



WINDOW CLEANING LICENSING UNDER THE CIVIC GOVERNMENT (SCOTLAND) ACT 1982

NOTES FOR GUIDANCE

The following notes are a brief outline of the requirements for Window Cleaner Licences under the above Act. They should be treated as **guidelines only and not an authoritative statement of law**. They do not purport to be more than a guide to the main provisions of the Act in order that would be applicants may consider if they need to apply for a Licence. Applicants are recommended to study the relevant provisions of the Act and obtain any further advice from their Solicitor.

1 INTRODUCTION

In accordance with the Civic Government (Scotland) Act 1982 a Window Cleaner's Licence, issued by The Highland Council as licensing authority, is required for carrying on the trade of, or being employed as, a window cleaner in the Highland Council Area. **Each individual window cleaner requires to be separately licensed.**

2 INSURANCE

All Licence holders are required to be insured for third party indemnity to the value of at least £2m.

3 IDENTIFICATION BADGE

You will be issued with an identification badge which must be kept clean and legible. Should this become lost or become defaced or illegible you should obtain a replacement from the Council on payment of the appropriate fee which can be found on the Council's website, see link below

http://www.highland.gov.uk/info/1125/licences_permits_and_permissions/306/licence_application_fees

4 CONDITIONS

The Licence holder will be required to comply with the standard conditions attached to these Notes which will form part of the Licence being granted.

5 DETERMINATION OF AND DURATION OF LICENCES

- (i) **Full licences:** a licence will normally be issued after the elapse of 28 days from receipt of an application. In certain circumstances, eg where objections have been received, applications can take considerably longer to be determined. A Licence shall remain in force, unless previously suspended or revoked, for a period of three years from the date from when it comes into force, or such shorter period as the Council thinks fit. The Licence is not normally transferable.
- (ii) **Temporary Licences:** application may be made for a temporary licence which on being granted by the Council may have effect for a period not exceeding 6 weeks. A temporary licence is not capable of being renewed, but where application has also been made for a full licence for the same activity, the temporary licence, if granted, shall continue to have effect until the application for the full licence has been determined. Temporary licences may be granted earlier than the 28 day period specified for a full licence and the fee for a temporary licence can be found on the Council's website, see link below

http://www.highland.gov.uk/info/1125/licences_permits_and_permissions/306/licence_application_fees

- (iii) **Determination Period:** The Council have 6 months (9 months from 1st May 2017) in which to determine an application for a licence under the Civic Government (Scotland) Act 1982. If an application cannot be determined by officers using delegated powers and the 6 month (or, from 1st May 2017, 9 month) deadline is approaching then the application may require to be submitted to the Council's Highland Licensing Committee for their consideration. The Committee have the power to grant or refuse applications for a licence.

6 LICENCE TO BE RETAINED

The Licence must not be altered, erased or defaced in any way, must be kept clean and legible and must not be lent to or used by any other person. Should the Licence be lost or become defaced or illegible the Licence holder shall obtain a replacement from the Council on payment of the appropriate fee, which can be found on the Council's website, see link below

http://www.highland.gov.uk/info/1125/licences_permits_and_permissions/306/licence_application_fees

The Licence holder shall produce his/her Licence within five days of being requested to do so by a Police Officer or an authorised Officer of the Council or the Fire Authority.

7 RETURN OF LICENCE

A Window Cleaner shall deliver his/her Licence and Identification Badge to the Council:-

- (a) upon ceasing to act or trade as a Window Cleaner;
- (b) within seven days of receiving notice of the coming into effect of a decision of the Council to suspend or vary the terms of the Licence, or the decision of a Court to revoke it.

8 NOTIFICATION OF CONVICTIONS OR MATERIAL CHANGE OF CIRCUMSTANCES

A Window Cleaner shall notify the Council as soon as is reasonably practicable with **any convictions or other material change** in circumstances affecting him/her or the activity to which the Licence relates, including any particulars referred to in the application for grant or latest application for renewal of the Licence. **If in doubt, notify Council** of any changes affecting any persons named in the application form since completion of the form

9 APPLICATION FORM AND FEES

Application forms are available from Council Offices or Service Points.
Applications can also be made on-line at

http://www.highland.gov.uk/info/1125/licences_permits_and_permissions/300/trade_and_industry_licences/8

You should take care in completing the application form to list, subject to the terms of the Rehabilitation of Offenders Act 1974, all convictions against you. If you are in doubt as to whether or not to list a conviction you should seek independent advice on this matter. In order to apply for a licence, the application form must be returned along with the appropriate fee which can be found on the Council's website, see link below

http://www.highland.gov.uk/info/1125/licences_permits_and_permissions/306/licence_application_fees

The following documentation must be submitted before the licence can be issued:

- Insurance Certificate (minimum indemnity £2m.) -
- 2 Passport Photographs.

Your application will be referred to the Police and Council's Community Services for comment.

Please note that the fee which is paid on submission of your application will not be refunded if your application is refused or withdrawn.

10 PRIOR REFUSAL

Please note that if you have applied for and been refused an application for a Window Cleaner's Licence in one Area of The Highland Council then, unless your circumstances have altered, you will be unlikely to be granted an application made in another Highland Council Area.

If refused, you cannot apply for the same kind of licence in respect of the same activity or for the same premises, within one year of that refusal unless there has been a material change in circumstances.

11 HEARINGS

Occasionally, and always if there is an objection to the granting of a Licence, a Hearing of the Area Committee of the Council will be held to decide whether or not a Licence should be granted. If the application is to be referred to a Hearing you will be invited to attend and notified in writing of the date, time and venue. A further appeal lies to the Sheriff Court.

12 OFFENCES

The following are criminal offences liable, on summary conviction, to a fine:-

- (a) Carrying on an activity for which a Licence under the Civic Government (Scotland) Act 1982 is required without such a Licence;
- (b) Failing to comply with a Condition of a Licence;
- (c) Failing to notify the Council of a material change in the circumstances of a Licensee;
- (d) Failing to obtain the consent of the Council before making any material change to any premises, vehicle or vessel to which the Licence relates;
- (e) Failing to surrender the Licence (1) after it has been superseded or (2) when the Licensee has given up the activity to which it relates;
- (f) Failing to disclose convictions in the Application Form;
- (g) Making a false statement when filling in the Application Form.

The above list is not exhaustive and reference should be made to the Civic Government (Scotland) Act 1982 for all offences under the Act.