

Scrap Metal Dealers Act 2013 2020 - 2025

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Licensing



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Version: 1
Review Date: 2025

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1. Purpose Statement

- 1.1 This policy states Bournemouth, Christchurch and Poole Council's ("BCP Council") policy on the regulation of scrap metal dealers as the relevant local authority for the purposes of the Scrap Metal Dealers Act 2013 ("the Act").
- 1.2 This policy will be reviewed at least every five years.

2. Who the policy applies to

- 2.1 The policy aims to be a practical document to users, for example:

Applicants for Site and Collectors Licences
Existing Licence holders for Site and Collectors Licences
Licensing Officers
Partner Agencies
Councillors

3. This policy replaces

- 3.1 There were no previous policies by Bournemouth Borough Council, Christchurch Borough Council or The Borough of Poole.

4. Approval process

- 4.1 The Act does not require a Council to publish a policy, however, it is good practice to do so to ensure fairness and consistency.
- 4.2 The Policy will be reviewed every five years or more frequently if required.
- 4.3 BCP Licensing Authority may depart from its own policy, if individual circumstances of any case warrant such a deviation. In such cases, BCP Licensing Authority will give full reasons for doing so.

5. Links to Council Strategies

- 5.1 This Policy supports the BCP Council Core Strategy.
- 5.2 During the preparation of this policy document due consideration has been given to the following Key Council Strategies:
 - Corporate Plan
 - Health & Wellbeing Strategy
 - Safeguarding Strategy
 - Communities Engagement Strategy
 - Crime & Disorder Reduction Strategy
 - Equality & Diversity

6. The Policy

- 6.1 The Scrap Metal Dealers Act 2013 received Royal Assent on 28 February 2013 and came into force on 1 October 2013 creating a revised regulatory regime for the scrap metal recycling and vehicle dismantling industries. The purpose of the Act was to deal with the

raising levels of metal theft through stricter regulation of the metal recycling sector or make it more difficult to dispose of stolen metal.

6.2 The Act:

- requires a scrap metal dealer to obtain a licence in order to carry on business as a scrap metal dealer;
- permits local authorities to charge a licence fee, set locally, at cost recovery;
- allows for the closure of unlicensed sites;
- requires local authorities to provide appropriate information to enable the Environment Agency in England and the Natural Resources Body for Wales to maintain national registers of licences;
- requires scrap metal dealers to verify the identity and address of persons from whom they receive metal;
- makes it an offence for a scrap metal dealer to purchase scrap metal for cash;
- sets out the record-keeping requirements in respect of any scrap metal received or disposed of by scrap metal dealers; and
- provides the police and local authorities with a right to enter and inspect scrap metal dealers' premises.

7. Definitions

'Scrap Metal Dealer' is a person carries on business as a scrap metal dealer if:

- (a) they wholly or partly buy or sell scrap metal (whether or not sold in the form it was bought); or
- (b) they carry on business as a motor salvage operator (see below).

The Act defines a Scrap Metal Dealer as a person who is for the time being carrying on business as a scrap metal dealer, whether or not authorised by a licence.

The selling of scrap metal merely as surplus materials or as a by-product of manufacturing articles is NOT to be regarded as "carrying on a business" as a scrap metal dealer.

The definition of a scrap metal dealer is wide and may include skip hire firms and tradesman such as plumbers and builders who sell scrap metal resulting from their businesses. In these circumstances each business will be considered on its own merits, but consideration will be given to the amount of metal which is collected/traded and how significant or incidental that element of the business is to the main business.

'Scrap Metal' includes:

- (a) Any old, waste or discarded metal or metallic material.
- (b) Any product, article or assembly which is made from or contains metal and is broken, worn out or regarded by the last holder as having reaches the end of its useful life.
- (c) Platinum and other rare metals now being used in catalytic converters in vehicle exhausts.

The following are NOT considered scrap metal:

- (a) Gold
- (b) Silver
- (c) Any alloy of which 2% or more by weight is attributable to gold or silver

'Motor salvage operation' is defined in the Act as a business that consists of:

- (a) wholly or partly in recovering salvageable parts from motor vehicles for re-use or sale and subsequently selling or otherwise disposing of the rest of the vehicle for scrap,
- (b) wholly or mainly in buying written-off vehicles and subsequently repairing and reselling them,
- (c) wholly or mainly in buying or selling motor vehicles which are to be the subject (whether immediately or on a subsequent re-sale) of any of the activities mentioned in (a) and (b), or
- (d) wholly or mainly in activities falling within paragraphs (b) and (c).

