



## SHEFFIELD CITY COUNCIL Committee Report

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**Report of:** Chief Licensing Officer, Head of Licensing

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**Date:** 12<sup>th</sup> September 2013

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**Subject:** Scrap Metal Dealers Act 2013

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**Author of Report:** Shimla Finch - 2037751

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**Summary:** To inform Members of the new Scrap Metal Dealers Act 2013, its implications, to approve the fees and application documents for a Scrap Metal Dealer licence and recommend that the published scheme of delegation be amended to reflect the legislative changes

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**Recommendations:** That members consider all the information provided in the report and that included in any attachments before determining whether to approve the fee and application documents.

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**Background Papers:** Attached to this report  
[Scrap Metal Dealers Act 2013](#)  
[Scrap Metal Dealers Act 2013 – Explanatory Notes](#)  
[LGA Guide to the Scrap Metal Dealers Act 2013: Applications](#)  
[Home Office guidance on fee setting](#)

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**Category of Report:** OPEN

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# **REPORT OF THE CHIEF LICENSING OFFICER (HEAD OF LICENSING) TO THE LICENSING COMMITTEE**

**No: 51/13**

## **SCRAP METAL DEALERS ACT 2013**

### **1.0 PURPOSE OF THE REPORT**

- 1.1 The purpose of this report is to inform Members of the new Act, its implications, to approve the fees and application documents for a Scrap Metal Dealer licence and recommend that the published scheme of delegation be amended to reflect the legislative changes

### **2.0 INTRODUCTION AND BACKGROUND TO THE ACT**

- 2.1 The Scrap Metal Dealers Act 2013 received Royal Assent on 28 February 2013 and is due to come into effect on the 1<sup>st</sup> October 2013.
- 2.2 The new Act will replace the Scrap Metal Dealers Act 1964 and part of the Vehicle (Crime) Act 2001 that deals with motor salvage operators.
- 2.3 The statute revises the regulatory regime for scrap metal dealing and vehicle dismantling. Local Authorities will continue to act as the main regulator but the new statute gives the authority more powers, including the power to refuse and revoke licences if the dealer is considered 'unsuitable'. Both the local authority and the Police have been given powers to enter and inspect premises.
- 2.4 The changes in the legislation have been prompted by the impact of metal theft – this has become an increasing problem across the UK as the value of metal has risen. A wide range of bodies in both the public and private sectors are commonly affected. Targets include transport, electricity and telephone infrastructure, street furniture and memorials - this affects commercial and residential buildings, together with churches and schools.
- 2.5 In 2012 the Government brought in some initial steps through the introduction of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, as follows:-
- to prohibit cash payments for scrap metal;
  - to amend Police powers of entry into unregistered scrap metal sites; and
  - to increase the existing financial penalties for offences under the Scrap Metal Dealers Act 1964.

### **3.0 KEY FEATURES OF THE ACT**

- 3.1 The aim of the Act is to revise the regulatory regime for scrap metal dealing and vehicle dismantling and to give the Police and Local Authorities more powers to refuse and revoke licences as well as greater rights of entry and inspection.
- 3.2 A 'Scrap Metal Dealer' is defined under the Act as follows:

