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Cambridge City Council

Licensing Committee

Committee Members: Councillors Rosenstiel (Chair), Benstead (Vice-Chair), Boyce, Brierley, Gawthrop, McPherson, Meftah, O'Reilly, Owers, Pippas, Saunders and Stuart

Alternates: Councillors Brown and Bird

Published & Despatched: Friday, 27 September 2013

Date: Monday, 7 October 2013
Time: 10.00 am
Venue: Committee Room 1 & 2 - Guildhall
Contact: Glenn Burgess

AGENDA – SECOND CIRCULATION

6 Scrap Metal Act 2013 - For Information

Information for the Public

Location The meeting is in the Guildhall on the Market Square (CB2 3QJ).

Between 9 a.m. and 5 p.m. the building is accessible via Peas Hill, Guildhall Street and the Market Square entrances.

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CAMBRIDGE CITY COUNCIL

REPORT OF: Jas Lally
Head of Refuse and Environment

TO: Environment Scrutiny Committee 8/10/2013

WARDS: All

IMPLEMENTATION OF THE SCRAP METAL DEALERS ACT 2013

1 Executive Summary

- 1.1 The Scrap Metal Dealers Act 2013 replaces the Scrap Metal Dealers Act 1964 and Part 1 of Vehicles (Crime) Act 2001 and introduces a new licensing regime for scrap metal and vehicle dismantling industries.
- 1.2 The City Council will have powers to grant or refuse licences and to revoke them if the dealer is considered to have become 'unsuitable'.
- 1.3 The Local Authority (Functions and Responsibilities)(England)Regulations 2000 state in section 2 that Schedule 1 sets out the functions that are not to be the responsibility of the executive authority. In that Schedule, under licensing and registration functions there is reference to the power to license scrap yards under section 1 Scrap Metal Dealers Act 1964.
- 1.4 The Scrap Metal Dealers Act 1964 is repealed by section 19 of the Scrap Metal Dealer's Act 2013. The 2013 Act comes into force on 1st October 2013. Reference to scrap metal dealers Act 1964 in Schedule 1 will cease to have any relevance after that date; it effectively disappears from the Schedule, and therefore automatically falls to the Executive function of the Council
- 1.5 It is therefore necessary to bring this report to the Environment Scrutiny Committee for approval rather than Licensing Committee. A report will go to Licensing Committee for information.
- 1.6 It is likely that The Local Authority (Functions and Responsibilities) (England) Regulation 2000 will be updated by December 2013 to allow this function to return to Licensing Committee, whereby a report will then be taken to Licensing Committee for approval

2. RECOMMENDATIONS

The Executive Councillor for Environmental and Waste Services is recommended:

- 2.1 To note the powers conferred by the Scrap Metal Dealers Act 2013
- 2.2 To approve the scheme of delegations as set out in Appendix A and refer to Civic Affairs Committee for to amend the Constitution.
- 2.3 To approve the fee structure as set out in Appendix B and for it to be reviewed on an annual basis

3. BACKGROUND

- 3.1 The increased value of metal has resulted in significant increases in metal thefts throughout the UK in recent years, with a wide range of sectors targeted, including transport infrastructure, electricity and telephone links, street furniture, memorials, commercial and residential buildings, including churches and schools.
- 3.2 The Government has prohibited cash payments for scrap metal and provided police with increased powers of entry into sites and the Scrap Metal Dealers Act 2013 (“the Act”) received Royal Assent on 28th February 2013 and it is will come into force from 1st October 2013.
- 3.3 The Act creates a revised scheme of regulation for scrap metal dealers and vehicle dismantlers, which replaces automatic registration and gives new powers to refuse to grant a licence to ‘unsuitable’ applicants and a power to revoke licences if the dealer becomes ‘unsuitable’.
- 3.4 The Act defines a “scrap metal dealer” as a person who is for the time being carrying on a business as a scrap metal dealer, whether or not authorised by a licence.
- 3.5 It also provides a definition of what Scrap metal includes and does not include. A scrap metal dealer must obtain a licence from the City Council in order to carry on business as a scrap metal dealer in the city. It will be an offence to carry on a business as a scrap metal dealer in breach of the requirement to hold a licence punishable, on summary conviction, with a fine not exceeding level 5 on the standard scale which is £5,000.
- 3.6 There will be two types of licence:

- Site Licence

Site licences will permit licensees to operate from their site as a scrap metal dealer, including transporting scrap metal to and from their site from any local authority area. A site manager must be named for each site.