"Licensed site" means a site identified in a scrap metal licence.

"Premises" means any land or other place (whether licensed or not).

"Site" means any premises used in the course of carrying on business as a scrap metal dealer (whether or not metal is kept there).

"Site manager", in relation to a site at which a scrap metal dealer carries on business, means the individual who exercises day-to-day control and management of activities at the site. An individual may be named in a licence as site manager at more than one site; but no site may have more than one site manager named in relation to it.

"Trading name" means a name, other than that stated in the licence (under Section 2(4)(a) or (6)(a)), under which a licensee carries on business as a scrap metal dealer.

8. Types of licence

8.1 A licence is required to carry on the business as a scrap metal dealer. A licence, once granted, lasts for three years. Trading without the necessary licence is a criminal offence – see Appendix A.

Site Licence

8.2 site is defined as any premises used in the course of carrying on a business as a scrap metal dealer, whether or not metal is kept there. This means a dealer will require a licence for an office, even if they do not operate a metal store or yard from those premises.

8.3 The site licence also permits the licence holder to act as a collector.

8.4 A site licence must be displayed at each site identified on the licence, in a prominent place accessible to members of the public.

8.5 All sites operating as a scrap metal business must be licensed.

8.6 Each site must have a named site manager.

- 8.7 A site licence allows the licence holder to transport scrap to and from the site from any local authority area.
- 8.8 A site licence may be granted for more than one site in the local authority area.

Collectors Licence

- 8.9 A collector means a person who:
- (a) carries on a business as a scrap metal dealer otherwise than at a site, and
 - (b) regularly engages, in the course of that business, in collecting waste materials and old, broken, worn out or defaced articles by means of visits from door to door.
- 8.10 A collectors licence does not permit the holder to operate a scrap metal site.
- 8.11 A collectors licence does not allow collection from outside the area of BCP Council. If a person wishes to collect from other local authority areas, a collectors licence will be required from each local authority area he/she collects scrap within.
- 8.12 A copy of the collectors licence must be displayed on any vehicle that is being used in the course of a dealer's business. It must be displayed in a prominent position so that it can be easily read from outside the vehicle.

Register of Licences

- 8.13 The Environment Agency maintains a register of scrap metal licences issued by Local Authorities in England and each entry will record:
- (a) the name of the authority which issued the licence;
 - (b) the name of the licensee;
 - (c) any trading name of the licensee;
 - (d) the address of the site identified in the licence;
 - (e) the type of licence; and
 - (f) the date on which the licence is due to expire.
- 8.14 The registers are open to the public for inspection <https://environment.data.gov.uk/public-register/view/search-scrap-metal-dealers>

9. Applicant suitability

- 9.1 BCP Council must determine if an applicant is a suitable person to carry on the business as a scrap metal dealer and may not issue a licence unless satisfied the applicant is suitable. "Applicant" includes sole traders, partners of a partnership and directors, secretary and shadow directors of a company.
- 9.2 Notwithstanding the existence of this policy, BCP Council when determining a person's suitability for the purposes of the Act, will treat each application on its own individual merits.
- 9.3 BCP Licensing Authority must supply any such information to any of the following persons who request it for purposes relating to this Act:
- (a) any other local authority;
 - (b) The Environment Agency;

- (c) The Natural Resources Body for Wales;
- (d) An Officer of a Police Force.