(2) A person carries on business as a scrap metal dealer if the person—

- (a) carries on a business which consists wholly or partly in buying or selling scrap metal, whether or not the metal is sold in the form in which it was bought, or
  - (b) carries on business as a motor salvage operator (so far as that does not fall within paragraph (a)).
- (4) For the purposes of subsection (2)(b), a person carries on business as a motor salvage operator if the person carries on a business which consists —
- (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 paragraphs (a) and (b), or
  - (d) wholly or mainly in activities falling within paragraphs (b) and (c).
- 3.3 Currently, Sheffield have 21 registered as Motor Salvage Operators and 91 as Scrap Metal Dealers who will require licences under the new Act.
- 3.4 The Act brings in two types of licences either a **'site licence'** or a **'collector's licence'**. A person can only hold one licence in a Local Authority's area but can hold a licence in more than one local authority.
- 3.5 A site licence requires all of the sites at which the licensee carries on the business as a scrap metal dealer within the local authority area to be identified and a site manager to be named for each site. In doing so, they will be permitted to operate from those sites as a scrap metal dealer, including transporting scrap metal to and from those sites from any local authority area.
- 3.6 A collector's licence authorises the licensee to operate as a mobile collector in the area of the issuing local authority, permitting them to collect any scrap metal as appropriate. This includes commercial as well as domestic scrap metal.
- 3.7 The licence does not permit the collector to collect from any other local authority area. A separate licence should be obtained from each local authority from which the individual wishes to collect in. A collector's licence does not authorise the licensee to carry on a business at a site within any area. Should a collector wish to use a fixed site, they will need to obtain a site licence from the relevant local authority.
- 3.8 The Act also specifies that a licence will be issued by the local authority in whose area a scrap metal site is situated, or (in respect of a mobile collector) in the area that the collector operates.
- 3.9 An applicant for a licence must be 'suitable' and the Local Authority, when determining suitability, can have regard to:
- Whether the applicant or any site manager has been convicted of any relevant offence

- Whether the applicant or any site manager has been the subject of any relevant enforcement action
  - Any previous refusal for issue of or renewal of a scrap metal licence
  - Any previous refusal for an environmental permit or registration
  - Any previous revocation of a scrap metal licence
  - Whether the applicant has demonstrated that there will be adequate procedures to comply with the act.
  - All of the above will apply to any director, or any secretary of a company if the applicant is not an individual
- 3.10 Currently the Licensing Authority is awaiting regulations from the Secretary of State as to the named relevant offences.
- 3.11 After receipt of an application the Local Authority must consult with:
- The Environment Agency
  - The Police
  - Any other Authority as may be required to determine suitability
- 3.12 The Act has introduced the requirement that the Environment Agency keep and maintain a register of scrap metal licences issued in England and that the register must be open for public inspection.
- 3.13 The Act introduces the requirement that the scrap metal dealer verifies the identity of the person's full name and address of the metal supplier and keeps copies of the proof of identification. In addition the dealer must keep records of the type and description of the metal(s) including weight and identifying marks, the date and time of receipt, the vehicle registration of any vehicle delivering the metal and copies of cheques used to pay for metal. All records must be kept for 3 years. The Act also prohibits the payment of cash for metal.
- 3.14 Police officers and local authority officers have been given powers to inspect licensed premises and can require production of any scrap metal at the premises, inspect records kept and take copies of those records. Further, the Act provides police or local authority powers to issue closure notices to unlicensed scrap dealing premises and apply to a justice of the peace for a closure order.
- 3.15 The current legislation only permits registration with minimal information and no fee payable. The new act will require more detailed information to be submitted on application and will allow the local authority to set a fee. The fee must be on a cost recovery basis and local authorities will have to have regard to guidance issued by the Secretary of State.

#### **4.0 TRANSITIONAL ARRANGEMENTS**

- 4.1 In order to provide time for Councils to process applications without existing businesses being in a position where they cannot operate, the Home Office is implementing a transition period. The details of which are set out below:
- All scrap metal dealers can apply for a scrap metal dealer's licence under the 2013 Act from 1st October 2013.

- A scrap metal dealer who is currently registered under the Scrap Metal Dealers Act 1964 or Vehicles (Crime) Act 2001 (Motor Salvage Operators) will be deemed to have a licence under the Act from the 1<sup>st</sup> October, provided the dealer submits an application for a licence between the 1<sup>st</sup> October and 15th October 2013. This temporary licence will be valid until a licence decision is issued. A formal licence decision will be issued by the local authority by the 1st December 2013.
- Local authorities will complete checks to assess applicants' suitability to hold a licence between 15th October 2013 and 1st December 2013.
- If a registered scrap metal dealer does not submit an application on or by 15th October 2013 their deemed licence will lapse on 16th October 2013. A deemed temporary licence which has lapsed does not give rise to a right to appeal. The dealer must submit an application and wait for a licence to be issued before they can trade legally.
- A local authority can impose conditions on a deemed temporary licence pending an appeal for the refusal of a licence.
- Scrap metal dealers who are not registered under the Scrap Metal Dealers Act 1964 or the Vehicles (Crime) Act 2001 can apply for a scrap metal dealer's licence from 1st October 2013 but must wait for a licence to be issued before they can trade legally.
- The offence of buying scrap metal for cash will come into force on 1st October 2013.
- Local authority officers and police officers will have the right to enter and inspect sites from 1st October 2013.
- The majority of the other enforcement provisions within the Act will come into force on 1st December 2013

