

# SCRAP METAL DEALERS ACT 2013

## APPLICATION FOR A SITE LICENCE



A site licence authorises the licensee to carry on business at any site in the authority's area which is identified in the licence.

SECTION 1. TYPE OF APPLICATION		
Are you applying as (please tick):		
An individual <input type="checkbox"/> A company <input type="checkbox"/> A partnership <input type="checkbox"/>		
Business trading name (if applicable):		
Is this application for a new licence or a renewal (please tick the relevant box)		
New licence <input type="checkbox"/> Renewal of an existing licence <input type="checkbox"/>		
If 'yes' please provide your existing licence number:		
SECTION 2. PERMITS, REGISTRATIONS AND LICENCES IN FORCE		
Please provide details of any other relevant environmental permit, exemption or registration (such as a scrap metal dealer or motor salvage operator) in relation to the application:		
Type:	Identifying number:	Date of issue:
Type:	Identifying number:	Date of issue:
<i>Continue on another sheet if necessary</i>		
Please provide details, including a licence number, of any other scrap metal licence issued by any authority to the applicant within the last three years		
<i>Continue on another sheet if necessary</i>		

**SECTION 3. APPLICANT DETAILS**

**DETAILS OF PROSPECTIVE LICENCE HOLDER**

<b>TITLE</b> (please tick) Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other <input type="checkbox"/> Other (please state):	Is the applicant aged 18 or over? Yes <input type="checkbox"/> No <input type="checkbox"/> Date of birth:
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Surname:	Forenames:
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Position / role in the business:

I attach a Basic Disclosure Certificate issued for the applicant by Disclosure Scotland:  
Yes  No   
If you do not provide a disclosure certificate your application may be delayed or rejected.

**BUSINESS ADDRESS** *This is my preferred correspondence address*

**HOME ADDRESS** *This is my preferred correspondence address*

**CONTACT TELEPHONE NUMBERS**

Daytime: \_\_\_\_\_ Mobile: \_\_\_\_\_  
Evening: \_\_\_\_\_

**EMAIL ADDRESS**

*Please note that you must still provide a postal address*

**BUSINESS WEBSITE ADDRESS** (if applicable):

**SITE DETAILS**

Please list the details for each site where you propose to carry out business as a scrap metal dealer in the Borough. Please provide further details on a separate sheet if you operate additional sites.

**SITE 1 – SITE DETAILS**

Address:

Telephone number:

Email address:

Website address:

**SITE 1 – SITE MANAGER(S) DETAILS**

Name:

Address:

Date of birth:

Basic Disclosure certificate enclosed?

Yes  No 

Is the above site a...

Scrap metal yard  Scrap metal store  Office  Other (please specify below) **SITE 2 – SITE DETAILS**

Address:

Telephone number:

Email address:

Website address:

**SITE 2 – SITE MANAGER(S) DETAILS**

Name:

Address:

Date of birth:

Basic Disclosure certificate enclosed?

Yes  No 

Is the above site a...

Scrap metal yard  Scrap metal store  Office  Other (please specify below)

**PARTNERSHIPS**

*If you are applying as a partnership, please provide the following details in respect of each partner – if there are more than two partners please continue on a separate sheet*

Full name:

Full name:

Residential address:

Residential address:

Date of birth:

Date of birth:

Basic Disclosure certificate enclosed?

Basic Disclosure certificate enclosed?

Yes  No Yes  No **COMPANIES**

*If you are applying as a company, please provide the details set out below.*

Company name:

Company number:

Address of the registered office:

*Please provide the following details for each director(s), shadow director(s) and company secretary where these are different from the applicant and site manager(s). Please continue on a separate sheet if necessary.*

Role:

Name:

Address:

Date of birth:

Basic Disclosure certificate enclosed?

Yes  No

Role:

Name:

Address:

Date of birth:

Basic Disclosure certificate enclosed?

Yes  No

**SITES IN OTHER AREAS**

*Please provide details of any site in the area of any other local authority at which the applicant carries on business as a scrap metal dealer or proposes to do so. Please continue on a separate sheet if necessary.*

Scrap metal yard  Scrap metal store  Office  Other (please specify below)

Address:

Local licensing authority:

**GENERAL SITE INFORMATION**

Do you have planning permission for the sites operated?  
*Only applicable to sites established after 1 November 1990*

Yes  No

What security arrangements exist to prevent the unlawful purchase, sale or theft of scrap metal?

Please detail the arrangements to be used to record sales, storage and purchase of scrap metal.