- 9.4 This section does not limit any other power BCP Licensing Authority may have to supply that information.
- 9.5 BCP Council may have regard to any information which they consider to be relevant when determining the suitability of a person to hold a scrap metal dealer's licence, including:
1. Where the applicant or any site manager has been convicted of a relevant offence (see Appendix C).
 2. Whether the applicant or any site manager has been the subject of any relevant enforcement action i.e. if –
 - (a) the person has been charged with an offence specified in Appendix C above, and criminal proceedings in respect of that offence have not yet concluded; or
 - (b) an environmental permit granted in respect of the person under the Environmental Permitting (England and Wales) Regulations 2010 has been revoked in whole, or partially revoked, to the extent that the permit no longer authorises the recovery of metal.
 3. Any previous refusal of an application for the issue or renewal of a scrap metal licence (and the reasons for the refusal).
 4. Any previous refusal of an application for a relevant environmental permit or registration (and the reasons for the refusal).
 5. Any previous revocation of a scrap metal licence (and the reasons for the revocation).
 6. Whether the applicant has demonstrated that there will be in place adequate procedures to ensure that the provisions of the Act are complied with.
- 9.6 Having regard to the Act BCP Council have determined that there will be a presumption to refuse an application where the applicant, or any other person required to be named or identified in the application, has been convicted of any of the relevant offences set out in Appendix C.
- 9.7 BCP Council will require the applicant to produce a Disclosure and Barring Service Certificate (DBS) which is dated within 3 months of the application.
- 9.8 BCP Council will require proof of identification and address by way of a valid Great Britain or Northern Ireland **photocard** driving licence **OR one** document from the following list:
- (a) a valid United Kingdom passport, within the meaning of Section 33(1) of the Immigration Act 1971(b); OR
 - (b) a valid passport issued by an European Economic Area (EEA) state; OR
 - (c) a valid UK biometric immigration document, issued in accordance with regulations made under Section 5 of the UK Borders Act 2007.
- 9.9 In addition to the identification required in 9.8 above one document from the following list must be produced with the application which must be dated within 3 months of the application:
- (a) a bank or building society statement;
 - (b) a credit or debit card statement;

- (c) a council tax demand letter or statement; or
- (d) a utility bill, but NOT a mobile telephone bill.

9.10 A check on the Environment Agency's website shall be made that the details of the waste carriers licence provided in the application are correct.

9.11 BCP Council may consult other persons regarding the suitability of an applicant, including but not limited to:

- (a) any other Local Authority;
- (b) the Environment Agency;
- (c) an Officer of a Police Force;
- (d) HM Revenue and Customs;
- (e) Trading Standards;
- (f) BCP Council's Community Enforcement Team.

10. Application procedure

10.1 The application form as shown at Appendix B is available from the Licensing Team, or BCP Council's website. It contains details of all of the information and documentation that will be required to submit the application -

<https://www.bournemouth.gov.uk/Business/Licensing/ScrapMetalDealersAct2013.aspx>

10.2 Guidance notes on how to complete the application are also available and shown at Appendix B.

10.3 The application for a collectors licence only allows a business or individual to operate only within the Bournemouth, Christchurch and Poole area therefore applicants wishing to operate across borders will be required to obtain a further collectors licence from the relevant local authority where they wish to collect and sell.

Term of Licence/Renewal

10.4 A licence is valid for three years beginning from the date it is issued.

10.5 If a licence is renewed, the licence expires at the end of another three year period continuing from the date of renewal.

Variation of Licence

10.6 A licence may be varied from one type to another. A variation application must be made to reflect changes to:

- (a) Site Licence – the name of the licensee, the sites and the site manager
- (b) Collectors Licence – the name of the licensee

10.7 The variation can amend the name of the licensee but cannot transfer the licence to another person, this would require a new application for a site or collectors licence.

10.8 A variation application must be made to the issuing authority and contain particulars of the changes to be made to the licence.

10.9 Any change of trading name must be notified to BCP Licensing Authority within 28 days of the change.

Revocation of Licence/Imposition of Conditions

- 10.10 BCP Licensing Authority may revoke a scrap metal licence if it is satisfied that the licensee does not carry on the business of scrap metal dealing at any of the sites identified in the licence.
- 10.11 BCP Licensing Authority may revoke a licence if it is satisfied that a site manager named in the licence does not act as a site manager at any of the sites identified in the licence.
- 10.12 BCP Licensing Authority may revoke a licence if it is no longer satisfied that the licensee is a suitable person to carry on business as a scrap metal dealer and shall have particular regard to any relevant offences and enforcement action.
- 10.13 If the licensee or any site manager named in a licence is convicted of a relevant offence, BCP Licensing Authority may vary the licence by adding one or more of the following conditions:
- 10.13.1 That any dealer must not receive scrap metal except between 09:00 hours and 17:00 hours on any day.
 - 10.13.2 That all scrap metal received must be kept in the form in which it is received for a specified period, not exceeding 72 hours, beginning with the time when it is received.
- 10.14 A revocation or variation comes into effect when no appeal is possible in relation to the revocation or variation, or when any such appeal is finally determined or withdrawn.
- 10.15 If BCP Licensing Authority considers that the licence should not continue in force without conditions, it may by notice provide:
- (a) that, until a revocation comes into effect, the licence is subject to one or both of the conditions set out in paragraph 10.13, or
 - (b) that a variation under this paragraph comes into effect immediately.
- 10.16 All licences issued by BCP Licensing Authority pursuant to the Act remain the physical property of BCP Licensing Authority and must be returned as required on expiry or revocation of the relevant licence.
- 10.17 Action may be taken for the recovery of any licence not returned as required by BCP Licensing Authority and any such action may be taken into account in relation to any future application for a licence.

