

NORTH HERTFORDSHIRE DISTRICT COUNCIL



Scrap Metal Dealers Act 2013

Guidance for applicants for a Site Licence

If you need more help in completing an application for a Site Licence please contact the Council's Licensing Team via the following:

Email service@north-herts.gov.uk

Tel: 01462 474000

Website www.north-herts.gov.uk

Section 1

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 this Council's administrative area.

Section 2

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 that you are registered 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 licenses you hold in connection with the Scrap Metal Dealers Act 2013. Please make sure you include the licence number so that we can check this against the national register.

Section 3

This section should be filled out with the details of the person who will hold the Site Licence, if granted. 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(es). 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.

The Scrap Metal Dealers Act 2013 requires the Council to consider the suitability, or otherwise, of applicants to hold a licence under the Act. A conviction may not automatically prevent you from having a licence if the offence was unrelated to being a scrap metal dealer or was committed a long time ago, and you can satisfy the Council that you are a suitable person for the purposes of the Act. Accordingly, you and every person listed on the

application form needs to submit a Basic Disclosure Certificate. These are available online from Disclosure Scotland:

<http://www.disclosurescotland.co.uk/apply/individuals/>

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. Typically, three months is the longest that you can expect your check to be considered valid.

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 that is licensed.

A **Director** or **Partner** is someone who has or shares or a legal responsibility for the operation of the business, including filing returns at Companies House.

You also need to state 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 for them from this Council or Hertfordshire County Council. You will need to tell us if this is the case so that North Hertfordshire District Council can make verification enquiries.

Section 4

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 licence granted under the new Act.

Section 5

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 6

All applications should be accompanied by the appropriate fee. Current fees are published on the Council's website (www.north-herts.gov.uk). Cheques should be made payable to 'North Herts District Council' and please remember to write your name and address on its reverse.

Section 7

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.

Note on relevant offences: these are to be confirmed in Home Office Regulations. 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

Section 8

The person who will hold the Collector'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 and you will not be able to apply for a licence. If you are in any doubt about what this section means then please contact the Council.