

For Office Use	
Fee Paid	
Receipt No	
Licence Number	
Issued Date	



A great place to live, work & play

The Licensing Authority  
 Scarborough Borough  
 Council  
 Town Hall  
 St Nicholas Street  
 Scarborough  
 YO11 2HG

# Scrap Metal Dealers Act 2013

## Application for a Scrap Metal Dealer's Licence

Please write legibly in **block capitals**, and ensure that your answers are inside the boxes and written in **black ink**. All questions must be answered. Incomplete applications will not be processed. You may wish to keep a copy of the completed form for your records.

Section 1: Licence details			
What type of licence do you wish to apply for? <i>(tick one)</i>	<input type="checkbox"/> Site Licence <input type="checkbox"/> Collector's Licence		
What type of application do you wish to make? <i>(tick one)</i>	<input type="checkbox"/> Grant of a new Licence <input type="checkbox"/> Renewal of an existing Licence <input type="checkbox"/> Variation of an existing Licence (change of licence type) <input type="checkbox"/> Variation of an existing Licence (change of licensed sites) <input type="checkbox"/> Variation of an existing Licence (change of site managers)		
Current licence number: <i>(leave blank if you are making a new application)</i>	...../...../.....	Expiry date of current licence:	...../...../.....
If you are applying to vary an existing licence from which date do you wish the proposed amendments to take effect?			...../...../.....

Section 2: Business details	
Please give the trading name(s) by which your business is/will be known <i>(if any)</i>	
Please indicate the business activities that you intend to carry on under this licence:	<input type="checkbox"/> Buying and selling scrap metal <input type="checkbox"/> Recovering salvageable parts from motor vehicles for re-use or sale <input type="checkbox"/> Buying written-off vehicles for repair and resale <input type="checkbox"/> Buying or selling vehicles for salvage or repair purposes <input type="checkbox"/> Other.....

**Section 3: Site details (Do not complete if you are applying for a Collector's licence)**

How many sites do you intend to operate under this licence if your application is granted?

I have completed Annex A with details of all the sites where it is proposed to carry on business as a scrap metal dealer under this licence, and the managers of those sites *(please tick)*

Was your site(s) established after 1 November 1990?

 Yes  No

If so, do you have the necessary planning permission from the council?

 Yes  No*If more than four sites are to be operated please give details of further sites on an additional sheet.**If you are applying to vary a licence please include details of all of your sites even if the proposed changes do not affect those sites and highlight any changes to site details or site manager details as applicable.*

Do you also intend to operate any mobile collection vehicles from these sites?

 Yes  No

If so, please describe the arrangements for how these vehicles will operate:

**Section 4: Collector's details (Do not complete if you are applying for a Site licence)**

How many vehicles do you intend to operate under this licence if your application is granted?

Where will the vehicle(s) be kept when not in use?

**Section 5: Other licences, permits and registrations**

Do you currently hold a scrap metal site licence issued by Scarborough Borough Council or any other council, or have you held such a licence within the previous 3 years?

 Yes  No

Do you currently hold a scrap metal collector's licence issued by Scarborough Borough Council or any other council, or have you held such a licence within the previous 3 years?

 Yes  No

Do you currently hold a relevant environmental permit or registration?

 Yes  No

Are you registered as a waste carrier?

 Yes  NoIf you have answered 'yes' to any of the above please give details of the licence, permit or registration below:  
*(continue on a blank sheet where necessary)*

Licence/permit type	Issued by	Reference number	Start date	End date

**Section 6: Purchase arrangements**

Please describe your arrangements for keeping records of scrap metal transactions, in accordance with the relevant statutory requirements:

Please describe your arrangements for verifying the identity of a person wishing to supply scrap metal to you, in accordance with the relevant statutory requirements:

How do you intend to ensure the security of the scrap metal you have purchased or collected in the course of your business, including unlawful sale or purchase or theft?

## Section 7: Applicant's details

This application is made by: (tick one)	<input type="checkbox"/> An individual	<i>Please give details in Part A</i>
	<input type="checkbox"/> A partnership	<i>Please give details in Parts A &amp; B</i>
	<input type="checkbox"/> A limited company	<i>Please give details in Part C</i>

### Part A: Individual applicant/First partner

Mr  Mrs  Ms  Other .....

Full name:			
Home address (inc. postcode):			
Date of birth:	...../...../.....		
Daytime phone number:		Mobile phone number:	
Email address:			

### Part B: Second partner

Mr  Mrs  Ms  Other .....

