



SCRAP METAL DEALERS ACT 2013

GUIDANCE FOR SCRAP METAL DEALERS

This guidance is aimed at individuals or businesses who may need to apply for a scrap metal licence if they carry on a business as a scrap metal dealer or mobile collector. This guidance describes the application process.

If you intend to operate as a scrap metal dealer or motor salvage operator you must apply to the local authority for a licence issued under the Scrap Metal Dealers Act 2013.

What is a scrap metal dealer?

A person acts as a scrap metal dealer if they –

- a) 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
- b) carry on business as a motor salvage operator.

This does not include people who manufacture articles and sell scrap metal as a by-product of manufacturing articles or surplus materials not required for manufacturing them.

A person carries on a business as a motor salvage operator if they carry 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 selling 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 in (a) and (b), or
- d) wholly or mainly in activities falling within (b) and (c).

Scrap metal includes:

- a) any old, waste or discarded metal or metallic material, and
- b) 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.

This does not include gold, silver and any alloy of which 2 per cent or more by weight is attributable to gold or silver.

Types of licence

There are two types of licence.

Site Licence

A site licence authorises the licensee to carry on a business at any site in the authority's area which is identified on the licence. All the sites where the applicant carries on business as a scrap metal dealer have to be identified and a site manager has to be appointed for each site. This licence allows the licensee to transport scrap metal to and from those sites from any local authority area.

Collector's Licence

A collector's licence authorises the licensee to carry on a business as a mobile collector in the authority's area. A mobile collector is a person who:

- a) carries on business as a scrap metal dealer otherwise than at a site, and
- b) regularly engages in collecting waste materials and old, broken, worn out or defaced articles by means of visits from door to door.

This allows the licensee to operate as a collector in the area of the issuing authority. It does not allow the collector to operate in any other local authority area, so a separate licence has to be obtained from each council the collector wishes to operate in. The licence also does not authorise the licensee to operate a site. To do so they will need a site licence.

Applying for a licence

All applications must be made on the application form provided by City of York Council. Any application received on any other form ie model application forms, will be returned.

A basic Disclosure Barring Service (DBS) check is required for the person making the application, all business partners, and the site managers, which will provide a record of any convictions they may have.

Email at customerservices@dbs.gsi.gov.uk or telephone on 0300 020 0190.

Please note that a DBS basic disclosure only remains valid for 3 months.

Once you have completed your application you should contact this office to arrange to bring your application into this office, together with the relevant fee, 2 passport size photographs and the DBS Basic Disclosure(s) (must be within 3 months of the issue date). We need to verify the identity of the licence applicant, so you will be asked to provide proof of identification. In summary, you will need to bring with you:

- Application form
- Relevant fee
- Two passport size photographs of the applicant
- DBS Basic Disclosure for each person listed in the form
- Two forms of ID, including one form of photographic ID such as a passport or driving licence, and one showing the current home address of the applicant

Issue of licence

A local authority must not issue or renew a licence unless it is satisfied the applicant is a suitable person. In determining suitability the local authority may consider -

- a) whether the applicant, partners or site manager has been convicted of any relevant offence
- b) whether the applicant or site manager is subject of any enforcement action.
- c) any previous refusal an application for a scrap metal licence environmental permit or registration
- e) any previous revocation of scrap metal licence
- f) whether applicant had demonstrated there will be adequate procedures in place to ensure the provisions of the legislation are complied with.

In processing your application, the council will consult with the following;

North Yorkshire Police
Any relevant local authority
Environment Agency

Any unspent offences that appear on your DBS Basic Disclosure will be considered along with any other unspent convictions for relevant offences secured by the Environment Agency and any other local authorities.

Should your application be for a site licence, a Licensing Officer may wish to visit the site.

If you have a clear DBS check, and the police or other agencies do not have any concerns, your licence will be granted within 28 days of receipt.

If you, a partner or the site manager has been convicted of a relevant offence the council may choose to grant the licence with the following conditions:

- That the dealer must not receive scrap metal except between 9:00am and 5:00pm on any day;
- 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 it is received.

