

Scrap Metal Dealers Act 2013

Guidance on Applying for a Licence

Introduction

This document contains information relating to the application process for Site and Collector Licences issued and regulated under the Scrap Metal Dealers Act 2013.

Please contact us should you require any further information or advice. Our contact details are:

Email:	licensing@dartford.gov.uk	Address:	Licensing Team Dartford Borough Council Civic Centre Home Gardens Dartford Kent DA1 1DR
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What is Scrap Metal?

Scrap Metal includes:

- Any old, waste or discarded metal or metallic materials, and
- Any product, article or assembly which is made from or contains metal and is broken, worn out or regarded by its last holder as having reached the end of its useful life

Gold, silver or any alloy of which 2% or more by weight is attributable to gold or silver are not considered to be Scrap Metal.

What is a Scrap Metal Dealer?

A person is classed as a Scrap Metal Dealer if they:

- Carry 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:

- Carry on business as a Motor Salvage Operator.

A Motor Salvage Operator is someone who 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 in the future) of any of the activities mentioned in paragraphs (a) and (b)

It is a criminal offence to carry on business as a Scrap Metal Dealer without a licence.

Anyone guilty of such an offence is liable to receive a criminal record and a fine of up to £5000.

If you are in any doubt as to whether or not you require a licence, please contact a member of the licensing team to discuss your operation.

There are two types of licence:

Site licence

This allows the licence holder to carry on business at any site in the council's area which is identified in the licence. All the sites must have their own designated site manager. A site licence holder can transport scrap metal from third party businesses by arrangement from any other local council area providing it is in the course of the business from that site. Motor Salvage Operators need a site licence.

A site licence holder cannot regularly collect waste materials or old, broken, worn out or defaced articles by means of door to door visits as this would constitute carrying on a business as a mobile collector. It would however be acceptable to collect by arrangement, for instance where a motor salvage operator is asked to transport a damaged vehicle from an address to their site.

If a site licence holder uses self-employed mobile collectors to collect scrap metal which will be processed by the site, each collector would need a mobile collector's licence.

Collectors licence

This allows the licensee to **collect** scrap metal in the licensing council's area only; a separate collector's licence is needed for each council area that a mobile collector **collects** scrap metal. Licenced mobile collectors can however **dispose or sell** scrap metal in any council area.

Mobile Collector's need a licence to buy or sell any scrap metal collected. Even if the material is provided free of charge, a licence is required in order to sell it on. The licence does not allow the licensee to operate a site; to do so they will need a site licence from the relevant local authority.

N.B: A person may hold more than one licence issued by different local authorities, but may not hold more than one licence issued by any one authority, i.e. a person can only hold a Site Licence or a Collector's Licence in any one local authority area.

Submitting an Application:

Application form

There is one application form which covers new and renewal applications for both types of licence: 'Application for Registration as a Scrap Metal Dealer'

The applicant/s can be an individual, a partnership or a company. We will require details from all relevant parties as follows:

- Individual/Sole-trader – just your details
- Partnership – the details of all partners
- Company – the details of all directors and secretaries

Basic Disclosure

All applicants and Site Managers are required to submit a Basic Disclosure of Criminal Convictions. Details on how to obtain a Basic Disclosure from Disclosure & Barring Service (DBS) can be obtained by going to the following link:

<https://www.gov.uk/criminal-record-checks-apply-role>

This costs £25

The Basic Disclosure Certificate remains your property so that you can use it to apply for licences in other areas. This authority will not process an application for a licence without a Disclosure Certificate that is less than three months old.

Disclosure of convictions and declaration

Every person who is mentioned in the application must also complete a 'Disclosure of convictions and declaration' form. This will include all partners, directors and secretaries of a company and any site managers.

Photographs

If you are applying for a collectors licence you will need to provide two photographs of yourself.

If you are applying for a site licence we require two photographs of the person who has been named as site manager.

In either case, one of these photos must be endorsed as a true likeness by a solicitor, a person on standing in the community or an individual with a professional qualification.

Vehicles

If you are providing details of vehicles that will be used during the course of your business, you must provide us with a copy of the current insurance certificate for each vehicle.

Proof of identification

All applicants and site managers need to provide the following forms of Identification:

- A utility bill (gas, electricity or telephone) that is less than three months old and shows your home address, and
- A passport or DVLA licence

What now?

You need to submit your completed application form with all items shown on the Checklist on page 5 of the application (as outlined above) and payment, or proof of payment, to the address shown at the top of this guidance note.

Consideration of Applications

There are no statutory timescales relating to the processing of an application for a scrap metal dealer licence.

We will however aim to process all complete applications (i.e. properly completed application forms accompanied by all associated documentation and photographs, a fully completed disclosure of convictions form, basic disclosure certificate and the relevant fee) within six weeks from the date of receipt.

Tacit Consent does not apply. It is in the public interest for the authority to process your application and consult with relevant authorities before a licence will be granted. If you have not heard from the licensing authority within six weeks, please email the licensing team using the email shown at the top of this document.

Grant of Licence and Enforcement

Your licence will last for three years and the details of it will be recorded on a national register maintained by the Environment Agency and on a national multi-agency database maintained by the council in conjunction with the British Transport Police.

All licenced scrap metal dealers, whether by virtue of a Site Licence or Collector Licence, are required to comply with a number of legal requirements set out in the Act. These include requirements for licence holders:

- To apply to the council to vary their licence if any details of the licence change
- To notify the council (with 28 days) if any trading name of the business changes
- To display copies of licences at each site/in each vehicle (depending on whether the licence is a site licence or collector licence) in prominent places where they can be easily read by the public
- Not to receive scrap metal from a person without verifying their full name and address using only forms of identification specified in *The Scrap Metal Dealers Act 2013 (Prescribed Documents and Information for Verification of Name and Address) Regulations 2013*
- To only pay for scrap metal by way of a cheque (which under section 81A of the Bills of Exchange Act 1882 is not transferable) or by an electronic transfer of funds (authorised by credit or debit card or otherwise), i.e. no cash transactions are permitted
- To accurately record a number of specific details relating to all metal received and disposed of.

All licence holders will find these detailed as conditions attached to (on the back of) their licence.

All applicants are strongly advised to familiarise themselves with the relevant legal requirements before applying for a licence in order to ensure they will be able to comply with them, if licenced.

Similarly, all licence holders must ensure that all legal requirements, and any conditions attached to their licence, are strictly adhered to at all times - failure to do so is an offence.

More detailed guidance on the legal requirements placed on licence holders can be found online by searching 'scrap metal dealer guidance.'

Alternatively, please contact the Licensing Team if you would like a copy of the requirements/conditions, or require any further advice.