- Collector’s Licence

Collector's licences will authorise the licensee to operate as a mobile collector, permitting them to collect commercial and domestic scrap metal in the City only.

Separate licences would need to be obtained from each local authority in whose area the individual wished to collect, but there is no restriction as to the location where the licensed collector can transport and sell their metals.

- 3.7 The Environment Agency is required to maintain a public register, based on information supplied by local authorities.
- 3.8 Both Site Licences and Collectors' Licences must be displayed in a prescribed format, and it is an offence not to do so.
- 3.9 A licence will be issued for a period of three years from the date of issue. The Secretary of State will have the power under section 1(4) of the Act to alter the duration of the licence.
- 3.10 Licensees will be required to verify the identity of persons from whom they purchase scrap metal and to keep detailed records for inspection by the Council and the Police, who have a shared responsibility for enforcement of the Act, as a statutory duty.
- 3.11 There is power to revoke or refuse a licence on particular grounds, including where the City Council is no longer satisfied that the licensee is a suitable person to carry out the business as a scrap metal.
- 3.12 There is also a power for the authority to attach either of 2 conditions if the applicant or any site manager has been convicted of a relevant offence (the definition of relevant offence means an offence which is prescribed in regulations made by the secretary of state). The conditions which can be attached are as follows:
 - a. That the dealer must not receive scrap metal except between 9 am and 5 pm on any day;
 - b. That all scrap metal received must be kept in the form in which it is received for a specific period, not exceeding 72 hours, beginning with the time when it is received.
- 3.13 The City Council must supply information relating to scrap metal licences to any other local authority in England and Wales, the Environment Agency and to Police forces, on request.
- 3.14 Fees for processing applications need to be set locally, having regard to Guidance from the Secretary of State but essentially, on the basis of cost recovery only. The guidance outlines what local authorities can charge for when issuing a licence.
- 3.15 Local authorities should specify fees which are payable by the licence applicants for the assessment and administration activity within the new licensing regime. The guidance states that this should be carried out by identifying what the authority needs to do to assess the type of license in question and calculate the best estimate of the cost to be incurred by the local authority, giving a best estimate of unit cost for each case.

- 3.16 In effect, the cost of a licence should reflect the time spent assessing and administering applications, consulting on the suitability of the applicant, reviewing relevant offences, the decision as to whether to issue the licence, costs to make the decision in cases that are not straight forward, and the cost to issue the license in a format that can be displayed.
- 3.17 The license fee cannot be used to support enforcement activity against unlicensed scrap metal dealers.
- 3.18 Officers have followed the above guidance and have come to a conclusion that the schedule of fees set out in Appendix B allow for cost recovery of the service without making a surplus.
- 3.19 However, it is important that these fees are reviewed regularly to check whether they remain appropriate.
- 3.20 The Secretary of State has made an order that the Act will commence on the 1st October 2013. It has also introduced transitional arrangements for existing scrap metal dealers and motor salvage operators who were registered under the old Acts prior to 1st October 2013.
- 3.15 Existing scrap metal dealers and motor salvage operators will automatically be deemed to have a license under the new Act from 1st October 2013. However existing operators must submit an application for a new license on or before the 15th October 2013 and the deemed license will last until a new license has been issued or a notice a notice of a decision to refuse a license has been given.
- 3.21 Where an applicant with a deemed license fails to submit any application on or before 15th October then the deemed license will lapse on 16th October and they will be unable to continue to trade.
- 3.22 In Cambridge City there is currently 1 scrap metal dealer site and 13 collectors. These are currently being contacted to inform them of the new legislation. The application form is attached as Appendix C and can be found on e)the website.