11. Fees

- 11.1 The application fees are set by BCP Licensing Authority on a cost recovery basis and are reviewed every 5 years. Any fee set will take into account guidance from the Secretary of State.

12. How to use this policy

- 12.1 This policy should be used in conjunction with the following documents:

Scrap Metal Dealers Act 2013

<http://www.legislation.gov.uk/ukpga/2013/10/contents/enacted>

Scrap Metal Dealers Act 2013 - Guidance on Determining Suitability to Hold a Scrap Metal Dealers Licence

<https://www.gov.uk/government/publications/determining-suitability-to-hold-a-scrap-metal-dealers-licence>

Scrap Metal Dealers Act 2013 – Supplementary Guidance

<https://www.gov.uk/government/publications/scrap-metal-dealers-act-2013-supplementary-guidance>

13. Roles and responsibilities

- 13.1 Where there are uncontested applications, or where there are no questions about the suitability of the applicant, the determination should be dealt with by BCP Licensing Authority's Licensing Officers.
- 13.3 Contested applications where there is relevant information from any of the consultees, or queries regarding an applicant's suitability, revocation of a licence or the imposition of conditions shall be presented to the Licensing Sub-Committee.

14. Enforcement and sanctions

- 14.1 As with any licensing or regulatory system, it is first and foremost the responsibility of the business to ensure that they comply with the legislation; and the role of the enforcement agencies are to ensure that they are doing so, either through the provision of advice and improvement support or ultimately through fines and legal action.
- 14.2 Sections 10 – 15 of the Scrap Metal Dealers Act 2013 set out requirements for the correct conduct of the business which must be complied with. These are set out in detail at Appendix A.

Right of Entry and Inspection

- 14.3 A Police Officer or an authorised Officer of BCP Council may enter and inspect a licensed site at any reasonable time on notice to the site manager.
- 14.4 Entry without notice would occur, if:
- (a) Reasonable attempts to give notice have been given and failed, or
 - (b) entry to the site is reasonably required for the purposes of ascertaining whether the provisions of the Act are being complied with or investigating offences under it and, in either case, the giving of notice would defeat that purpose.
- 14.5 14.3 and 14.4 do **NOT** apply to residential premises.
- 14.6 A Police Officer or an authorised Officer of BCP Council must provide evidence of their identity, and evidence of their authority to exercise these powers, if requested by the owner, occupier, or other person in charge of the premises.

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APPENDIX A

SCRAP METAL DEALERS ACT 2013 - OFFENCES AND PENALTIES

SECTION	OFFENCES	MAX PENALTY
1(3)	Carrying on the business as a scrap metal dealer without a licence	Level 5
8(9)	Failure to notify the authority of any changes to details given with application	Level 3
10(3)	Failure to display site licence or collectors licence	Level 3
11(6)	Receiving scrap metal without verifying persons full name and address	Level 3
11(7)	On delivery of scrap metal, providing a false name and address	Level 3
12(4) and (6)	Buying scrap metal for cash	Level 5
13 and 15(6)	Failure to keep records regarding receipt of metal	Level 5
14 and 15(6)	Failure to keep records regarding disposal of metal	Level 5
15(3), (4) and (6)	Failure to keep information and records for a period of 3 years	Level 5
16(3)	Obstruction to right of entry or failure to produce records	Level 3
Schedule 1		
3(5)	Failure to notify changes to a licence	Level 3
5	Makes or recklessly makes a false statement in a response to a request for further information	Level 3

Level 3 = £1,000
Level 5 = Unlimited

APPENDIX B

APPLICATION FORM



**Scrap Metal Dealers Act 2013
Application for a Scrap Metal Licence**

Please write legibly in **BLOCK CAPITALS** and ensure that your answers are inside the boxes. All questions must be answered. Incomplete applications will not be processed. You may wish to keep a copy of the completed form for your records.

