



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 read the Completion Notes at the end of the form.

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 keep a copy for your records.

If you have any questions about the SLCF please contact the SLCF Team on 01698 839000, at slcf@sepa.org.uk or in writing at the above address. Information is also available on the SEPA website: <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 monitor compliance with your obligations as an Approved Body, maintain the published register of Approved Bodies, collate and publish SLCF statistics and in 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 published 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; or
- to assess customer service satisfaction and improve our service.

We may also share your information with (and obtain information about you from) public bodies such as Revenue Scotland, the 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 Trading name (if different from the one above):
- 3 Type of organisation? Please tick one option:

| | |
|------------------------|--------------------------|
| 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:
- 4 The date the organisation was incorporated or established:
- 5 Organisation's company number (if applicable):
- 6 Organisation's VAT registration number (if applicable):
- 7 Organisation's charity number (if applicable):
- 8 Website URL (if applicable):
- 9 Organisation's registered / principal address:

| | |
|-----------|---|
| Address | <input style="width: 100%; height: 15px;" 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"/> |

SEPA corresponds by email unless you request otherwise. If approved, your approval notification will be issued by email with a hard copy posted to your registered/principal address.

Contact Details

10 Main contact details:

| | |
|-----------------------|--|
| Title: | |
| Forename: | |
| Surname: | |
| Role in organisation: | |
| Address: | |
| Town: | |
| County: | |
| Post code: | |
| e-mail: | |
| Telephone: | |

- | | Yes | No |
|--|--------------------------|--------------------------|
| 11 Is the main contact a Director, Board member or Trustee of this organisation? | <input type="checkbox"/> | <input type="checkbox"/> |
| 12 Do they have the right to vote in a committee meeting? | <input type="checkbox"/> | <input type="checkbox"/> |

Please advise SEPA of any other individual you wish to use as a contact for this application in a covering letter.

Governance

| | Yes | No |
|--|--------------------------|--------------------------|
| 13 Is your organisation controlled or managed by any of the following? | | |
| • 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"/> |
| 14 Is your organisation controlled or managed by any of the following? | | |
| • 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"/> |
| 15 Do you have a written governing document? Please enclose a copy with this application. | <input type="checkbox"/> | <input type="checkbox"/> |

SEPA requires written evidence of points 16 – 25.

You can provide evidence by way of a statement in your governing documents (GD) or in a supporting letter from your organisation's Board submitted with this application.

Please indicate if you are submitting evidence in your governing document or a letter.

| | | GD | Letter |
|----|--|--------------------------|--------------------------|
| 16 | Your organisation must be 'not for profit'. Evidence is not required for registered charities. | <input type="checkbox"/> | <input type="checkbox"/> |
| 17 | Your organisation must not distribute income or profit to its members. Evidence is not required for registered charities. | <input type="checkbox"/> | <input type="checkbox"/> |
| 18 | Your organisation's aims or objectives must match all of the Objects of the SLCF (<i>Regulations 29(1)(b) and 29(5)</i>). | <input type="checkbox"/> | <input type="checkbox"/> |
| 19 | All SLCF money received by the organisation will be spent on the objects of the AB (<i>Regulations 29(1)(d) and 30(c)</i>). | <input type="checkbox"/> | <input type="checkbox"/> |
| 20 | Your organisation must not apply any of its resources for the benefit of contributing landfill operators or third party contributors to the fund (<i>Regulations 29(1)(e) & 30(1)(d)</i>). | <input type="checkbox"/> | <input type="checkbox"/> |
| 21 | In the event of dissolution, surplus SLCF assets must not be distributed amongst your organisation's members. Any remaining SLCF money must remain within the SLCF; i.e. be returned to the contributing LO or transferred to another AB ('dissolution provisions'). | <input type="checkbox"/> | <input type="checkbox"/> |
| 22 | How will your organisation enrol projects and allocate funding? (<i>Regulation 29(15)</i>). If you have a system in place please provide details. | <input type="checkbox"/> | <input type="checkbox"/> |
| 23 | How many people constitute a quorum? | <input type="text"/> | |
| 24 | Who (if anyone) has the casting vote on SLCF issues? Name: <input type="text"/> Role: <input type="text"/> | | |
| 25 | Who can make changes to your governing document, including the aims or objectives ('amendment provisions')? Name: <input type="text"/> Role: <input type="text"/> Name: <input type="text"/> Role: <input type="text"/> | | |
| 26 | What date does your financial year end? (e.g. 31 March) | <input type="text"/> | |

- 27 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

- 28 Please confirm the number of directors/trustees who make up your organisation's management committee.