4. OPTIONS

- 4.1 The Council must resolve how it intends to determine applications and set out a scheme of delegations which will enable it to discharge its functions under the Act effectively.

4.1.1 Members could:

- a. Delegate to officers approval of applications where there are no concerns about the applicant's suitability and also to take compliance and enforcement action, as indicated in the Act, with applications where there are concerns about the suitability of applicants or an application is contested being referred to Executive Councillor for Environment and Waste Services for determination.
- b. Delegate to officers approval of applications where there are no concerns about the applicant's suitability and also to take compliance and enforcement action, as indicated in the Act, with applications where there are concerns about the suitability of applicants or an application is contested being referred to Head of Refuse and Environment

Appendix A sets out a scheme of delegations which it is recommended that Members should agree in line with 5.2 (b)

- 4.2 The Council must resolve what fees should be determined in relation to the different types of applications that will be processed in line with the guidance from the Secretary of State.

Members could

- a. Adopt the fee structure as set out in Appendix B as recommended by Officers, or
- b. Amend the fee structure as set out in Appendix B

5. IMPLICATIONS

a) Financial Implications

Fees charged for administering the licensing regime and the cost of compliance monitoring are to be on the basis of cost neutral recovery.

(b) Staffing Implications

None

(c) **Equal Opportunities Implications**

None

(d) **Environmental Implications**

The Scrap Metal Dealers Act 2013 will not regulate pollution, such as noise and dust. These will continue to be regulated under the Environmental Permitting and Waste Carriers regimes managed by the Environment Agency and The Planning regime which is the responsibility of the County Council as the Minerals and Waste Planning Authority.

Environmental damage caused by metal theft is predicted to decrease as a result of licensing.

(e) **Procurement**

None

(f) **Consultation and communication**

Although no consultations are required under the Act, Officers have been involved in a number of liaison meetings with representatives of the police and of other local authorities in the county, with a view to establishing common procedures, so far as reasonably practicable and, in particular, arrangements for information sharing between authorities.

(g) **Community Safety**

None

6. BACKGROUND PAPERS: The following are the background papers that were used in the preparation of this report:

Additional information

1. Scrap Metal Dealers Act 2013, 28th February 2013, <http://www.legislation.gov.uk/ukpga/2013/10/enacted>
2. Get in on the Act (Scrap Metal Dealers Act 2013), Local Government Association, March 2013, http://www.local.gov.uk/c/document_library/get_file?uuid=b1d2fd76-dc1c-43b9-8ff5-253c2d20ab4f&groupId=10171
3. Tackling Metal Theft, a Councillor's Handbook, Local Government Association, July 2013, http://www.local.gov.uk/c/document_library/get_file?uuid=7abe5a20-985e-4cce-8ac4-c4dcdb69d65c&groupId=10171

4. Scrap Metal Dealer Act 2013: guidance on licence fee charges, Home Office, 12 August 2013,
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/229459/SMDA_2013_Fees_Guidance.pdf

7. Appendices

Appendix A Scheme of delegations

Appendix B Schedule of fees

Appendix C Scrap Metal Dealer application form

8. Inspection of papers

To inspect the background papers or if you have a query on the report please contact:

Robert Osbourn

Ext 7895.

Robert.osbour@cambridge.gov.uk

Report file: M:LICENSE\Licensing Committee\2013

Scheme of Delegations under the Scrap Metal Dealers Act 2013

Matter to be Dealt With	Full Committee		Head of Refuse & Environment
Determination of an application for a Scrap Metal licence - Site Licence			All Cases
Determination of an application for a Scrap Metal licence - Collector's Licence			All Cases
Determination of an application to update / amend a Scrap Metal Licence			All cases
The issue of a Scrap Metal Licence when an application has been determined to do so			All cases
Decision to refuse a Scrap Metal Licence			All cases
Decision to attach condition(s) to a Scrap Metal Licence (S.4)			All Cases
Decision to revoke or vary (add conditions to) a Scrap Metal Licence (S.4)			All cases