SECTION 1. (for all applicants)
Please indicate the type of licence you are applying for (please tick): A site licence <input type="checkbox"/> A collector's licence <input type="checkbox"/>
Are you applying as (please tick): An individual <input type="checkbox"/> A company <input type="checkbox"/> A partnership <input type="checkbox"/>
Please state your trading name:
Is this application for a grant of a new licence or a renewal (please tick the relevant box): Grant of a new licence <input type="checkbox"/> Renewal of an existing licence <input type="checkbox"/> Variation of an existing licence <input type="checkbox"/> Variation of an existing licence (change of site manager) <input type="checkbox"/> If 'yes' please provide your existing licence number:
SECTION 2. Permits, registrations and licences in force
Please provide details of any relevant environmental permit, exemption or registration (such as a scrap metal dealer or a motor salvage operator) in relation to the applicant: Type: Identifying number: Date of issue: Type: Identifying number: Date of issue: Continue on a separate sheet if necessary
Please provide details, including licence number, of any other scrap metal licence issued by any authority to the applicant within the last 3 years (please use a continuation sheet if necessary):
Are you registered as a waste carrier with the Environment Agency? (please tick) Yes <input type="checkbox"/> No <input type="checkbox"/>

If 'yes' please provide your carrier's registration number:

SECTION 3. TO BE COMPLETED IF APPLYING FOR A SITE LICENCE
N.B - A site licence authorises the licensee to carry on business at a site in the authority's area. You can apply to licence multiple sites using this form.

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:
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Surname:	Forenames:
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Position/Role in the business:

I attach a Basic Disclosure Certificate¹:
Yes No
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: Head office name or house name or number: First line of address: Town/City: Postcode:	Telephone numbers: Daytime: Evening: Mobile:
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Home address: House name or number: First line of address: Town/City: Postcode	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
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¹ Further information about Basic Disclosure Certificates are set out in the explanatory notes accompanying this form.

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]

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><u>Site 1</u></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"/> ²</p>
<p><u>Site 2</u></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 If you do not provide a disclosure certificate issued for named persons by issued no more than three months before the date of this application your application may be delayed or rejected.

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)

Full name: Date of birth: Residential address: Basic Disclosure certificate attached: Yes <input type="checkbox"/> No <input type="checkbox"/> ³	Full name: Date of birth: Residential address: Basic Disclosure certificate attached: Yes <input type="checkbox"/> No <input type="checkbox"/>
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COMPANIES - (If you are applying as a company please provide the details set out below about the company)

Company name:

 Registered Company number:

 Address of the registered Company 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) - where necessary please use a continuation sheet.

Role: Name: Date of Birth: House name or number: First line of address: Town/City: Postcode: Basic Disclosure certificate attached: Yes <input type="checkbox"/> No <input type="checkbox"/> ⁴	Role: Name: Date of Birth: House name or number: First line of address: Town/City: Postcode: Basic Disclosure certificate attached: Yes <input type="checkbox"/> No <input type="checkbox"/>
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³ If you do not provide a disclosure certificate issued for named persons by issued no more than three months before the date of this application your application may be delayed or rejected.

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

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

Do you also intend to operate any mobile collection vehicles from these sites?

Yes No

If yes, please describe the arrangements for how these vehicles will operate:

**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 Mrs Miss Ms Other

(please state):

Surname:

I am 18 years old or over. Please tick

Yes No

Date of Birth:

Forenames:

I attach a Basic Disclosure Certificate issued ⁵:

Yes No

If you do not provide a disclosure certificate your application may be delayed or rejected.

⁵ Further information about Basic Disclosure Certificates are set out in the explanatory notes accompanying this form.

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:	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
Where will scrap metal that has been purchased be stored before further disposal? House name or number: First line of address: Town/City: Postcode: Will not be stored <input type="checkbox"/> How many vehicles do you intend to operate under this licence if your application is granted?	
Where will the vehicle(s) be kept when not in use?	
Please submit a current passport photo with application <input type="checkbox"/>	
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: <ul style="list-style-type: none"> • 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

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)

Cheque (please make payable to "Bournemouth Borough Council"

Credit or Debit Card (please telephone 01202 451180 to arrange payment)

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 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:

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:

Print Name:

Checklist: Information to be submitted with application.

*All supporting evidence and identification must be originals **not** photocopies.*

- Basic Disclosure - of all parties if a company (dated within last 3 month)
- Photographic I/D of all applicants - (passport, driving licence)
- Evidence of Home Address - (bank statement, council tax bill, etc)
- Evidence of Bank details - (bank statement etc.)
- Passport Photograph (Collectors Only)
- Appropriate Fee Site Licence £755.00
Collectors £540.00

Completed application to:

**BCP Council
Licensing Team
Town Hall Annexe
St Stephen's Road
Bournemouth
BH2 6EA**

Data Protection – PLEASE READ THIS NOTICE CAREFULLY

We will use the information you provide in this form and in any supporting documents to process and determine your application for a licence. The information will be held on file and on an internal database, and such public documents as we may be required to maintain.