- 29 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

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Declaration

30 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?
- Enclosed supporting evidence, if applicable? Number of pages enclosed

Completion Notes

These notes should help you complete the form. Should you need further assistance, please contact SEPA on 01698 839000 or slcf@sepa.org.uk.

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, you should contact Approved Bodies directly.

Applicant Details

- Q1 Please provide the name of the organisation as you would like it to appear on your approval notice.
- Q2 Please tell us your organisation's trading name if it differs to the one provided in Q1.
- 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. Please tick one option.
- 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 by stating your VAT number. This gives SEPA another check on your organisation's status and gives an indication of your size / turnover. If you are not registered for VAT, please enter N/A here.
- Q7 If your organisation has been granted charitable status by the Scottish Charity Regulator (OSCR), please let us know by stating your charity number. This gives SEPA another check on your organisation's status and gives an indication of your organisation's governance. If you are not a registered charity, please enter N/A here.
- Q8 Please provide the URL (web address) of your organisation's website if you have one. If you do not have a website, please enter N/A here.
- Q9 Please provide the registered / principal address for your organisation.

Main contact details

- Q10 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.
- Q11 We would like to know the status of the main contact person(s) and the position they have
+
Q12 within the organisation.

Governance

- Q13 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 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.
- Q14 +
- Q15 SEPA expects 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 or objectives 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 or not 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 details, you should alter the governing document to include them or submit a supporting letter from your Board covering any missing information. You must 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.

- Q16 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.
- Q17 Regulation 29(1)(e) of The Scottish Landfill Tax (Administration) Regulations 2015 precludes 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.
- Q18 Regulation 29(1)(b) and 29(5) of The Scottish Landfill Tax (Administration) Regulations 2015 requires your organisation's aims to match all of the objects of the SLCF. We need to know that your organisation will support all objects of the fund.

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- Q19 Regulation 29(1)(d) and 30(c) of The Scottish Landfill Tax (Administration) Regulations 2015 requires that all SLCF money received by the organisation will be spent on the objects of the AB. We need to know how you will do this.
- Q20 Regulation 29(1)(e) and 30(1)(d) of The Scottish Landfill Tax (Administration) Regulations 2015 states that approved bodies must not apply any of its resources for the benefit of contributing landfill operators or third party contributors to the fund. We need to know how you will do this.
- Q21 We need to know what your organisation will do in the event of dissolution. Surplus SLCF assets must not be distributed amongst your organisation’s members and any remaining SLCF money must remain within the SLCF; i.e. be returned to the contributing LO or transferred to another AB (‘dissolution provisions’). SEPA needs to know how you will ensure this happens in the event of dissolution.
- Q22 SEPA needs to know how funding decisions will be made within your organisation.
- Q23 SEPA may look closely at funding decisions made by the Board. WE need to know how many people constitute a quorum so we can ensure decisions made abide by your constitution and also that Landfill Operators or Local Authorities do not have a controlling influence on decision making.
- Q24 SEPA needs to know who (if anyone) has a casting vote on tied decisions. This is to ensure that Landfill Operators or Local Authorities do not have a controlling influence on decision making.
- Q25 SEPA needs to know who can make changes to your governing document. This is to ensure that Landfill Operators or Local Authorities do not have a controlling influence on decision making.
- Q26 You will have to submit independently audited financial accounts to SEPA within 14 days of us requesting them. We can only request your accounts 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.
- Q27 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

- Q28 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 14 and 15, there are certain
- + Q29 persons who can not be in control or manage Approved Bodies. If you have more than 7 Directors/Trustees, please provide information on a separate sheet.

Declaration

- Q30 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. We aim to let you know our 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 (<http://www.sepa.org.uk/media/162525/register-of-approved-bodies.pdf>) will be updated with your details. This Register will be published on SEPA's website. The register will include your Approved Body registration number, your organisation's name, your organisation's contact details, your web address where available, your organisation's status (approved / revoked) and the date your status was changed.

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