Matter to be Dealt With	Full Committee	Head of Refuse & Environment
Decision to consult with other persons (S.3)		All cases
Decision to request further information to consider the application (Sch1 Pt4)		All cases
Issue of Notice of Decision (Sch1 Pt8)		All cases
Matters relating to updating the Register of licences (S.7)		All cases
Authorisation of Officers Generally under the Act		All cases
Decision on whether any information is relevant (S.3)		All cases
Instigation of proceedings for an offence		All cases
Relevant Enforcement Action		All cases
Issuing copies Licences due to theft, lost etc.		All cases
Response to request for information from other persons (S.6)		All cases

Site Licence	Sec	FEE
Site Licence	2(2)a	410.00
Conversion to a Collectors Licence	Sch 1 3(1)	50.00
Change of Name of the Licensee	2(4) a	50.00
Change of Site(s) addition	2(4) c	410.00
Change of Site(s) removal	2(4) c	50.00
Change of Site Manager	2(4) d	120.00
Replacement of lost or damaged Licence		45.00

Collector's Licence	Sec	FEE
Collector's Licence	2(2)b	175.00
Conversion to a Site Licence	Sch 1 3(1)	355.00
Change of Name (e.g. Miss X to Mrs Y)	2(6)a	50.00
Replacement of lost or damaged Licence		45.00

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Appendix C

<p>Title (please tick):</p> <p>Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other <input type="checkbox"/></p> <p>(please state):</p>	<p>I am 18 years old or over. Please tick</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Date of Birth:</p>
<p>Surname:</p>	<p>Forenames:</p>
<p>Please also state your maiden name or any other surnames you have previously been known by:</p>	
<p>Position/Role in the business:</p>	
<p>I attach a Basic Disclosure Certificate issued for the applicant by Disclosure Scotland¹:</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If you do not provide a disclosure certificate your application may be delayed or rejected.</p>	
<p>Contact details (we will use your business address to correspond with you unless you indicate we should use your home address)</p>	
<p>Business Address:</p> <p>Head office name or house name or number:</p> <p>First line of address:</p> <p>Town/City:</p> <p>Postcode:</p>	<p>Telephone numbers:</p> <p>Daytime:</p> <p>Evening:</p> <p>Mobile:</p>
<p>Home address:</p> <p>House name or number:</p> <p>First line of address:</p> <p>Town/City:</p> <p>Postcode:</p> <p><input type="checkbox"/> Please use my home address for correspondence</p>	<p>Email address (if you would prefer us to correspond with you by email):</p> <p>Please note that you must still provide us with a postal address</p>

¹ Further information about Basic Disclosure Certificates and Disclosure Scotland are set out in the explanatory notes accompanying this form.

Appendix C

<p>Site details. Please list the details for each site where you propose to carry on business as a scrap metal dealer in this local authority area. If you operate more than two sites in the area please provide details for each site on a continuation sheet. [N.B- If the applicant operates multiple sites within a licensing authority area, provision should be made for more than one site manager]</p>	
Full address of each site you intend to carry out business as a scrap metal dealer:	Site manager(s) details (if different from the applicant)
<p>Site 1</p> <p>Name or number:</p> <p>First line of address:</p> <p>Town/City:</p> <p>Postcode:</p> <p>Telephone number:</p> <p>Email address:</p> <p>Website address:</p>	<p>Name:²</p> <p>House name or number:³</p> <p>First line of address:</p> <p>Town/City:</p> <p>Postcode:</p> <p>Date of Birth:</p> <p>Basic Disclosure certificate attached: Yes <input type="checkbox"/> No <input type="checkbox"/> ⁴</p>
<p>Site 2</p> <p>Name or number:</p> <p>First line of address:</p> <p>Town/City:</p> <p>Postcode:</p> <p>Telephone number:</p> <p>Email address:</p> <p>Website address:</p>	<p>Name:</p> <p>House name or number:</p> <p>First line of address:</p> <p>Town/City:</p> <p>Postcode:</p> <p>Date of Birth:</p> <p>Basic Disclosure certificate attached: Yes <input type="checkbox"/> No <input type="checkbox"/></p>

² Please also state your maiden name or any other surnames you have previously been known by.

