

# Scrap Metal Dealers Act 2013 2025 - 2030

## Licensing

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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 This policy replaces Bournemouth, Christchurch and Poole Councils previous policy dated 2020.

## **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 tradespersons 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 reached 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 A 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 collect waste materials by arrangement from a location to the site, however, it cannot regularly collect waste materials from door to door visits.
- 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 collector's licence does not permit the holder to operate a scrap metal site.

8.11 A collector's licence does not allow collection from outside the area of BCP Council. If a person wishes to collect from other local authority areas, a collector's licence will be required from each local authority area he/she collects scrap within.

8.12 A copy of the collector's 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 a 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.
- 9.12 Applicants must ensure they understand the legal obligations of holding a scrap metal dealer's licence.

## **10. Application procedure**

- 10.1 The application form 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.bcpCouncil.gov.uk/business/licences-and-permits/scrap-metal-and-motor-salvage-licence>
- 10.2 Guidance notes on how to complete the application are also available and shown at Appendix B.
- 10.3 The application for a collector's 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 collector's licence from the relevant local authority where they wish to collect and sell from.

### **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.
- 10.10 There is no provision to transfer a licence from one person to another.



## **Revocation of Licence/Imposition of Conditions**

- 10.11 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.
- 10.12 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.
- 10.13 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.
- 10.14 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:
- 10.14.1 That any dealer must not receive scrap metal except between 09:00 hours and 17:00 hours on any day.
  - 10.14.2 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.
- 10.15 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.
- 10.16 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.
- 10.17 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.
- 10.18 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.



## 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
<b>Schedule 1</b>		
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

### 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/ukxi/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.