The information supplied may be passed to other bodies, including law enforcement agencies and government departments, as allowed by law. We may check information you have provided, or information that another person has provided, with other information we hold. We may also obtain information about you from, or provide information to, organisations such as government departments, law enforcement agencies, other local authorities and private sector organisations such as banks, insurance companies or legal firms, to verify the accuracy of information, prevent or detect crime, or protect public funds.

We will not give your information to anyone else, or use information about you for other purposes, unless the law requires us to.

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

If you need more help in completing the application, then call Licensing team on 01202 451180.

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 BCP Council area.

A **collector's licence** allows you to travel within BCP 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. These details are required by law and also 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. You can apply for this certificate at <https://www.apply-basic-criminal-record-check.service.gov.uk/>

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.

A Basic Disclosure Certificate is considered to be only valid for 3 months, but can be used to apply to as many councils as you require within that time.

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. 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.

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 we can get in touch with you if necessary.

You need to submit a Basic Disclosure Certificate along with the application form. You can apply for this certificate at:

<https://www.apply-basic-criminal-record-check.service.gov.uk/>

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.

A Basic Disclosure Certificate is considered valid for up to 3 months, but can be used to apply to as many councils as you require within that time.

We also ask for the place where you will store any collected scrap metal before taking it to a licensed site to dispose of it. Note that you are not allowed to sell or buy metal at this storage site and doing so is an offence. This may be a licensed site that you operate in another council area.

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.

We require a current passport size photo as we will produce a personal licence identity card.

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.

SECTION 6 – 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 and are a legal requirement of the application.

SECTION 7 – PAYMENT

There is a fee to apply for a licence. 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 the licensing team.

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APPENDIX B

RELEVANT OFFENCES

Certain criminal convictions are considered relevant under the Scrap Metals Dealers Act 2013 and are set out in the list below. The full list can also be viewed at <http://www.legislation.gov.uk/uksi/2013/2258/made>

If an applicant has any relevant offences these will be taken into account when the local authority evaluates if the applicant is a suitable person to carry on as a scrap metal dealer.

PART 1

Primary Legislation

- (a) An offence under section 1, 5, or 7 of the Control of Pollution (Amendment) Act 1989
- (b) An offence under section 170 or 170B of the Customs and Excise Management Act 1979, where the specific offence concerned relates to scrap metal
- (c) An offence under section 110 of the Environment Act 1995
- (d) An offence under sections 33, 34 or 34B of the Environmental Protection Act 1990
- (e) An offence under section 9 of the Food and Environment Protection Act 1985
- (f) An offence under section 1 of the Fraud Act 2006, 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
- (h) An offence under sections 327, 328 or 330 to 332 of the Proceeds of Crime Act 2002
- (i) Any offence under the Scrap Metal Dealers Act 1964
- (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, 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
- (m) An offence under sections 85, 202, or 206 of the Water Resources Act 1991

PART 2

Secondary Legislation

- (a) An offence under regulation 38 of the Environmental Permitting (England and Wales) Regulations 2007
- (b) An offence under regulation 38 of the Environmental Permitting (England and Wales) Regulations 2010
- (c) Any offence under the Hazardous Waste (England and Wales) Regulations 2005
- (d) Any offence under the Hazardous Waste (Wales) Regulations 2005
- (e) An offence under regulation 17(1) of the Landfill (England and Wales) Regulations 2002
- (f) Any offence under the Pollution Prevention and Control (England and Wales) Regulations 2000
- (g) Any offence under the Producer Responsibility (Packaging Waste) Regulations 2007
- (h) Any offence under the Transfrontier Shipment of Waste Regulations 1994
- (i) Any offence under the Transfrontier Shipment of Waste Regulations 2007
- (j) Any offence under the Waste (Electrical and Electronic Equipment) Regulations 2006
- (k) An offence under regulation 42 of the Waste (England and Wales) Regulations 2011

* See note below

*NOTE: If the applicant or any site manager has been convicted of a relevant offence, BCP Licensing Authority may include in the licence one or both of the following conditions:

1. That the dealer must not receive scrap metal except between the hours of 09:00 and 17:00 on any day.
2. That all scrap metal received must be kept in the form in which it is received for a specified period, not exceeding 72 hours, beginning with the time when it is received.