for-self-assessment)

[www.gov.uk/corporation-tax](http://www.gov.uk/corporation-tax)

[www.gov.uk/income-tax/how-you-pay-income-tax](http://www.gov.uk/income-tax/how-you-pay-income-tax)

**Information for First Time Applicants**

If you are applying for a licence for the first time\*, you must read the HMRC guidance on what you need to do to be properly registered for tax in the future and provide confirmation that you have done so. You can find out more on the government webpage;

<https://www.gov.uk/guidance/confirm-your-tax-responsibilities-when-applying-for-a-taxi-private-hire-or-scrap-metal-licence>

\*Please note that if you are a new applicant and have held or currently hold the same type of licence anywhere in the UK within the 12 months preceding your application the law requires that you complete the tax check with HMRC referred to below that applies to renewal applications.

**Information on How to Renew an Existing Licence**

If you are applying to renew your existing licence you’ll need to complete an online tax check with HMRC prior to submitting your application. You can find out more on the government webpage; <https://www.gov.uk/guidance/complete-a-tax-check-for-a-taxi-private-hire-or-scrap-metal-licence>

You should be aware that failure to comply with the above requirement to complete the online tax check will prevent the Council from accepting your application.

Applicants can complete the tax check through the government website link above, and to complete that you will require a Government Gateway User ID and Password. You will only need to answer a few questions to tell HMRC how you pay any tax that may be due on income you earn from your licensed trade. If you do not already have a Government Gateway account, you must sign up to get one at the start of the process for completing the online tax check and a link to allow you to do that can be found on the webpage noted above.

When you’ve completed the tax check, you’ll get a 9-character code, tax check codes are valid for 120 days. You must note this code on your application form. We cannot proceed with your application until the tax check is completed and we have checked your code with HMRC. Please note we will not have access to information about your tax affairs.

If you are applying to renew a licence and fail to provide a valid tax check code your licence will expire on whichever of the following dates is the latest:

• 28 days after we request from you a valid tax check code

• the date your licence expires

1. If a licence is granted, the period of the licence will normally be 1 year.
2. Any person who in or in connection with the making of this application makes any statement which they know 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 not exceeding £2500. In relation to question 3, if there is doubt as to which offences are spent, applicants should seek legal advice before completing this form. Details of all of your convictions are available on payment of a fee from any police station. In terms of the Civic Government (Scotland) Act, 1982, for the purposes of this application the person signing the form is responsible for its contents.

5. **How do I submit my application?**

Applications may be lodged in two ways -

* **By email:** You shoulddownload a copy of the most recent version of the form from our website and complete it by typing the information into the boxes on the form. You must sign the form to confirm that the information is correct by typing your name in the declaration section at Q4. The council accepts this as a signature. You should then check that the form has been fully completed and email it along with any supporting documentation to licensingservices@westlothian.gov.uk in plenty of time before your licence is due to expire (if applicable). You will receive an emailed acknowledgement if it has been successfully delivered. Once your form and documents have been checked by the Licensing Team you will be emailed with information about how to make an online payment of the fee (unless no fee is applicable). Details of fees are available at the bottom of the webpage for each licensing scheme. Once your fee has been paid you will be emailed a site notice for immediate display, if applicable.
* **By post:** You shoulddownload a copy of the most recent version of the form from our website and complete it by hand and sign the form to confirm that the information is correct at the declaration section at Q4. You should then check the form has been fully completed and post it along with any supporting documentation and a cheque for the fee which is applicable to the Licensing Team, West Lothian Council, West Lothian Civic Centre, Howden South Road, Livingston EH54 6FF in plenty of time before your licence is due to expire (if applicable). Details of fees are available at the bottom of on the webpage for each licensing scheme.
* Please also provide a copy of your photocard driving licence or passport and proof of your current home address i.e. recent utility bill. The address given in the application form must match the ID documentation.

**APPLICATIONS CANNOT BE SUBMITTED AT THE CIVIC CENTRE OR AT ARROCHAR HOUSE**

1. Please ensure that this application is fully completed and that all required documents are lodged along with it. Incomplete applications will be returned for amendment and resubmission.

1. In addition, you must include a passport size photograph of yourself with your application which is used to produce an ID badge. Please tick the box to confirm this has been enclosed.
2. Once your application is complete it will be processed. You will receive an acknowledgement once your application is complete. We will then contact you once vetting is complete. Most applications are determined within 60 days but applications which require to be referred to the Licensing Committee for a decision will take longer to be determined. In the event of an application being refused or withdrawn after being processed, no refund of the application fee paid will be made.
3. To contact the Licensing Team please email licensingservices@westlothian.gov.uk or call 01506 281632. Please note if you are directed to our voicemail, please leave a message with your name and number and we will phone you back. Please note that the team cannot provide advice as to whether a licence is required. Applicants should seek legal advice from a solicitor or advice centre.