## **5.0 FEE SETTING**

- 5.1 The Act provides that an application for a licence must be accompanied by a fee. The fee will be set locally by each local authority on a cost recovery basis, but local authorities will have a duty to have regard to guidance issued by the Secretary State which outlines the issues that should be considered when setting the fee and what activities the fee can cover. The fee will be an essential component of the new regime as it will provide local authorities with the funding needed to administer the system and ensure compliance.
- 5.2 The EU services directive states that a licence fee can only be used to pay for the cost associated with the licensing process. In effect, each local authority must ensure that fees charged do not exceed the costs of providing the service.
- 5.3 The Home Office has published guidance to assist local authorities in setting these fees; the general principle is that fees should reflect:
- The cost of administering and processing applications.
  - Having experienced licensing officers review them
  - Storage
  - Consulting and reviewing on the suitability of applicants
  - History checks

- Decision making process
- The cost of issuing licences in a suitable format
- Contested applications
- Compliance- Entry, inspection

5.4 The licence fee cannot be used to support enforcement activity against unlicensed scrap metal dealers. Any activity taken against unlicensed operators must be funded through central Council funds.

5.5 In taking into consideration of the above and in reference to the fee guidance issued by the Home Office, the Licensing Authority recommends the following fees for approval which will recover our known costs.

5.6	Site Licence	-	New	-	£350
		-	Renewal	-	£300
	Collectors Licence	-	New	-	£150
		-	Renewal	-	£100
	Site / Collectors Licence Variation	-		-	£75
	Copy of Licence	-		-	£10.50

5.7 If approved these fees will be reviewed and determined every year as normal practice to ensure full cost recovery.

## 6.0 APPLICATION FORMS

6.1 Schedule 1 of the Act sets out what information must accompany an application, paragraph 4(1) also states that Councils are entitled to request any further information they regard relevant to consider an application.

6.2 The Local Government Authority (LGA) has produced a template application form which covers the information the legislation specifies. This form is not prescribed and Sheffield's Licensing Authority has made amendments to include further documentation.

6.3 A draft application form for the grant or renewal of a licence with our guidance is attached at Appendix 'A'. Applicants will be requested to enclose a basic disclosure from Disclosure Scotland with their applications which will disclose any unspent convictions which may be relevant.

6.4 A draft application for the variation of a Scrap Metal Dealers licence is attached at Appendix 'B'.

## 7.0 LEGAL IMPLICATIONS

7.1 The scheme is a statutory requirement placed upon the Council. The Act completely replaces the previous registration scheme local authorities operated for scrap metal dealers. Local authorities will now be responsible for the licensing of scrap metal dealers and enforcement of the licensing regime alongside the Police.

- 7.2 Appeals against a decision of the Council to refuse an application, to impose a condition on the licence or to revoke or vary the licence will be to the Magistrates' Court.
- 7.3 The Scrap Metal Dealers Act 2013 (Commencement and Transitional Provisions) Order 2013. *This Order brings into force the Scrap Metal Dealers Act 2013 ("the 2013 Act"), which repeals the Scrap Metal Dealers Act 1964 and the system of registration contained therein, and replaces it with a new system of licensing, to be administered by local authorities. The 2013 Act also replaces the system of registration for motor salvage operators under the Vehicles (Crime) Act 2001, in that motor salvage operators will now be treated as scrap metal dealers who fall to be licensed under the new regime.*
- 7.4 Power to licence scrap yards pursuant to section 1 of the Scrap Metal Dealers Act 1964 is a matter presently falling within the terms of reference to Licensing Committee, meaning that it will be necessary to amend the published scheme of delegation to reflect the legislative changes.