**SECTION 4. MOTOR SALVAGE OPERATORS**

Will your business consist of acting as a motor salvage operator? This is defined as a business that:

- Wholly or in part recovers salvageable parts from motor vehicles for re-use, re-sale, and then sells the rest of the vehicle for scrap;
- Wholly or mainly involves buying written-off vehicles and then repairing and selling them off; and
- Wholly or mainly buys or sells motor vehicles for the purpose of salvaging parts from them or repairing them and selling them off.

Yes  No

**SECTION 5. BANK ACCOUNTS THAT WILL BE USED FOR PAYMENTS TO SUPPLIERS**

The Scrap Metal Dealers Act 2013 makes it an offence to pay for scrap metal in cash. Please provide details of the bank account(s) that will be used to make payments to suppliers, in accordance with S12 of the Scrap Metal Dealers Act 2013. If more than two bank accounts are used, please continue on a separate sheet.

Account name:	Account name:
Sort code:	Sort code:
Account number:	Account number:

**SECTION 6. CRIMINAL CONVICTIONS**

Have you, any listed partners, any listed directors, or any listed site manager(s) in this application ever been convicted of a relevant offence or been the subject of any relevant enforcement action? *(Please see the guidance notes for a list of relevant offences. **Convictions previously disclosed must be disclosed again** )*

Yes  No

If 'yes' you must provide details for each conviction, the date of the conviction, the name and location of the convicting court, offence of which you were convicted and the sentence imposed:

Have you, any listed partners, any listed directors, or any listed site manager(s) in this application ever been convicted of a fraud, theft or environmental offence outside of the jurisdiction of the United Kingdom?

Yes  No

If 'yes' you must provide details for each conviction, the date of the conviction, the name and location of the convicting court, offence of which you were convicted and the sentence imposed:

## SECTION 7. DECLARATION

I declare that I have (please tick):

- Completed this form to the best of my knowledge
- Read the accompanying guidance notes
- Understood my obligations under the Scrap Metal Dealers Act 2013
- Enclosed a cheque for the licence fee (**£300**) payable to the "Borough of Broxbourne"
- Enclosed 'basic disclosure' certificates for those persons detailed in this application

I declare that the information contained in this form is true and accurate to the best of my knowledge and belief. I understand that if I make a material statement knowing it to be false, or if I recklessly make a material statement which is false, I will be committing an offence under Schedule 1 Para 5 of the Scrap Metal Dealers Act 2013, for which I may be prosecuted, and if convicted, fined.

I understand that the local authority to whom I make my application may consult other agencies about my suitability to be licensed as a scrap metal dealer, as per section 3(7) of the Scrap Metal Dealers Act 2013, and that those other agencies may include other local authorities, the Environment Agency, the Natural Resources Body for Wales, and the police. I understand that the purpose of the sharing of this data is to form a full assessment of my suitability to be licensed as a scrap metal dealer. I also understand that the sharing of information about me may extend to sensitive personal data, such as data about any previous criminal offences, and I hereby expressly consent to this processing of my data. If my application is successful, I understand that my details will be published on the national register of scrap metal dealers maintained by the Environment Agency and agree to pay the Council any fee charged in relation to the administration of this register.

Signed  
(applicant)

Date

*All other persons named on this form should also sign and date below to indicate that they agree to the above declaration.*

## SECTION 8. OFFICE USE ONLY – PLEASE LEAVE BLANK

**Date application received:**

**Status of application: (please tick)**

Approved  Declined

**If approved, details sent to national register?**

Yes  No

**Date of decision:**

**Signature of proper officer:**

**Licence number:**



# SCRAP METAL DEALERS ACT 2013

## GUIDANCE NOTES



### Introduction

The Scrap Metal Dealers Act 2013 replaces the previous registration system for scrap metal dealers created by the 1964 Scrap Metal Dealers Act. The Act also extends the definition of a scrap metal dealer to include motor salvage operators. All scrap metal dealers and motor salvage operators are required to register under the Scrap Metal Dealers Act 2013.

These guidance notes have been produced to help scrap metal dealers understand their obligations under the Scrap Metal Dealers Act 2013 and complete the attached licence application. These guidance notes should not be considered as a full guide to the Scrap Metal Dealers Act 2013. Further information is available from the British Metal Recycling Association website at the following link: [http://www.recyclemetals.org/about\\_metal\\_recycling](http://www.recyclemetals.org/about_metal_recycling)

### Why has a new Act been introduced?

The Government has introduced the Scrap Metal Dealers Act 2013 to counter the problem of metal theft, which is considered to be a growing problem in the United Kingdom. The current legislation is considered to be ineffective at dealing with metal theft, and therefore the Act has been introduced to modernise the regulation of the scrap metal industry. The legislation is intended to support legitimate dealers by making it more difficult for those intent on dealing stolen metal.