Full name:			
Home address (inc. postcode):			
Date of birth:	...../...../.....		
Daytime phone number:		Mobile phone number:	
Email address:			

If there are more than two partners please give the details of further partners on a separate sheet.

### Part C: Limited Company applicant (Please also complete Annex B with Director's details)

Registered name:			
Registered office address:			
Company registration number:			<input type="checkbox"/> UK: Companies House <input type="checkbox"/> Other .....
Daytime phone number:			
Email address:			

**Section 8: Suitability of applicant(s)**

In the following questions, 'relevant person' includes:

- The individual applying for the licence
- Any of the partners of a partnership applying for a licence
- Any of the directors, company secretary, or shadow directors of a company applying for a licence
- Any site manager identified in this application

Has any relevant person previously been convicted of a relevant offence, or has any relevant person previously been cautioned in respect of a relevant offence, in either case where the conviction or caution is not considered to be 'spent'?

Yes  No

*Convictions and cautions which are considered 'spent' under the provisions of the Rehabilitation of Offenders Act 1974 need not be disclosed. Driving licence endorsements are also not relevant*

Has any relevant person been charged with an offence and is currently awaiting the outcome of those proceedings?

Yes  No

Has any relevant person previously had an application for a scrap metal licence refused, or a scrap metal licence revoked, by any council

Yes  No

Has any relevant person previously been subject to any other relevant enforcement action, by any council or applicable government agency?

Yes  No

If any of the above questions have been answered 'yes', please provide further details in respect of those matters in the space below:

--

**Please note that a Basic Disclosure certificate must be supplied at the time of application in respect of every individual applicant, partner or director of a limited company applicant and site manager named in this application. Certificates must have been obtained in the relevant individual's name and issued within the last 3 months. Where a Basic Disclosure is not supplied your application may be delayed or rejected.**

**Section 9: Bank account details (for payments to scrap metal suppliers)**

As part of the application process, the Council is required to verify that the business has a bank or building society account from which payments for scrap metal will be made. It is an offence to make payments for scrap metal other than by cheque or electronic funds transfer.

Please give details of this account below: (details of any further accounts should be included on a separate sheet)

Name of bank/building society:

Name in which account is held:

Sort code and account number:

**Section 10: Application fee(s) (Please tick one of the following options)**

I enclose a cheque for £..... payable to Scarborough Borough Council

**Section 11: Declaration and signatures***Every applicant must sign the form*

- 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 the Act, for which I may be prosecuted, and if convicted, fined.
- I understand that the Council may consult other agencies about my suitability to be licensed as a scrap metal dealer, and that those other agencies may include other local authorities, the Environment Agency, and other local and national police forces.
- I understand that data within this application may be shared with other agencies, for the purpose of assessing 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 the processing of my data and display of relevant information on the public register.

Signed		Print name:		Date:	
Signed		Print name:		Date:	

If there are more than two partners, a copy of this page should be taken to allow all partners to sign.  
Where the application is made by a limited company, the form should be signed by an officer of the company

Completed application forms should be submitted, along with basic disclosure certificates for the applicant, partners, company directors and site managers, and payment of the appropriate fee(s), to:

**Licensing Services, Scarborough Borough Council,  
Town Hall, St Nicholas Street, Scarborough, YO11 2HG.**

***Using your personal information***

*We will process your personal information in accordance with the General Data Protection Regulation (GDPR) and the Data Protection Act 2018. We may use your personal information in a number of ways, but only for the purposes for which it was given, for example to provide you with the information or services requested or to administer and protect public funds. We may share your information with, and obtain information about you from, other departments of the Council or other organisations where it is lawful to do so, for example to check the accuracy of information or to prevent or detect crime. For further information on how we collect, use, share, secure and retain your personal information, and your legal rights, please see our Privacy Notice at [www.scarborough.gov.uk/gdpr](http://www.scarborough.gov.uk/gdpr) or by contacting Customer First. Our Data Protection Officer can be contacted at the Town Hall, St Nicholas Street, Scarborough, YO11 2HG (tel 01723 232323 or email [dataprotection@scarborough.gov.uk](mailto:dataprotection@scarborough.gov.uk)).*

**Annex A – details of scrap metal sites**

Site	Site details				Site manager details		
	Postal Address (including postcode)	Opening Hours	Phone number	Email address	Full name	Home address (including postcode)	Date of birth
1							
2							
3							
4							

## Annex B - Details of limited company directors

Please complete the following details for each director of the company. Use additional sheets where necessary.