## **8.0 FINANCIAL IMPLICATIONS**

- 8.1 There are no financial implications for the Council arising from this report. Should Members agree the proposed fees as detailed in the report; the Council will recover its reasonable costs in relation to administering / enforcing the above licensing system.

## **9.0 RECOMMENDATIONS**

- 9.1 That members consider all the information provided in the report and that included in any attachments before determining whether to approve the fees and application documents.

## **10.0 OPTIONS OPEN TO THE BOARD**

- 10.1 That Members of the Licensing Committee approve the new forms, proposed new fees and recommend that the published scheme of delegation be amended to reflect the legislative changes.
- 10.2 That Members of the Licensing Committee make further amendments to the documents before approving the new forms and proposed new fees.

Stephen Lonnia  
Chief Licensing Officer & Head of Licensing  
Business Strategy & Regulation  
Place

16<sup>th</sup> August 2013

## APPENDIX 'A'



# SCRAP METAL DEALERS ACT 2013

## APPLICATION FOR A SCRAP METAL DEALERS LICENCE

Licensing Service  
Place Portfolio  
Business Strategy and Regulation  
Block C, Staniforth Road Depot  
Staniforth Road  
Sheffield  
S9 3HD

Telephone Number: 0114 203 7752  
Fax Number: 0114 273 4073

Or visit our website: [www.sheffield.gov.uk/licensing](http://www.sheffield.gov.uk/licensing)  
Or email us at: [general.licensing@sheffield.gov.uk](mailto:general.licensing@sheffield.gov.uk)

### Opening Times

Monday to Friday

09:00 to 17:00



# GUIDANCE TO APPLY FOR A SCRAP METAL DEALERS LICENCE

If a person carries on the business as a scrap metal dealer, you must obtain a licence from your local authority under the Scrap metal Dealers Act 2013.

## What is a scrap metal dealer?

Section 21 'Carrying on business as a scrap metal dealer' and 'scrap metal'

(2) A person carries on business as a **scrap metal dealer** if the person—

- (a) carries on a business which consists wholly or partly in buying or selling scrap metal, whether or not the metal is sold in the form in which it was bought, or
- (b) carries on business as a motor salvage operator (so far as that does not fall within paragraph (a)).

## What is a motor salvage operator?

(4) For the purposes of subsection (2)(b), a person carries on business as a motor salvage operator if the person carries on a business which consists —

- (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 paragraphs (a) and (b), or
- (d) wholly or mainly in activities falling within paragraphs (b) and (c).

The 2013 Act brings in two types of licences either a **site licence** or a **collectors' licence**. A person can only hold one of these licences in a Local Authority's area, but can hold a licence in more than one Local Authority.

### **Site Licence:**

A site licence requires all of the sites at which the licensee carries on the business as a scrap metal dealer within the local authority area to be identified and a site manager to be named for each site. In doing so, they will be permitted to operate from those sites as a scrap metal dealer, including transporting scrap metal to and from those sites from any local authority area.

### **Collectors Licence:**

A collector's licence authorises the licensee to operate as a mobile collector in the area of the issuing local authority, permitting them to collect any scrap metal as appropriate. This includes commercial as well as domestic scrap metal.

The licence does not permit the collector to collect from any other local authority area. A separate licence should be obtained from each local authority from which the individual wishes to collect in. A collector's licence does not authorise the licensee to carry on a

business at a site within any area. Should a collector wish to use a fixed site, they will need to obtain a site licence from the relevant local authority.

A licence will be issued by the local authority in whose area a scrap metal site is situated, or (in respect of a mobile collector) in the area that the collector operates.

It will be an offence to carry on a business as a scrap metal dealer in breach of the requirement to hold a licence. This offence is punishable on summary conviction with a fine not exceeding level 5 on the standard scale.

Both types of licences expire after 3 years from the date of issue.