Relevant offences

When assessing whether you are suitable to hold a licence the council can consider any information it considers relevant. The Scrap Metal Dealers (Relevant Offences) Regulations 2013 specifies that offences that are relevant to the application for a scrap metal licence are:

- An offence under sections 1, 5 or 7 of the Control of Pollution (Amendment) Act 1989
- An offence under sections 170 or 170B of the Customs and Excise Management Act 1979, where the specific offence concerned relates to scrap metal
- An offence under section 110 of the Environment Act 1995
- An offence under sections 33, 34 or 34B of the Environmental Protection Act 1985
- An offence under section 9 of the Food and Environment Protection Act 1985
- 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
- An offence under section 146 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012
- An offence under sections 327, 328 or 330 to 33t of the Proceeds of Crime Act 2002
- Any offence under the Scrap Metal Dealers Act 1964
- Any offence under the Scrap Metal Dealers Act 2013
- 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
- Any offence under Part 1 of the Vehicles (Crime) Act 2001
- An offence under sections 85, 202 or 206 of the Water Resources Act 1991
- An offence under regulation 38 of the Environmental Permitting (England and Wales) Regulations 2007
- An offence under regulation 38 of the Environmental Permitting (England and Wales) Regulations 2010
- Any offence under the Hazardous Waste (England and Wales) Regulations 2005
- Any offence under the Hazardous Waste (Wales) Regulations 2005
- Any offence under the Landfill (England and Wales) Regulations 2002
- Any offence under the Pollution Prevention and Control (England and Wales) Regulations 2000
- Any offence under the Producer Responsibility (Packaging Waste) Regulations 2007

- Any offence under the Transfrontier Shipment of Waste Regulations 1994
- Any offence under the Transfrontier Shipment of Waste Regulations 2007
- Any offence under the Waste (Electric and Electronic Equipment) Regulations 2006
- Any offence under regulation 42 of the Waste (England and Wales) Regulations 2011

In addition the applicant will also have been convicted of a relevant offence where they have:

- Attempted or conspired to commit any of the offences listed above;
- Incited or aided, abetted, counselled or procured the commission of any offence listed above; and
- Committed an offence under Part 2 of the Serious Crime Act 2007(a) (encouraging or assisting crime) in relation to any of the offences listed above.

An environment related offence will mean an offence which related to the transportation, shipment or transfer of waste; or the prevention, minimisation of control of pollution of the air, water or land which may give rise to any harm. In this context the expression “harm” means:

- Harm to the health of human beings or other living organisms;
- Harm to the quality of the environment;
- Offence to the senses of human beings;
- Damage to property; or
- Impairment of, or interference with, amenities or other legitimate uses of the environment.

Refusal of application for scrap metal licence

The council may refuse any application for the grant of a new scrap metal licence or for the renewal of an existing scrap metal licence if the DBS basic disclosure of the applicant, partner or site managers has a relevant conviction. Consideration will be given to the date of the offence as well as any sentence given.

During the application process, the council may consult North Yorkshire Police, the Environment Agency, any local authorities listed in the application form, and any other neighbouring local authorities. The council will take into consideration any report from the agencies on the suitability of the applicant in regard to any enforcement action they have taken against the applicant, partner or site manager listed in the application form.

If a licence application is refused on the grounds of suitability, we will inform you of this in writing. You will have the right, on request, to make an oral representation to an officer appointed by the authority. Any such requests must be made in writing within 7 days of the receipt of the letter advising of the refusal of the application.

If no such request is received, the council will issue a notice of refusal. If a request is received we will take into consideration your oral representation when making the determination. Our decision will be provided in writing.

You have the right of appeal to the Magistrate’s Court within 21 days of receipt of the notice of refusal.

Renewals

A scrap metal licence lasts for three years. The process for applying for a new licence or renewing an existing licence is the same. Providing an application to renew is received before, the licence expires, the licence continues in effect until the licence renewal application is determined.

Variation of licence

Licensees can apply to change their licence from a site licence to a collector's licence and vice versa. In addition licensees can apply to change any details on their licence, for example name of licensee, change to the sites or the details of the site manager.

However, you are not able to vary the licence so that it relates to another person, for example if a business is sold. Licences are not transferrable. In that case a new licence must be applied for and the old licence surrendered.

Display of the licence

It is a requirement of the Act that all licences are kept on display. For a site licence this should be kept on display at the site. A mobile collector must display a copy of the licence in their vehicle in such a way that it can be read by a person outside the vehicle. Mobile collectors will also be issued with a small personal photographic card.

Use of personal data

City of York Council is under a duty to protect the public funds it administers, and to this end may use the information you have provided on your application for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

Contact details

City of York Council, Licensing Section, Hazel Court EcoDepot, James Street, York, YO10 3DS
Phone: 01904 552512
Email: licensing.unit@york.gov.uk

This document is only guidance, you should refer to the Scrap Metal Dealers Act 2013 and associated regulations for full details of the law, and/or seek your own legal advice on the matters raised in this guidance note.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

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