³ Please provide the site manager's home address as this will facilitate conducting checks on whether they are a suitable person.

⁴ If you do not provide a disclosure certificate issued for named persons by Disclosure Scotland issued no more than three months before the date of this application your application may be delayed or rejected.

Appendix C

<p>Partnerships (If you are applying as a partnership, please provide the following details in respect of each partner – where there are more than two partners then please use a continuation sheet)</p>	
<p>Full name:⁵</p> <p>Date of birth:</p> <p>Residential address:</p> <p>Basic Disclosure certificate attached: Yes <input type="checkbox"/> No <input type="checkbox"/> ⁶</p>	<p>Full name:</p> <p>Date of birth:</p> <p>Residential address:</p> <p>Basic Disclosure certificate attached: Yes <input type="checkbox"/> No <input type="checkbox"/></p>
<p>Companies (If you are applying as a company please provide the details set out below about the company)</p>	
<p>Company name:</p> <p>Registration number:</p> <p>Address of the registered office:</p>	
<p>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) – where necessary please use a continuation sheet.</p>	
<p>Role:</p> <p>Name:</p> <p>Date of Birth:</p> <p>House name or number:</p> <p>First line of address:</p> <p>Town/City:</p> <p>Postcode:</p> <p>Basic Disclosure certificate attached: Yes <input type="checkbox"/> No <input type="checkbox"/> ⁷</p>	<p>Role:</p> <p>Name:</p> <p>Date of Birth:</p> <p>House name or number:⁸</p> <p>First line of address:</p> <p>Town/City:</p> <p>Postcode:</p> <p>Basic Disclosure certificate attached: Yes <input type="checkbox"/> No <input type="checkbox"/></p>

⁵ Please also state your maiden name or any other surnames you have previously been known by.

⁶ If you do not provide a disclosure certificate issued for named persons by Disclosure Scotland issued no more than three months before the date of this application your application may be delayed or rejected.

⁷ If you do not provide a disclosure certificate issued for named persons by Disclosure Scotland issued no more than three months before the date of this application your application may be delayed or rejected.

⁸ Please provide the director's home address as this will facilitate conducting checks on whether they are a suitable person.

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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:

Address:

Postcode:

Please name the local authority which has licensed this site, or to whom applications have been made if before commencement of the Scrap Metal Dealers Act 2013:

Please continue on a separate sheet of paper if necessary.

Only applicable to sites established after 1 November 1990

Do you have planning permission (please tick)

Yes No

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SECTION 4. TO BE COMPLETED IF APPLYING FOR A COLLECTOR'S LICENCE N.B- A collector's licence authorises the licensee to carry out business as a mobile collector in the authority's area only.	
Details of prospective licence holder	
Title (please tick): Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other <input type="checkbox"/> (please state):	I am 18 years old or over. Please tick Yes <input type="checkbox"/> No <input type="checkbox"/> Date of Birth:
Surname:	Forenames:
Please also state your maiden name or any other surnames you have previously been known by:	
I attach a Basic Disclosure Certificate issued for the applicant by Disclosure Scotland ⁹ : Yes <input type="checkbox"/> No <input type="checkbox"/> If you do not provide a disclosure certificate your application may be delayed or rejected.	
Contact details (we will use your business address to correspond with you unless you indicate we should use your home address)	
Business Address: House name or number: First line of address: Town/City: Postcode:	Telephone numbers: Daytime: Evening: Mobile:
Home address: House name or number: First line of address: Town/City: Postcode: <input type="checkbox"/> Please use my home address for correspondence	Email address (if you would prefer us to correspond with you by email): Please note that you must still provide us with a postal address

⁹ Further information about Basic Disclosure Certificates and Disclosure Scotland are set out in the explanatory notes accompanying this form.