## **Transfer of a Licence**

Scrap Metal Dealers licences are non-transferrable.

## **Variation of a Licence**

Scrap Metal Dealers can apply to vary (change) certain details of their licence, under the Act the licence holder has a duty to make a variation on certain details that has changed as stipulated by the Act.

Variations are permitted for the following activities:

- Vary a licence from a site licence to a collectors licence (or vice versa)
- Change of name of the licensee (not a transfer)
- Add or change sites on the licence within the authorities area
- Change of site manager

Please see variation application and guidance to make these changes.

## **Eligibility Criteria**

Section 3 of the Act states that a Council must not issue a licence unless it is satisfied that the applicant is a suitable person to carry on a business as a scrap metal dealer.

A Local Authority, when determining suitability, can have regard to:

- Whether the applicant or any site manager has been convicted of any relevant offence
- Whether the applicant or any site manager has been the subject of any relevant enforcement action
- Any previous refusal for issue of or renewal of a scrap metal licence
- Any previous refusal for an environmental permit or registration
- Any previous revocation of a scrap metal licence
- Whether the applicant has demonstrated that there will be adequate procedures to comply with the act.
- All of the above will apply to any director, or any secretary of a company if the applicant is not an individual

## Fee

Site Licence	-	New	-	£350
	-	Renewal	-	£300
Collectors Licence	-	New	-	£150
	-	Renewal	-	£100
Site / Collectors Licence Variation			-	£75
Copy of Licence			-	£10.50

## Application

Applicants must submit the following documentation to the Local Authority:

- Completed and signed application form.
- The appropriate fee
- Basic Disclosure Scotland (CRB check) dated within 1 month of application for the applicant(s) and site manager(s) as appropriate.  
Further information can be found at [www.disclosurescotland.co.uk](http://www.disclosurescotland.co.uk).
- Any further information requested on the application form.

Your application will be consulted with the Environment Agency, South Yorkshire Police and any other relevant Authority to determine suitability. The consultation period will be 28 days.

If there are any objections, you will be notified in writing and invited to a Licensing Committee who will determine your application.

If there are no objections and you are suitable to carry on the business as a scrap metal dealer, the licence will be issued to you as soon as reasonably practicable after the 28 day consultation period.

Applications can only be submitted to the Local Authority on or after the 1<sup>st</sup> October 2013 at the following address:

The Licensing Service  
Block C, Staniforth Road Depot  
Staniforth Road  
Sheffield  
S9 3HD

Tel: 0114 2037752

For more information, please see our website at [www.sheffield.gov.uk/licensing](http://www.sheffield.gov.uk/licensing).

# Application for a Scrap Metal Licence

## SHEFFIELD CITY COUNCIL

<b>SECTION 1. (for all applicants)</b>		
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"/>	
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"/>	
If 'yes' please provide your existing licence number:		
Are you applying as (please tick):		
An individual <input type="checkbox"/>	A partnership <input type="checkbox"/>	A company <input type="checkbox"/>
Please state your trading name:		
<b>DETAILS OF PROSPECTIVE LICENCE HOLDER:</b>		
<b>If applying as an Individual</b>		
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:	
Position/Role in the business:		
I attach a Basic Disclosure Certificate issued for the applicant by Disclosure Scotland <sup>1</sup> : Yes <input type="checkbox"/> No <input type="checkbox"/> If you do not provide a disclosure certificate your application may be delayed or rejected.		

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

<b>Contact details</b> (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:
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
<b>If applying as a Partnership</b> (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:       <b>Basic Disclosure certificate attached:</b> Yes <input type="checkbox"/> No <input type="checkbox"/> <sup>2</sup>	Full name:  Date of birth:  Residential address:       <b>Basic Disclosure certificate attached:</b> Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>If applying as a Company</b> (If you are applying as a company please provide the details set out below about the company)	
Company name:  Registration number:  Address of the registered office:	

<sup>2</sup> If you do not provide a disclosure certificate issued for named persons by Disclosure Scotland issued no more than one month before the date of this application your application may be delayed or rejected.

