

Guidance Notes: Completing your application for a scrap metal dealer's licence

Please read the following before completion of your application form

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.

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.

Sections 2 and 5 - 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.

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. Southend Borough Council requires a Basic Disclosure Certificate of less than 3 months to be produced on application.

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.

You are required to ensure you have the appropriate planning permission from the council. You may be asked to prove this. The Licensing team may consult 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, (**in section 7**) 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. Southend Borough Council requires a Basic Disclosure Certificate of less than 3 months to be produced on application.

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.

Motor salvage operator

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 8 – Suitability of the Applicant (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 - Bank accounts that will be used for payments to suppliers

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 10 - Payment

Please see http://www.southend.gov.uk/downloads/file/4200/place_-_fees_and_charges_booklet . Applications cannot be accepted unless the correct fee has been paid.

Section 11 - 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, Natural Resources Wales or other local authorities 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.

Relevant offences

These are listed in Home Office Regulations and may be updated from time to time. At the time of going to press they are as follows:

- a) An offence under section 1, 5, or 7 of the Control of Pollution (Amendment) Act 1989**(4)**
- b) An offence under section 170 or 170B of the Customs and Excise Management Act 1979**(5)**, where the specific offence concerned relates to scrap metal
- c) An offence under section 110 of the Environment Act 1995**(6)**
- d) An offence under sections 33, 34 or 34B of the Environmental Protection Act 1990**(7)**
- e) An offence under section 9 of the Food and Environment Protection Act 1985**(8)**
- f) An offence under section 1 of the Fraud Act 2006**(9)**, where the specific offence concerned relates to scrap metal, or is an environment-related offence
- g) An offence under section 146 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012**(10)**
- h) An offence under sections 327, 328 or 330 to 332 of the Proceeds of Crime Act 2002**(11)**
- i) Any offence under the Scrap Metal Dealers Act 1964**(12)**
- j) Any offence under the Scrap Metal Dealers Act 2013
- k) An offence under sections 1, 8,9,10, 11, 17, 18, 22 or 25 of the Theft Act 1968**(13)**, where the specific offence concerned relates to scrap metal, or is an environment-related offence
- l) Any offence under Part 1 of the Vehicles (Crime) Act 2001**(14)**
- m) An offence under sections 85, 202, or 206 of the Water Resources Act 1991**(15)**.
- n) An offence under regulation 38 of the Environmental Permitting (England and Wales) Regulations 2007**(16)**
- o) An offence under regulation 38 of the Environmental Permitting (England and Wales) Regulations 2010**(17)**