Director 1		<input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Other .....	
Role			
Full name:			
Home address (incl. postcode):			
Date of birth	...../...../.....	Daytime phone number:	

Director 2		<input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Other .....	
Role			
Full name:			
Home address (inc. postcode):			
Date of birth:	...../...../.....	Daytime phone number:	

Director 3		<input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Other .....	
Role			
Full name:			
Home address (inc. postcode):			
Date of birth:	...../...../.....	Daytime phone number:	

Director 4		<input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Other .....	
Role			
Full name:			
Home address (inc. postcode):			
Date of birth:	...../...../.....	Daytime phone number:	



Please note that a Basic Disclosure, issued within the last 3 months, must be submitted for each director.

### **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.

#### **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**. 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.

You and every person listed on the application form needs to submit a Basic Disclosure Certificate. You can apply for this certificate at [www.gov.uk/request-copy-criminal-record](http://www.gov.uk/request-copy-criminal-record)

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

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

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

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**. It should be filled out in the name of the person who will hold the scrap metal dealer’s licence. You are asked to provide contact details, including the place where you live, so that the council can get in touch with you if necessary.

You need to submit a Basic Disclosure Certificate along with the application form. You can apply for this certificate at [www.gov.uk/request-copy-criminal-record](http://www.gov.uk/request-copy-criminal-record)

This is because the Home Office has decided that you 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. Typically, three months is the longest that you can expect your check to be considered valid.

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.

#### **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 – Purchase Arrangements**

Receipt of metal - s13 of the SMDA requires the scrap metal dealer to record the following:

- The description of the metal, including its type (or types if mixed), form, condition, weight and any marks identifying previous owners or other distinguishing features;
  - The date and time of its receipt;
  - If the metal is delivered in or on a vehicle, the registration mark (within the meaning of section 23 of the Vehicle Excise and Registration Act 1994) of the vehicle;
  - If the metal is received from a person, the full name and address of that person;
  - If the dealer pays for the metal, the full name of the person who makes the payment acting for the dealer.
  - If the dealer receives metal from a person, the dealer must keep a copy of any document which the dealer uses to verify the name or address of that person. \*
  - If the dealer pays for metal by cheque, the dealer must keep a copy of the cheque.\*
- If the dealer pays for metal by electronic transfer:

- The dealer must keep the receipt identifying the transfer, or
- If no receipt identifying the transfer was obtained, the dealer must record particulars identifying the transfer.

Disposal of metal – s14 of the SMDA requires the scrap metal dealer to record:

- The description of the metal, including its type (or types if mixed), form and weight;
  - The date and time of its disposal;
  - If the disposal is to another person, the full name and address of that person;
  - If the dealer receives payment for the metal (whether by way of sale or exchange), the price or other consideration received.
- Where the disposal is under a Collectors Licence, the dealer must record:
- Date and time of the disposal
  - If the disposal is to another person, the full name and address of that person.

Records in general – s15 of the SMDA requires that:

- Records above must be recorded in a manner which allows the information and the scrap metal to which it relates to be readily identified by reference to each other.
- The records relating to \* above must be marked so as to identify the scrap metal to which they relate.
- The dealer must keep the information and other records mentioned above for a period of 3 years beginning with the day on which the metal is received or (as the case may be) disposed of.
- A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

### **Identification**

s6 of the SMDA states that a scrap metal dealer must not receive scrap metal from a person without verifying the persons' full name and address. Documents required should be:

- A valid UK passport; or
- A valid GB or Northern Ireland photo-card driving licence; or
- A valid passport issued by the EEA state; or
- A valid UK biometric immigration document

Alternatively, a dealer should request one of the documents above and a supporting document which states the person's residential address, e.g.

- A bank or building society statement
- A credit or debit card statement
- A council tax demand letter or statement; or
- A utility bill, not a mobile phone bill.

Above documents must not be more than 3 months before the date when the scrap metal is received by the dealer.

By using the above methods, it is important for the dealer to verify:

- The supplier's full name and residential address; and
- Photographic ID

### **Section 8 – 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 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 9 – 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 10 – Payment**

There is a fee to apply for a licence and your council will tell you how you can pay. The fee varies from council to council as it reflects their costs of processing the form and checking that people are doing what the licence requires. Applications cannot be accepted unless the correct fee has been paid.

### **Section 11 – 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**

- An offence under section 1, 5, or 7 of the Control of Pollution (Amendment) Act 1989
- An offence under section 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 1990
- 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 332 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
- An offence under regulation 17(1) of 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 (Electrical and Electronic Equipment) Regulations 2006
- An offence under regulation 42 of the Waste (England and Wales) Regulations 2011