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SECTION 5. MOTOR SALVAGE (For all applicants)

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 or 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.

(please tick)

Yes No

To operate as a motor salvage operator you will need to apply for a site licence.

SECTION 6. BANK ACCOUNTS THAT WILL BE USED FOR PAYMENTS TO SUPPLIERS (For all applicants)

Please provide details of the bank account(s) that will be used to make payment to suppliers, in accordance with s12 of the Scrap metal Dealers Act 2013. If more than two bank accounts will be used, please use a continuation sheet.

Account name:

Account name:

Sort code:

Sort code:

Account number:

Account number:

SECTION 7. PAYMENT (For all applicants)

How do you wish to make payment for your scrap metal dealer's licence? (please tick)

Direct Debit (please complete separate direct debit form)

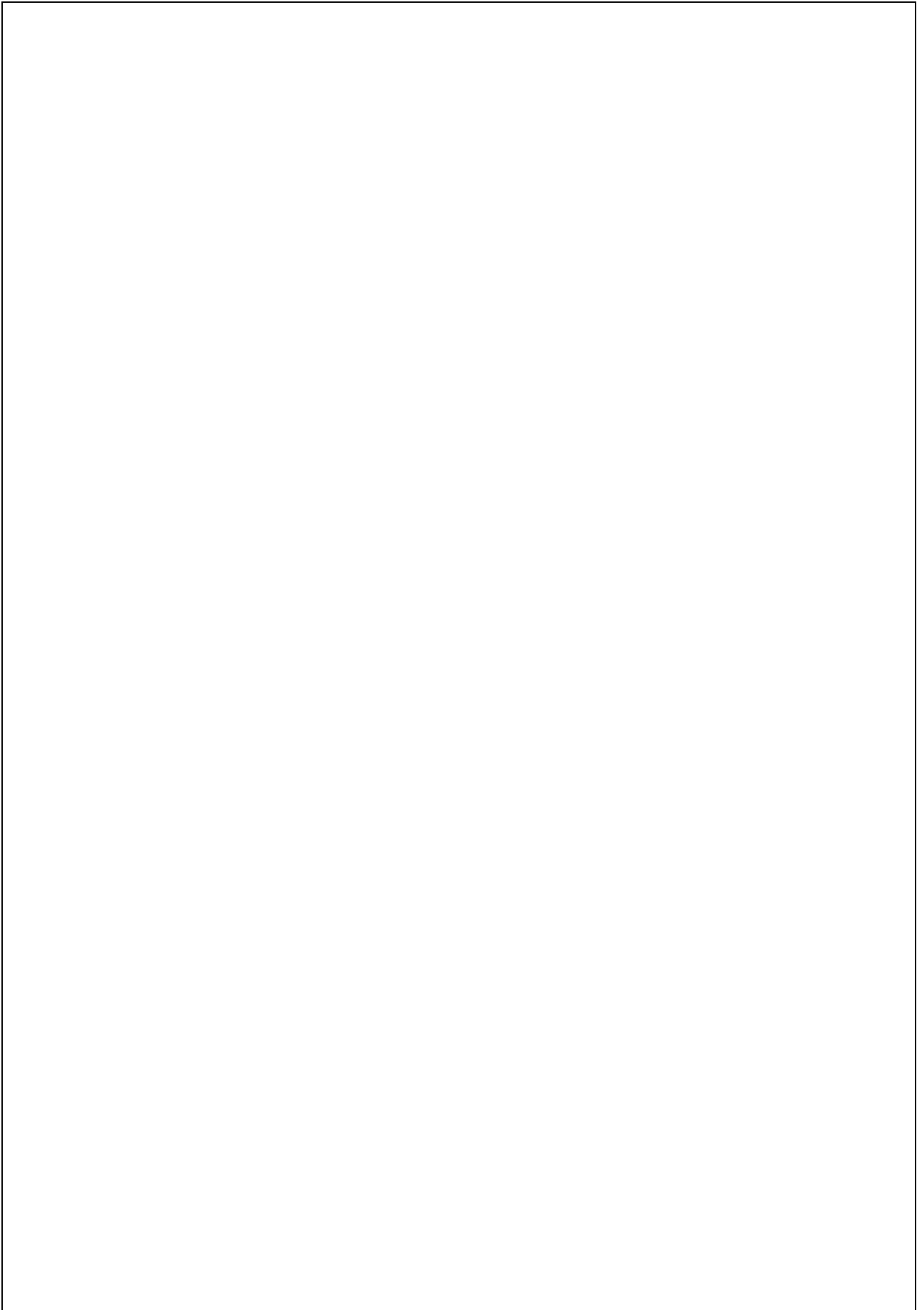
Cheque (please make payable to Torfaen County Borough Council)