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  No  <sup>3</sup>

Role:

Name:

Date of Birth:

House name or number:

First line of address:

Town/City:

Postcode:

**Basic Disclosure certificate attached:**

Yes  No

**SECTION 2. Permits, registrations and licences in force (for all applicants)**

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? (please tick)

Yes  No

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

<sup>3</sup> If you do not provide a disclosure certificate issued for named persons by Disclosure Scotland issued no more than one month before the date of this application your application may be delayed or rejected.

**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.****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)
<b>Site 1</b>  Name or number:  First line of address:  Town/City:  Postcode:  Telephone number:  Email address:  Website address:	Name:  House name or number:  First line of address:  Town/City:  Postcode:  Date of Birth:  <b>Basic Disclosure certificate attached:</b>  Yes <input type="checkbox"/> No <input type="checkbox"/> <sup>4</sup>
<b>Site 2</b>  Name or number:  First line of address:  Town/City:  Postcode:  Telephone number:  Email address:  Website address:	Name:  House name or number:  First line of address:  Town/City:  Postcode:  Date of Birth:  <b>Basic Disclosure certificate attached:</b>  Yes <input type="checkbox"/> No <input type="checkbox"/>

<sup>4</sup> If you do not provide a disclosure certificate issued for named persons by Disclosure Scotland issued no more than one month 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

**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.**

**Vehicle details:**

If you have more than 6 vehicles, please provide details for each vehicle on a continuation sheet.

How many vehicles will be used in your business as a collector?

**Vehicle 1:**

Vehicle Registration No:

MOT expiry date:

Insurance expiry Date:

**Vehicle 2:**

Vehicle Registration No:

MOT expiry date:

Insurance expiry Date:

**Vehicle 3:**

Vehicle Registration No:

MOT expiry date:

Insurance expiry Date:

**Vehicle 4:**

Vehicle Registration No:

MOT expiry date:

Insurance expiry Date:

**Vehicle 5:**

Vehicle Registration No:

MOT expiry date:

Insurance expiry Date:

**Vehicle 6:**

Vehicle Registration No:

MOT expiry date:

Insurance expiry Date:

**Driver Details:**

Full name	Date of Birth	Residential address	Relevant Convictions

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

**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

**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. 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:

<b>SECTION 8. DECLARATION &amp; CHECKLIST (For all applicants)</b>	
<b>Have you enclosed the following:</b>	(tick)
Appropriate fee	
Disclosure Scotland certificate (CRB) less than 1 month old	
Your current passport	
Your current drivers licence	
One other proof of identity, showing your name and current address (recent utility bill, bank statement etc – less than 3 months old)	
Right to work documentation (if applicable)	
A copy of your registrations and permits as detailed in section 2 of this form	
<p>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.</p> <p>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.</p> <p>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.</p> <p>Signed: _____ Date: _____</p> <p>Print Name: _____</p> <p>Capacity: _____</p>	

## **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.

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.

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

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.

### **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](http://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**.

There is not much space on the form, so if you need to list more than one site manager etc, 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.

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**.

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 also ask for names and details of the drivers and whether they have any relevant convictions.

#### **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 the council.

#### **Section 7 – 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 8 – 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
- 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

## APPENDIX 'B'



# SCRAP METAL DEALERS ACT 2013

## APPLICATION TO VARY A SCRAP METAL DEALERS LICENCE

Licensing Service  
Place Portfolio  
Business Strategy and Regulation  
Block C, Staniforth Road Depot  
Staniforth Road  
Sheffield  
S9 3HD

Telephone Number: 0114 203 7752  
Fax Number: 0114 273 4073

Or visit our website: [www.sheffield.gov.uk/licensing](http://www.sheffield.gov.uk/licensing)  
Or email us at: [general.licensing@sheffield.gov.uk](mailto:general.licensing@sheffield.gov.uk)

### Opening Times

Monday to Friday

09:00 to 17:00



# GUIDANCE TO VARY A SCRAP METAL DEALERS LICENCE

## Variation of a Licence

Scrap Metal Dealers can apply to vary (change) certain details of their licence, under the Act the licence holder has a duty to make a variation on certain details that has changed as stipulated by the Act.

