GUIDANCE NOTES
for
WINDOW CLEANERS' LICENCES

Civic Government (Scotland) Act 1982

Disclaimer

These notes have been prepared as an outline of the licensing provisions in connection with window cleaning introduced by the Civic Government (Scotland) Act 1982. While every effort has been made to ensure accuracy, these notes are for general guidance only and do not constitute legal advice. It is the responsibility of applicants and licence holders to ensure that they comply with the provisions of the Act, any statutory instruments made thereunder, the conditions outlined in the schedule attached to your licence and any policy/ guidance notes issued by the Council.

THE APPLICATION FORM

The application is split into 5 sections

A. Personal Details
B. Licence Details
C. Insurance Details
D. Criminal Convictions
E. Residence Outside the UK

You must answer all of the questions as fully as you can as failure to do so may result in your application being returned to you. Your application will not be processed until you have provided all the necessary information.

A. PERSONAL DETAILS

It is essential that your full details are supplied on the application form so that necessary Police checks can be undertaken swiftly and so your application can be progressed as quickly as possible.

B. LICENCE DETAILS

Grant of a Licence - if you have never held a window cleaners licence before or you do not currently have such a licence you need to apply for the **grant** of a licence.

Renewal of a Licence - if you currently hold a window cleaners licence which has not expired but is due to expire then you need to apply for a **renewal** of the licence.

Full Licence - a full licence is generally granted for a period of 3 years although the licensing authority have the discretion to grant it for a shorter period.

If you are applying for the **grant of a licence** you are asked questions on the form as to whether you have previously held a licence in the United Kingdom or whether you have been refused such a licence previously. Please note it is very important that you complete these questions fully.

C. INSURANCE DETAILS

Under this section applicants who have their own business trading as a window cleaner and who may employ others are asked to provide details of their public liability insurance policy. You are also asked to produce a certificate or other proof of insurance cover when you lodge the application.

The Moray Council requires applicants who trade as window cleaners to have in force during the period of their licence a policy of public liability insurance of £5 million to cover the public, employees and property against injury or damage.

D. CRIMINAL CONVICTIONS

This section asks whether you have **ever** been convicted of **any** crime or offence. Please note that this includes any fixed penalties or driving convictions.

Although you are not required to disclose any convictions which are "spent" in terms of the Rehabilitation of Offenders Act 1974, the Police may raise an objection on the basis of any spent convictions you may have and the licensing authority may thereafter decide to consider these if they are determined to be relevant to your application.

If you think a conviction is spent you should seek independent legal advice. Failure to disclose convictions is a criminal offence and any applicant failing to disclose a conviction may be reported to the Procurator Fiscal with a view to prosecution.

E. RESIDENCE OUTSIDE THE UK

If you are making an application you, or anyone named in the application must provide evidence of your criminal history:

- **If you were born in the UK** but have lived in any other country within the ten years prior to your application for a continuous period of twelve months or more you must provide a Criminal Record Check for all those countries for the relevant period(s)

- **If you were born out with the UK** you must provide a Criminal Record Check from your country of origin for the time of residence there IF it was in the last ten years, unless you left that country without reaching the criminal age of responsibility. You must also provide a Criminal Record Check from any other country in which you have resided for a continuous period of twelve months or more in the ten years prior to application.

In all cases, the Criminal Record Checks provided must

- have been obtained within the six months immediately prior to submitting your application; and
- be translated into English; and
- be verified by the relevant UK-based Embassy or High Commission

Process for obtaining Criminal Record Checks:
https://www.gov.uk/government/publications/criminal-records-checks-for-overseasapplicants

Note: The certificate must be produced before the licence can be granted. Whilst it is desirable for the applicant to produce the certificate with the application, it is not a strict requirement. This is so any applicant having difficulties will not be disadvantaged by delays to processing the application. At the applicants choosing, the application can be accepted as valid without the convictions evidence but the evidence should be provided as soon as possible. In this way the convictions evidence will be a check rather than a validation. Applicants should still note, however, that the licence cannot be granted without the evidence having been produced. Therefore if the application is approaching the 9 month time limit without the evidence being produced, the application may be refused for failure to comply with administrative provisions.