SECTION 8. CRIMINAL CONVICTIONS (For all applicants)

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 below for a list of relevant offences).

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:



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SECTION 9. DECLARATION (For all applicants)

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. Some details will also be displayed on a national register, as required by the Scrap metal Dealers Act 2013. I hereby expressly consent to this processing of my data and display of relevant information on the public register.

Signed: _____ Date: _____

Signed: _____ Date: _____

Signed: _____ Date: _____

Signed: _____ Date: _____

Help with completing your application for a scrap metal dealer's licence

If you need more help in completing the application then call your local council licensing team. They will be happy to help.

Section 1 – For everyone

This section asks if you are applying for a collector's licence or a site licence. You may only apply for one type of licence in each council area, but you can apply to run multiple sites. For instance, you could apply to run 3 sites in council A's area, and also apply to be a collector in council B's area.

A **site licence** lets you buy and sell scrap metal from a fixed location within the council area.

A **collector's licence** allows you to travel within the council area to collect scrap metal. You may not take this metal back to a site that you run within the council area in order to sell it.

Section 2 – For everyone

In order to carry on your business you may need to hold other environmental permits or licences that we should know about. For instance, if you carry waste as part of your 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 waste site. For more information on this, or to register call: 03708 506506 or visit: www.environment-agency.gov.uk/wastecarriers

This section also asks for details of any other scrap metal licences you hold. Please make sure you include the licence number so that we can check this against the national register.

Section 3 – For site licences

Fill out this section if you want a **site licence**. It should be filled out in the name of the person who will hold the scrap metal dealer's licence. As well as details about you and your business, we will also need details of any directors or partners involved in the business including their home address. We also need to know the address of the site or sites you want the licence for, as well as the details of each site manager responsible for that site including their home address. These details are required by law or to facilitate checks on the applicant or so that you can be contacted if there are any problems.

You and every person listed on the application form needs to submit a Basic Disclosure Certificate from Disclosure Scotland. You can apply for this certificate at <http://www.disclosurescotland.co.uk/apply/individuals/>

This is because the Home Office has decided that you and any person listed on the application need to tell the council if you have been convicted of certain crimes. Possessing a conviction may not automatically prevent you from having a licence if the offence was unrelated to being a scrap metal dealer or a long time ago, and you can convince the council that you are a suitable person.

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A Basic Disclosure Certificate is considered to be only valid for a limited time, but can be used to apply to as many councils as you want within that time. Typically, three months is the longest that you can expect your check to be considered valid.

There is not much space on the form, so if you need to list more than one site manager, director, or partner, then please continue on a separate piece of paper setting out the details in the same way as the form.

A **site manager** is the person who will be in charge of the site on a daily basis.

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

We also want to know if you operate or propose to operate a site in another local authority area, along with details of this site, the council which has licensed it or to whom you have applied for a licence.

If your site(s) were established after 1990, then you are required to have planning permission from the council. You will need to tell us if this is the case, and it will be checked with the council planning department.

Section 4 – For a collector’s licence

Fill out this section if you want a **collector’s licence**. It should be filled out in the name of the person who will hold the scrap metal dealer’s licence. You are asked to provide contact details, including the place where you live, so that the council can get in touch with you if necessary.