Variations are permitted for the following activities:

- Vary a licence from a site licence to a collectors licence (or vice versa)
- Change of name of the licensee (not a transfer)
- Add or change sites on the licence within the authorities area
- Change of site manager

## Eligibility Criteria

Section 3 of the Act states that a Council must not issue a licence unless it is satisfied that the applicant is a suitable person to carry on a business as a scrap metal dealer.

A Local Authority, when determining suitability, can have regard to:

- Whether the applicant or any site manager has been convicted of any relevant offence
- Whether the applicant or any site manager has been the subject of any relevant enforcement action
- Any previous refusal for issue of or renewal of a scrap metal licence
- Any previous refusal for an environmental permit or registration
- Any previous revocation of a scrap metal licence
- Whether the applicant has demonstrated that there will be adequate procedures to comply with the act.
- All of the above will apply to any director, or any secretary of a company if the applicant is not an individual

## Fee

Site / Collectors Licence Variation - £75

## Application

Applicants must submit the following documentation to the Local Authority:

- Completed and signed application form.
- The appropriate fee
- Basic Disclosure Scotland (CRB check) dated within 1 month of application for the applicant(s) and site manager(s) as appropriate.  
Further information can be found at [www.disclosurescotland.co.uk](http://www.disclosurescotland.co.uk).
- Any further information requested on the application form.

Your application will be consulted with the Environment Agency, South Yorkshire Police and any other relevant Authority to determine suitability. The consultation period will be 28 days.

If there are any objections, you will be notified in writing and invited to a Licensing Committee who will determine your application.

If there are no objections and you are suitable to carry on the business as a scrap metal dealer, the licence will be issued to you as soon as reasonably practicable after the 28 day consultation period.

Applications can only be submitted to the Local Authority on or after the 1<sup>st</sup> October 2013 at the following address:

The Licensing Service  
Block C, Staniforth Road Depot  
Staniforth Road  
Sheffield  
S9 3HD

Tel: 0114 2037752

For more information, please see our website at [www.sheffield.gov.uk/licensing](http://www.sheffield.gov.uk/licensing).

# Application to VARY a Scrap Metal Licence

## SHEFFIELD CITY COUNCIL

### SECTION 1 (for all applicants)

Existing licence number:

Type of variation: (please tick):

- Vary a collectors licence to a site licence (*complete sections 2, 3, 5, 11 & 12*)
- Vary a site licence to a collectors licence (*complete sections 2, 4, 5, 11 & 12*)
- Change of name or address of the licensee (*complete sections 2, 6, 11 & 12*)
- Add a site on your licence (*complete sections 2,5, 11 & 12*)
- Remove a site on your licence (*complete sections 2, 8, 11 & 12*)
- Change details of a site(s) on your licence (*complete sections 2, 9, 11 & 12*)
- Change a site manager (*complete sections 2, 10, 11 & 12*)

### SECTION 2 - APPLICANTS DETAILS (current details)

Name :

Address :

City :

Post Code :

Telephone No:

Email :

**SECTION 3 - VARY A COLLECTORS LICENCE TO 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.****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)
<b>Site 1</b>  Name or number:  First line of address:  Town/City:  Postcode:  Telephone number:  Email address:  Website address:	Name:  House name or number:  First line of address:  Town/City:  Postcode:  Date of Birth:  <b>Basic Disclosure certificate attached:</b>  Yes <input type="checkbox"/> No <input type="checkbox"/> <sup>5</sup>
<b>Site 2</b>  Name or number:  First line of address:  Town/City:  Postcode:  Telephone number:  Email address:  Website address:	Name:  House name or number:  First line of address:  Town/City:  Postcode:  Date of Birth:  <b>Basic Disclosure certificate attached:</b>  Yes <input type="checkbox"/> No <input type="checkbox"/>

<sup>5</sup> If you do not provide a disclosure certificate issued for named persons by Disclosure Scotland issued no more than one month 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

#### **SECTION 4. VARY A SITE LICENCE TO A COLLECTORS LICENCE**

**N.B- A collector's licence authorises the licensee to carry out business as a mobile collector in the authority's area only.**

**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:

Email:

**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

**Vehicle details:**  
 If you have more than 4 vehicles, please provide details for each vehicle on a continuation sheet.