If you are experiencing difficulties in obtaining a certificate then please contact the licensing team to discuss your options. It may be possible to accept alternative evidence, for example: evidence of checks having been carried out by another government body; affidavits; or character references.

In cases where it is not possible to provide any satisfactory evidence, the application will be referred to the Licensing Committee for a decision. Therefore the application may be delayed pending the outcome of a hearing.

GENERAL INFORMATION

You require to **sign** and **date** the declaration at the bottom of the application form. This is a very important part of the form and you should note that it is a criminal offence to make a false declaration for which you can be prosecuted and fined up to £2,500.

ID Documentation and Photograph

Please provide a photo, even if you have had your photo taken for a previous licence.

We have a duty to make sure that the information we hold about you is as up to date as possible, which includes an up-to-date photo.

Please also provide copies of your identification (ID) documents. We must be sure that the person in the photo is indeed the person that has applied for the licence. This is for your own security and the security of others. Your image and ID information will be stored on our systems in accordance with our published retention policies. Please see the table below for acceptable forms of ID.

If you are having difficulty in finding acceptance forms of ID, or if you are unable to provide your photo then please contact licensing staff for further guidance on 0300 123 4561.

Acceptable Forms of ID

Identity should be verified by obtaining on from A and one from B	
Part A: Evidence obtained to verify Name	**Part B: Evidence obtained to verify address**
Full UK/EU signed Passport	Bank/Building Society statement/passbook
Full UK/EU signed Driving Licence*	Utility bill (not mobile phone)
DSS Benefit Book/notification letter*	Council Tax Demand
Inland Revenue Tax Notification	Full UK/EU signed Driving Licence*
Marriage Certificate (if applicable)	DSS Benefit Book/Notification Letter*
Other – Specify	Other – Specify
*Can be used as evidence of name or address but not both	

Once you have completed the application form please submit with all supporting documents by e-mail: licensing@moray.gov.uk

or post to:

Moray Licensing Team
Moray Council
High Street
Elgin
IV30 1BX

SCHEDULE OF CONDITIONS

If your application is successful, it will be granted subject to certain conditions. These conditions will be contained in a Schedule of Conditions attached to your licence. The licensing authority may add additional conditions to your licence if there is reasonable cause for doing so.

FEES

Please refer to the Moray Council website for the list of current fees:
http://www.moray.gov.uk/moray_standard/page_111860.html

Please note: Licence fees are calculated on a cost recovery basis only. This means that, as far as possible, licence fees represent the actual cost to the Council of processing the licence application. Once a licence application has been processed, those costs have been incurred. If your application is refused or granted for a shorter period than you applied, the fee will not be refunded or reduced.

QUERIES

If you have any queries please e-mail licensing@moray.gov.uk or contact us on 0300 123 4561

APPLICATION CHECKLIST

Tick (✓)	Document Required
	Application Fee
	2 Forms of ID (See Guidance Notes) ○ Part A – Evidence obtained to verify Name ○ Part B – Evidence obtained to verify Address
	1 Digital Passport Style Photograph (for your ID Badge)
	Valid Public Liability Insurance Document(s) (Cover of at Least £5 million)
	Overseas Criminal Check (If applicable)

Please note, an application will not be processed until all necessary information has been provided and the fee paid. Unless and until a valid application is received, the application will not be considered to have been made at all.

Data Protection - The Moray Council / Licensing Board is the data controller for this process. Information about you on this form will be used to process your licensing application. In processing your application, the information may be shared between Council departments, other agencies and the public where necessary and/or in accordance with statute. The Council / Board has a duty to process your information fairly. Information we hold must be accurate, up to date, is kept only for as long as is necessary and is otherwise shared only where we are legally obliged to do so. You have a legal right to obtain details of the information that we hold about you. For full terms please visit *Licensing Privacy Statement*. For full Data Protection policy, information and rights please see *www.moray.gov.uk/dataprotection* .