



Application to become an Approved Body

This form should only be used by organisations applying for approval to receive and distribute SLCF contributions. Please do not use this form if you intend to undertake project work.

Please complete this form electronically and return to slcf@sepa.org.uk

If you would prefer to submit a paper form, please complete using BLOCK CAPITALS and send to:

SEPA
SLCF Team
Angus Smith Building
6 Parklands Avenue
Eurocentral
Holytown
North Lanarkshire
ML1 4WQ

Please also keep a copy for your records.

For further information, or if you have any questions on this form, please contact the SLCF Team on **01698 839000**, at slcf@sepa.org.uk or at <http://www.sepa.org.uk/environment/waste/scottish-landfill-communities-fund/>.

How we use your information

The Scottish Environment Protection Agency (SEPA) will be the data controller of the information you provide in this form.

SEPA was established under the Environment Act 1995 and is responsible for protecting and improving the environment. SEPA also has functions relating to Scottish landfill tax and is the regulator of the Scottish Landfill Communities Fund (the "Fund").

The information provided in this form will be processed by SEPA to assess your application for approval as an approved body in terms of regulation 29 of The Scottish Landfill Tax (Administration) Regulations 2015. Where your application is approved, the information will also be used in monitoring compliance with your obligations as an approved body, maintaining relevant public register(s) and otherwise discharging SEPA's regulatory obligations under the Regulations.

SEPA may also use your information:

- in exercising its other functions and powers in connection with the Scottish landfill tax, protecting and improving the environment
- to offer/provide you with literature/services and guidance relating to the Fund, the Scottish landfill tax and other environmental affairs
- to carry out statistical analysis, research and development on environmental and Scottish landfill tax issues
- to provide public register information to enquirers
- to investigate possible breaches of environmental and Scottish landfill tax law and taking any resulting action
- to prevent breaches of environmental and Scottish landfill tax law
- for the purposes of public consultations
- to assess customer service satisfaction and improving our service.

We may also share your information with (and obtain information about you from) public bodies such as Revenue Scotland, Scottish Government, the Police, HMRC, ENTRUST, the Health & Safety Executive, Local Authorities and the Emergency Services and organisations and agents that act for them. Any such data sharing will be for various purposes, such as making sure the information is accurate, to prevent or detect crime, to protect public funds and enabling the relevant public bodies to perform their statutory functions.

You should ensure that any persons named on this form are informed of the contents of this notice

Applicant details

1. Name of your organisation

2. Your organisation's trading name (if different from the one above)

3. Please identify from the list below the type of body your organisation is? (Please tick one from the list)

A body corporate	<input type="checkbox"/>	
A trust	<input type="checkbox"/>	
A partnership	<input type="checkbox"/>	
An unincorporated body	<input type="checkbox"/>	
Other	<input type="checkbox"/>	
If other, please state type		<input style="width: 100%; height: 15px;" type="text"/>

4. The date the organisation was incorporated or established

5. Your organisation's company number (if applicable)

6. Is the organisation VAT registered?

	Yes	No
	<input type="checkbox"/>	<input type="checkbox"/>
If VAT registered its registration number is		<input style="width: 100%; height: 15px;" type="text"/>

7. Does the organisation have charitable status?

	Yes	No
	<input type="checkbox"/>	<input type="checkbox"/>
If a charity, the charity number is		<input style="width: 100%; height: 15px;" type="text"/>

8. Does the organisation have a website?

	Yes	No
	<input type="checkbox"/>	<input type="checkbox"/>
URL		<input style="width: 100%; height: 15px;" type="text"/>

9. Your organisation's registered / principal address

Address	<input style="width: 100%; height: 40px;" type="text"/>
Town	<input style="width: 100%; height: 15px;" type="text"/>
County	<input style="width: 100%; height: 15px;" type="text"/>
Post code	<input style="width: 100%; height: 15px;" type="text"/>
e-mail	<input style="width: 100%; height: 15px;" type="text"/>

10. Contact address to which communication to the organisation should be sent, if different to the registered / principal address

Address	<input style="width: 100%; height: 40px;" type="text"/>
Town	<input style="width: 100%; height: 15px;" type="text"/>
County	<input style="width: 100%; height: 15px;" type="text"/>
Post code	<input style="width: 100%; height: 15px;" type="text"/>
e-mail	<input style="width: 100%; height: 15px;" type="text"/>

Main contact details

11. Details of main contact

Title	
Forename	
Surname	
Occupation / role	
Address	
Town	
County	
Post code	
e-mail	
Telephone	

- | | | |
|--|--------------------------|--------------------------|
| | Yes | No |
| 12. Are you a director/board member or trustee of this organisation? | <input type="checkbox"/> | <input type="checkbox"/> |
| 13. Do you have the right to vote in a committee meeting? | <input type="checkbox"/> | <input type="checkbox"/> |

Your organisation's governance

- | | | |
|--|---------------------------------|--------------------------------|
| 14. Is your organisation controlled or managed by any of the following? | Yes | No |
| A local authority | <input type="checkbox"/> | <input type="checkbox"/> |
| A body corporate controlled by one or more local authorities | <input type="checkbox"/> | <input type="checkbox"/> |
| A landfill operator registered with Revenue Scotland | <input type="checkbox"/> | <input type="checkbox"/> |
| A person connected with any of the above | <input type="checkbox"/> | <input type="checkbox"/> |
| 15. Is your organisation controlled or managed by any of the following? | Yes | No |
| A person who controlled or managed an Approved Body whose approval was forcibly revoked | <input type="checkbox"/> | <input type="checkbox"/> |
| A person who has been convicted of an indictable offence | <input type="checkbox"/> | <input type="checkbox"/> |
| A person who is disqualified from being a charity trustee under the Charities and Trustees Investment (Scotland) Act 2005 or any such disqualification | <input type="checkbox"/> | <input type="checkbox"/> |
| A person connected with any of the above | <input type="checkbox"/> | <input type="checkbox"/> |
| A person who is incapable of reason by mental disorder | <input type="checkbox"/> | <input type="checkbox"/> |
| 16. Do you have a written governing document?
(please enclose a copy with this application). | Yes
<input type="checkbox"/> | No
<input type="checkbox"/> |
| 17. Your organisation must be 'not for profit'. Do you operate on this basis? | Yes
<input type="checkbox"/> | No
<input type="checkbox"/> |
| 18. Your organisation must not apply any of its resources for the benefit of landfill operators or third party contributors to the fund. Do you have a system to ensure this doesn't happen? | Yes
<input type="checkbox"/> | No
<input type="checkbox"/> |

19. What date does your financial year end?
(e.g. 31 March) [Grey box]
20. Have you read and understood SEPA’s “Standard Conditions of Approval for Approved Bodies” and confirm you will be able to comply with the conditions? Yes No

Directors / trustees details

21. Please confirm the number of directors/trustees who make up your organisation’s management committee.

[Grey box]

22. Please list below all current serving directors or trustees.
(If you require further space, please continue on a separate sheet)

Title Forename Surname Occupation e-mail	
Title Forename Surname Occupation e-mail	
Title Forename Surname Occupation e-mail	
Title Forename Surname Occupation e-mail	
Title Forename Surname Occupation e-mail	
Title Forename Surname Occupation e-mail	

Declaration

23. To the best of my knowledge and belief, the information in this form is true. I understand that the information provided in this form will be processed for the purposes described on the first page of this application ("How we use your information") and I have ensured that any other persons named on this form are aware that their information will also be processed for these purposes. I am authorised to sign this declaration:

Your signature

Your name

Your job title

Date

Checklist

Have you:

- Signed the form?
 - Kept a copy of this form for your records?
 - Enclosed a signed copy of your governing document?
-

Completion guidance

The following notes should help you complete the form. Should you need further assistance, please contact SEPA as indicated on the front cover.

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Applicant details

- Q1 Please provide the name of the organisation as you would like it to appear on your approval.
- Q2 If your organisation has a trading name that is different to the one provided in Question 1, please tell us here.
- Q3 We need to know the type of organisation that is applying to us for Approved status. Regulation 29(1) (a) of The Scottish Landfill Tax (Administration) Regulations 2015 (<http://www.legislation.gov.uk/ssi/2015/3/contents/made>) lists the types of organisations that are eligible to become Approved Bodies.
- Q4 You should enter the date that your organisation was incorporated (this will be written on your Certificate of Incorporation from Companies House) or established. This allows a further check for SEPA on the status of your organisation.
- Q5 If your organisation is limited company or a limited liability partnership (LLP), you will have been issued a unique number upon incorporation with Companies House. Your company number will be displayed on your Certificate of Incorporation. This number will allow SEPA to check the status of your company as part of the approval process.
If you are an unincorporated body, you will not have a company number and should leave this question blank or may enter N/A.
- Q6 If you are registered with HMRC for VAT, please let us know here (including your VAT number). This gives SEPA another check on your organisation's status and gives an indication of your size / turnover.
- Q7 If your organisation has been granted charitable status by the Scottish Charity Regulator (OSCR), please let us know here (including your charity number). This gives SEPA another check on your organisation's status and gives an indication of your organisation's governance.
- Q8 Please provide the URL (web address) of your organisation's website if you have one.
- Q9 Please provide the registered / principal address for your organisation.
- Q10 If your contact address is different to your registered address, please tell us here. If you leave this question blank, all correspondence will be sent to the registered address.

Main contact details

- Q11 Please provide the details of the person who you would like to be the main point of contact for your organisation. This is the person who SEPA will contact about routine issues of approval and continued compliance. If you would like to nominate more than one person as your main contact, please continue on a separate sheet.
- Q12 We would like to know the status of the main contact person(s) and the position they have
+ within the organisation.
Q13

Your organisation's governance

- Q14 To assess your application for approval, we need to know if any of the persons and bodies
+ listed in the question, have any management or control of your organisation. Regulations
Q15 29(1)(f), 29(1)(g) and 29(2) of The Scottish Landfill Tax (Administration) Regulations 2015 specifically exclude any of these organisations from having control or management of Approved

Bodies.

- Q16 SEPA expect all Approved Bodies to operate under a written Governing Document. This document should explain how your organisation is run. Your governing document should include:
- A clause confirming that your organisation operates on a not-for-profit basis and will not distribute income or profit to its members (this proof is not required for registered charities);
 - A clause confirming that your organisation’s aims matches all of the Objects of the SLCF;
 - A clause confirming that all SLCF money received by your organisation will be spent on activities that are compliant with the Objects of the SLCF;
 - A clause confirming the number of people who constitute a quorum (so we can check that neither a Local Authority nor a landfill operator can form a majority when only the quorum is present to vote);
 - A clause confirming that SLCF funds will not be spent in a way which provides a unique benefit to either a landfill operator which has provided SLCF funds to your organisation, or to a third party who has made a payment to a landfill operator to enable SLCF funds to be provided to your organisation as an Approved Body;
 - A clause confirming who has the casting vote on any issue relating to the SLCF;
 - A clause detailing how you will enrol projects and allocate funding;
 - A clause confirming whether the directors/trustees can change the governing document, including its objects (‘amendment provisions’); and
 - A clause confirming that in the event of dissolution, surplus assets will not be distributed amongst the organisation’s members and that any remaining SLCF money will remain within the SLCF. (‘dissolution provisions’)

If your organisation’s governing document does not already include these clauses then we will require you to alter the governing document to include them. You should provide a full, signed copy of your governing document with your application. If submitting your application electronically, it is acceptable for the governing document to be scanned and sent electronically. If you prefer, you may forward a paper copy of your governing document to SEPA.

- Q17 Regulations 29(1)(c) and 29(1)(d) and 29(2) of The Scottish Landfill Tax (Administration) Regulations 2015 preclude Approved Bodies from distributing profit / income and require any profit or income to be spent on the organisation’s objects. SEPA must be assured that your organisation will operate on this basis.
- Q18 Regulation 29(1)(e) of The Scottish Landfill Tax (Administration) Regulations 2015 preclude Approved Bodies from using any SLCF money to benefit landfill operators or contributing third parties. SEPA must be assured that your organisation will operate on this basis.
- Q19 You will have to submit an independently audited financial accounts to SEPA within 14 days of us requesting them. We can only request the report 10 months after the end of your financial year. We need to know when your financial year ends so that we know when we can request your accounts.
- Q20 To maintain approval, your organisation will have to comply with the “Conditions of Approval” set by SEPA (available from the Revenue Scotland Website <https://www.revenue.scot/scottish-landfill-tax/scottish-landfill-communities-fund/approved-bodies>). Before applying to be an Approved Body, please make your directors/trustees aware of the requirements of the conditions of approval. SEPA will use this document as the basis for compliance checks on all approved bodies.

Directors / trustees details

- Q21 SEPA needs to know the details of all the directors/trustees so that we can ensure they are appropriate to run an Approved Body. As detailed in questions 13 and 14, there are certain persons who can not be in control or management of Approved Bodies.

Declaration

- Q23 You must ensure that the person signing this declaration is legally allowed to do so as a representative of your organisation. If you have multiple people who need to sign the form, please continue on a separate sheet. The “How we use your information” section on page one of the form explains what the information provided in this form will be used for. You should make any other persons named on this form aware that their information will also be used for these purposes.

Checklist

Before submitting this form, please ensure that you have completed all questions relevant to your particular organisation. You should keep a copy of the form for your records. You must enclose a full copy of your governing document.

What's next?

Upon receipt of a valid application (i.e. all information has been provided as requested), SEPA will send you a letter confirming receipt. SEPA will then assess your application and determine whether your organisation qualifies for Approved Body status. You should have your decision within 15 working days of receipt.

If your application has been successful, you will be sent a Notice of Approval and a schedule containing your Conditions of Approval. You must comply with these conditions and the relevant requirements of the Scottish Landfill Tax (Administration) Regulations 2015 to maintain your Approved Body status. Where there is any conflict between the conditions and the regulations, the requirements of the regulations shall take precedence. SEPA will visit you periodically to check your compliance.

The register of Approved Bodies (available from the SEPA website <http://www.sepa.org.uk/media/162525/register-of-approved-bodies.pdf>) will be updated with your details. This Register will be displayed on SEPA's website. The register will include your Approved Body registration number, your organisation's name, your organisation's contact details (or web address where available), your organisation's status (approved / revoked) and the status date (date status changed).

Should you be unsuccessful in your application, SEPA will write to you explaining why, detailing your rights of appeal and who you should contact.