How many vehicles will be used in your business as a collector?	
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<p><b>Vehicle 1:</b></p> <p>Vehicle Registration No:</p> <p>MOT expiry date:</p> <p>Insurance expiry Date:</p>	<p><b>Vehicle 2:</b></p> <p>Vehicle Registration No:</p> <p>MOT expiry date:</p> <p>Insurance expiry Date:</p>
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<p><b>Vehicle 3:</b></p> <p>Vehicle Registration No:</p> <p>MOT expiry date:</p> <p>Insurance expiry Date:</p>	<p><b>Vehicle 4:</b></p> <p>Vehicle Registration No:</p> <p>MOT expiry date:</p> <p>Insurance expiry Date:</p>
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**Driver Details:**

Full name	Date of Birth	Residential address	Relevant Convictions

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

**SECTION 5. MOTOR SALVAGE**

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

**SECTION 6. – CHANGE OF NAME / ADDRESS OF THE LICENCE HOLDER**

Current Name

New Name

Current Address

New Address

Contact Tel No:

Email Address:



**SECTION 7. – ADD A SITE(S)****Site details.**

Please list details for each new site. If you wish to add more than two sites in the area please provide details for each site on a continuation sheet.

[N.B- Provision should be made for more than one site manager]

Full address of each additional site you intend to carry out business as a scrap metal dealer:	Site manager(s) details
<b>Site 1</b>  Name or number:  First line of address:  Town/City:  Postcode:  Telephone number:  Email address:  Website address:	Name:  House name or number:  First line of address:  Town/City:  Postcode:  Date of Birth:  <b>Basic Disclosure certificate attached:</b>  Yes <input type="checkbox"/> No <input type="checkbox"/> <sup>6</sup>
<b>Site 2</b>  Name or number:  First line of address:  Town/City:  Postcode:  Telephone number:  Email address:  Website address:	Name:  House name or number:  First line of address:  Town/City:  Postcode:  Date of Birth:  <b>Basic Disclosure certificate attached:</b>  Yes <input type="checkbox"/> No <input type="checkbox"/>

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

**SECTION 8. – REMOVE A SITE(S)**

**Site details.**

Please list the details for each site which you wish to remove. If you wish to remove more than two sites in the area please provide details for each site on a continuation sheet.

**Site 1**

Name or number:

First line of address:

Town/City:

Postcode:

Telephone number:

Current Site Manager:

**Site 2**

Name or number:

First line of address:

Town/City:

Postcode:

Telephone number

Current Site Manager:

**SECTION 9. – CHANGE OTHER DETAILS OF A SITE(S) ON YOUR LICENCE**

<b>OLD DETAILS</b>	<b>NEW DETAILS</b>
<b>Site 1</b>	
<b>Site 2</b>	

**SECTION 10. – CHANGE OF SITE MANAGER**

**Site 1 Name and Address**

**Current Site Manager Name:**

**New Site Manager details:**

Name:

House name or number:

First line of address:

Town/City:

Postcode:

Date of Birth:

***Basic Disclosure certificate attached:***

Yes  No  <sup>7</sup>

**Site 2 Name and Address**

**Current Site Manager name:**

**New Site Manager details:**

Name:

House name or number:

First line of address:

Town/City:

Postcode:

Date of Birth:

***Basic Disclosure certificate attached:***

Yes  No

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

**SECTION 11. 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 12. DECLARATION & CHECKLIST (For all applicants)**

**Have you enclosed the following:**

(tick)

Appropriate fee

Disclosure Scotland certificate (CRB) less than 1 month old where applicable

Supporting documentation for a change of name/address

Enclosed the original scrap metal dealers licence

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:

Capacity: