
Notes for Guidance – Scrap Metal Dealer’s Application

Please read these notes in full before completing the form.

For every individual named in the application (individual applicants, partner, company director or site manager), a Basic Disclosure Certificate must be obtained from Disclosure Scotland. You can apply for this certificate at www.disclosurescotland.co.uk/apply/individuals/. The original certificates must accompany the completed application and must be no more than three months old when the application is received. These certificates will be returned to you.

This is because the Home Office has decided that any person listed on the application must tell the council if they have been convicted of certain crimes. A conviction may not automatically prevent a licence from being granted if the offence was unrelated to business as a scrap metal dealer or a long time ago, and the council is satisfied that you are a suitable person to hold a licence.

A Basic Disclosure Certificate is considered to be only valid for a limited period, but can be used to accompany as many applications as you wish within that time. Typically, three months is the longest period that a disclosure certificate can be considered valid.

Section 1 – general information – all applicants

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 several 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 – application by an individual

If you wish to apply for a licence in your sole name complete this section (and enclose a Basic Disclosure Certificate for the individual).

Section 3 – application by a partnership

If you carry on business as a partnership, complete this section (and enclose a Basic Disclosure Certificate for each partner).

Section 4 – application by a company

If the applicant is a legally established company, complete this section (and enclose a Basic Disclosure Certificate for each director and the company secretary).

Section 5 – contact details – all applicants

Indicate in this section how and where we should communicate with to you.

Section 6 – current permits, registrations and licences – all applicants

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 with the Environment Agency 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 visit: www.environment-agency.gov.uk/wastecarriers or call: 03708 506 506.

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. Please make sure you include the licence number so that we can check this against the national register.

Section 7 – motor salvage operator – all applicants

Complete this to indicate whether your business will be that of a motor salvage operator. This section asks if you will be salvaging motor vehicles as part of your business. The Scrap Metal Dealers Act 2013 replaces both the Scrap Metal Dealers Act 1964 and Part 1 of the Vehicles (Crime) Act 2001, which means you now only need a scrap metal dealer’s licence. You will need to apply for a site licence to operate as a motor salvage operator.

Section 8 – site licences

Fill out this section if you want to apply for a **site licence**. Give details of the sites in Isle of Wight where you carry on or propose to carry on business as a scrap metal dealer and the details of the manager who is responsible for each site, including their home address. These

details are required by law, to facilitate checks on the applicant and so that contact can be made if there are any problems. Enclose a Basic Disclosure Certificate for each site manager (available from www.disclosurescotland.co.uk)

A **site manager** is the person who will be in charge of the site on a daily basis.

If any of your sites were established after 1990, 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's planning department.

Section 9 – collector's licences

Fill out this section if you want to apply for a **collector's licence**. You are asked to provide details of every vehicle used to collect scrap metal, together with details of the place where the vehicle is stored when not in use.

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 10 – bank account details

This section asks you for the bank account 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 11 – 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 12 – payment

There is a fee to apply for a licence which reflects the council's costs of processing applications, issuing licences and ensuring that licence holders comply with the legislation. Applications cannot be accepted unless the correct fee has been paid.

Section 13 - checklist

If you fail to complete the form and include all the documents required, your application may be rejected.

Section 14 – declaration

The declaration must be signed and dated by each individual or each partner or the secretary of the company applying for a licence. This section also explains that the council is required to share some of the information contained in the form with the police, the Environment Agency, or Natural Resources Wales when checking whether the applicant is a suitable person to hold a licence. Some of the information will also be displayed on a public register held by the Environment Agency.

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 speak to the licensing team.

Relevant offences and Enforcement Action

These “relevant offences” and enforcement action are prescribed by the Scrap Metal Dealers Act 2013 (Prescribed Relevant Offences and Relevant Enforcement Action) Regulations 2013. Any of the offences or the enforcement actions listed here must be declared in connection with an application and may affect the suitability of the applicant to hold a licence.

Relevant offences

- (a) section 1, 5, or 7 of the Control of Pollution (Amendment) Act 1989(1)
- (b) section 170 or 170B of the Customs and Excise Management Act 1979(2), where the specific offence concerned relates to scrap metal
- (c) section 110 of the Environment Act 1995(3)
- (d) sections 33, 34 or 34B of the Environmental Protection Act 1990(4)
- (e) section 9 of the Food and Environment Protection Act 1985(5)
- (f) section 1 of the Fraud Act 2006(6), where the specific offence concerned relates to scrap metal, or is an environment-related offence
- (g) section 146 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012(7)
- (h) sections 327, 328 or 330 to 332 of the Proceeds of Crime Act 2002(8)
- (i) the Scrap Metal Dealers Act 1964(9)
- (j) the Scrap Metal Dealers Act 2013
- (k) sections 1, 8,9,10, 11, 17, 18, 22 or 25 of the Theft Act 1968(10), where the specific offence concerned relates to scrap metal, or is an environment-related offence
- (l) Part 1 of the Vehicles (Crime) Act 2001(11)
- (m) sections 85, 202, or 206 of the Water Resources Act 1991(12).
- (n) regulation 38 of the Environmental Permitting (England and Wales) Regulations 2007(1)
- (o) regulation 38 of the Environmental Permitting (England and Wales) Regulations 2010(2)
- (p) the Hazardous Waste (England and Wales) Regulations 2005(3)
- (q) the Hazardous Waste (Wales) Regulations 2005(4)
- (r) regulation 17(1) of the Landfill (England and Wales) Regulations 2002(5)
- (s) the Pollution Prevention and Control (England and Wales) Regulations 2000(6)
- (t) the Producer Responsibility (Packaging Waste) Regulations 2007(7)
- (u) the Transfrontier Shipment of Waste Regulations 1994(8)
- (v) the Transfrontier Shipment of Waste Regulations 2007(9)
- (w) the Waste (Electrical and Electronic Equipment) Regulations 2006(10)
- (x) regulation 42 of the Waste (England and Wales) Regulations 2011(11).

Relevant Enforcement Action

- (i.) the person has been charged with an offence specified in the Schedule to the Regulations [set out as (a) to (x) above], and criminal proceedings in respect of that offence have not yet concluded; or
- (ii.) an environmental permit granted in respect of the person under the Environmental Permitting (England and Wales) Regulations 2010 (1) has been revoked in whole, or partially revoked, to the extent that the permit no longer authorises the recovery of metal

Contacting the Licensing Team:

If you require further information, you may contact the Licensing Department as follows:

Email: licensing@iow.gov.uk

Post, or in person: Licensing Department, IW Council, Jubilee Stores, The Quay, Newport, IW,

PO30 2EH

Phone: 01983 823159

Payments

You must pay for your licence application before it can be accepted. We can accept payment by debit or credit card, by cheque or in cash. A subsequent failure of a cheque to clear will invalidate your application and may give rise to a criminal offence. Please note that cheques are not accepted if paying in person.