### How is the new Act different from the previous legislation?

The Scrap Metal Dealers Act 2013 differs in many ways from the 1964 Scrap Metal Dealers Act and the Vehicles (Crime) Act 2001. The new Act requires an enhanced applications process, and many scrap metal dealers will be required to disclose relevant convictions for the first time. Local authorities have been given new powers to refuse or revoke applications, and the police and local authorities now have enforcement powers to enter and inspect sites.

The Act has also created two types of licence, a national public register of scrap metal dealers and has made it a criminal offence for any scrap metal dealer to purchase metal with cash.

### What is required of licensed scrap metal dealers?

- Dealers with a site licence must display a copy at each licensed site, in a prominent place that is accessible to the public
- A scrap metal dealer must not receive scrap metal from a person without verifying the person's full name and address. This should be verified via a photo-card identification document, such as a passport or driving licence, and a supporting document such as utility bill or bank statement.
- Scrap metal dealers must not pay for scrap metal in cash. Dealers should instead pay for scrap metal by cheque or electronic bank transfer.
- Scrap metal dealers must keep accurate records of any metal received; including:
  - The description of the metal, including its type (or types if mixed), form, condition, weight, any marks indicating previous owners or other distinguishing features
  - The date and time of its receipt
  - If the metal is delivered by vehicle, the registration details of the vehicle
  - The full name and address of the person the metal is received from
  - The full name of the person who makes the payment on behalf of the scrap metal dealer

- A copy of any document the used to verify the identity of the person metal is received from
- A copy of the cheque or receipt issued in paying for the metal.
- If the scrap metal dealer disposes of metal, scrap metal dealers must keep a record of:
  - The date and time of its disposal
  - If the disposal is to another person, the full name and address of that person
- When metal is disposed by scrap metal dealers with site licenses, the dealer must also record:
  - A description of the metal, including its type (or types if mixed) form and weight
  - The price of the metal or other consideration received if the dealer receives a payment
- All records must be kept for a minimum of three years and be in a form which allows metal to be identified.
- It is a criminal offence to not fulfil these requirements. Any person found guilty of not fulfilling their requirements under the Scrap Metal Dealers Act may be fined.

### **What happens when an application is submitted?**

On receipt of an application, the Council will consider the information provided and may contact the applicant to ask for further information if required. The Council is then required to assess if applicants are suitable persons to hold a scrap metal dealers licence. The Council may liaise with the police, other local authorities and the Environment Agency as necessary.

If the applicant is considered a suitable person to hold a scrap metal dealers licence then the Council will issue a licence which will be posted to the applicant's preferred correspondence address. The licence will be valid for three years from the date of issue.

If the Council considers that the applicant may not be a suitable person to hold a licence then the application will be determined by the Licensing Applications Sub-Committee. The Council's elected members will then consider the application with regard to the relevant legislation and determine if an applicant is suitable to hold a scrap metal dealer's licence. Applicants will be notified if their application is to be considered by the Licensing Applications Sub-Committee and will be given the opportunity to submit representations to the Council.

If the applicant or site manager has a relevant conviction, the Council may impose the following conditions on the licence:

- The dealer must not receive scrap metal except between 9.00am and 5.00pm on any day
- All scrap metal received must be kept in the form it is received for a specified period, not exceeding 72 hours, beginning with the time it is received.

### **What happens if an application is declined, or is granted with conditions?**

Following a meeting of the Licensing Applications Sub-Committee, the Council will issue a decision notice to the applicant advising of the Council's decision and setting out the reasons for the decision. Applicants may appeal the Council's decision by applying to a magistrate's court within 21 days of receiving the decision. The magistrate's court then has the power to confirm, vary or reverse the Council's decision.

### **What happens after an application is granted?**

The licence holder may carry our business as a scrap metal dealer, having regards to the requirements outlined above and in the Scrap Metal Dealers Act 2013. The Council and police may, from time to time, wish to visit a scrap metal site to ensure compliance with the legislation. The Council or police will give the licence holder notice of this visit in advance.

# GUIDANCE ON COMPLETING THE APPLICATION FORM

## SECTION 1 – TYPE OF APPLICATION

This section asks for your business/trading name, the nature of your business, and if this is a new application or a renewal.