You need to submit a Basic Disclosure Certificate from Disclosure Scotland along with the application form. You can apply for this certificate at <http://www.disclosurescotland.co.uk/apply/individuals/>

This is because the Home Office has decided that you need to tell the council if you have been convicted of certain crimes. Possessing a conviction may not automatically prevent you from having a licence if the offence was unrelated to being a scrap metal dealer or a long time ago, and you can convince the council that you are a suitable person.

A Basic Disclosure Certificate is considered to be only valid for a limited time, but can be used to apply to as many councils as you want within that time. Typically, three months is the longest that you can expect your check to be considered valid.

You will need to ensure that all your vehicles are roadworthy and are properly taxed, insured and otherwise meet the legal requirements to be on the road.

Section 5 – Motor salvage operator

This section asks if you will be salvaging motor vehicles as part of your work. The Scrap Metal Dealers Act 2013 brings together the Scrap Metal Dealers Act 1964 together with Part 1 of the Vehicles (Crime) Act 2001, which means you now only need a scrap metal dealer’s licence. You will need to apply for a site licence to operate as a motor salvage operator.

Section 6 – Bank accounts that will be used for payments to suppliers

Appendix C

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

Section 7 – Payment

There is a fee to apply for a licence and your council will tell you how you can pay. The fee varies from council to council as it reflects their costs of processing the form and checking that people are doing what the licence requires. Applications cannot be accepted unless the correct fee has been paid.

Section 8 – Criminal convictions

This section asks you to set out any relevant convictions or enforcement activity that has been undertaken against you by the Environment Agency or Natural Resources Wales. It is an offence under the Scrap Metal Dealers Act 2013 to make or recklessly make a false statement. 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 or Natural Resources Wales.

Section 9 – Declaration

The person who will hold the scrap metal dealer's licence needs to sign and date the declaration, as do the other people named on the form. This section also explains that the council has to share some of these details with the police, Environment Agency, or Natural Resources Wales when checking whether the applicant(s) is a suitable person to hold a licence. Some of the information will also be displayed on a public register.

If you do not agree to this use of your information then you should **not** sign the form. If you are in any doubt about what this section means then speak to your council's licensing team.

Relevant offences

These are to be confirmed in Home Office Regulations. The LGA anticipates, based on the explanatory notes to the Scrap metal Dealers Act 2013, that these will reflect other environmental permitting schemes and suggests the below as an *indicative* list:

- Control of Pollution (Amendment) Act 1989: Sections 1, 5 or 7(3)
- Customs and Excise Management Act 1979: Section 170 (for environmental/metal theft related offences only)
- Environment Act 1995: Section 110(2)
- Environmental Permitting Regulations 2007: Regulation 38
- Environmental Permitting Regulations 2010: Regulation 38
- Environmental Protection Act 1990: Sections 33 and 34
- Food and Environment Protection Act 1985: Section 9(1)
- Fraud Act 2006: Section 1 (for environmental/metal theft related offences only)
- Hazardous Waste (England and Wales) Regulations 2005
- Hazardous Waste (Wales) Regulations 2005
- Landfill (England and Wales) Regulations 2002
- Legal Aid, Sentencing and Punishment of Offenders Act 2012: Section 146
- Pollution Prevention and Control (England and Wales) Regulations 2000

Appendix C

- Proceeds of Crime Act 2002: Sections 327, 328, 330, 331 & 332 (for environmental/metal theft related offences only)
- Producer Responsibility Obligations (Packaging Waste) Regulations 2007
- Scrap Metal Dealers Act 1964 (for environmental/metal theft related offences only)
- Scrap Metal Dealers Act 2013
- Theft Act 1968: Sections 1, 8, 9, 10, 11, 17, 18, 22 & 25 (for environmental/metal theft related offences only)
- Transfrontier Shipment of Waste Regulations 1994
- Transfrontier Shipment of Waste Regulations 2007
- Vehicles (Crime) Act 2001: Part 1
- Waste Electrical and Electronic Equipment Regulations 2006
- Waste (England and Wales) Regulations 2011: Regulation 42
- Water Resources Act 1991: Section 85, 202 or 206

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