This application form is for a **site licence**. This authorises the licence holder to buy and sell scrap metal from a fixed location in the Borough. Scrap metal dealers may alternatively apply for a **collector's licence**. A collector's licence allows the licensee to carry out business as a mobile collector in the authority's area only. **You may only apply for one type of licence in each council area.**

## SECTION 2 – PERMITS, REGISTRATIONS AND LICENCES IN FORCE

In order to carry out business as a scrap metal dealer, licence holders may need to hold other environmental permits or licences. For instance, if a dealer transports waste as part of their business, it is a legal requirement to register as a waste carrier. This includes transporting waste while travelling from job to job, to a storage place for disposal later, or to a waste disposal company or a waste site. Waste carriers are licensed by the Environment Agency. For more information, please call: 03708 506506 or visit [www.environment-agency.gov.uk/wastecarriers](http://www.environment-agency.gov.uk/wastecarriers)

## SECTION 3 – APPLICANT DETAILS

This section should be completed to apply for a site licence. It should be filled out in the name of the person who will hold the scrap metal dealer's licence. The Council requires details of the licence holder, any sites to be licensed, and also the details of any other persons involved in the business including their home address. These details are required by law and will allow those responsible for the business to be contacted if there are any problems.

A **site manager** is the person who will be in charge of the site on a daily basis. You will probably need a different site manager for each site on the licence.

A **director** or **partner** is someone who has or shares legal responsibility for the operation of the company, including filing returns at Companies House.

Every person listed on the application form needs to submit a **Basic Disclosure Certificate** from Disclosure Scotland. This is because the Home Office has decided that those working in the scrap metal industry need to tell the Council if they have been convicted of certain crimes. Possessing a conviction may not automatically prevent a licence from being granted. For example, an applicant with a conviction may still be considered a suitable person to be granted a licence if the offence is unrelated to being a scrap metal dealer, or happened a long time ago. A Basic Disclosure Certificate can be applied for at: <http://www.disclosurescotland.co.uk/apply/individuals>

A Basic Disclosure Certificate is considered to be valid for a limited time, but can be used to apply to as many licensing authorities as required in that time. The Council asks that Basic Disclosure certificates are no older than three months old at the time of the application being submitted.

The Council also requires to know if the applicant operates sites in any other local authority areas and, if any existing sites were established after 1990, if planning permission has been granted. The Council also requires details of security, storage, sales and purchase arrangements.

## SECTION 4 – MOTOR SALVAGE OPERATORS

This section asks if you will be salvaging motor vehicles as part of your work. The Scrap Metal Dealers Act 2013 replaces the 1964 Scrap Metal Dealers Act and Part 1 of the Vehicles (Crime) Act 2001, which means that motor salvage operators now only need a scrap metal dealer's licence.

## **SECTION 5 – BANK ACCOUNTS THAT WILL BE USED FOR PAYMENTS TO SUPPLIERS**

This section asks for the bank details which the licence holder will use to pay people for the scrap metal they receive or sell. This is to check that the licence holder is not selling the metal for cash, which is illegal. These details will be kept securely by the Council.

## **SECTION 6 – CRIMINAL CONVICTIONS**

This section asks for any relevant convictions or enforcement activity that has been undertaken against the applicant by the Environment Agency. The information listed here will be checked against the Basic Disclosure Certificate from Disclosure Scotland that you are required to submit with the application, along with information retained by the police and the Environment Agency. It is an offence under the Scrap Metal Dealers Act 2013 to make or recklessly make a false statement on this application. Relevant convictions and enforcement activity includes offences under the following legislation:

- The Control of Pollution (Amendment) Act 1989
- The Customs and Excise Management Act 1979 (where the specific offence concerned relates to scrap metal)
- The Environment Act 1995
- The Environmental Protection Act 1990
- The Food and Environment Protection Act 1985
- The Fraud Act 2006 (where the specific offence concerned relates to scrap metal, or is an environment-related offence)
- The Legal Aid, Sentencing and Punishment of Offenders Act 2012
- The Proceeds of Crime Act 2002
- The Scrap Metal Dealers Act 1964
- The Scrap Metal Dealers Act 2013
- The Theft Act 1968(13), where the specific offence concerned relates to scrap metal, or is an environment-related offence
- The Vehicles (Crime) Act 2001
- The Water Resources Act 1991
- The Environmental Permitting (England and Wales) Regulations 2007
- The Environmental Permitting (England and Wales) Regulations 2010

## **SECTION 7 – DECLARATION**

The applicant and all other persons identified on the form need to sign and date the declaration. This section also explains that the Council has to share some information with the Police and the Environment Agency when checking if the applicant is a suitable person to hold a licence. Some information will also be displayed in a public register, hosted by the Environment Agency. Scrap metal dealers must pay the Council any fee charged by the Environment Agency in relation to the administration of this register.

**For further information on scrap metal dealer licensing, please contact the Council's Licensing section on 01992 785555 or [licensing@broxbourne.gov.uk](mailto:licensing@broxbourne.gov.uk)**