



WATFORD BOROUGH COUNCIL

SCRAP METAL DEALERS ACT 2013

Application guidance notes

You should complete all relevant sections of the application form to avoid it being returned.

Section 1

This section of the form asks for the trading name of the business and whether the application is for a new licence or a renewal. If the application is a renewal then the previous licence number **MUST** be included.

Section 2 – Permits, registrations and licences in force

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, visit: www.gov.uk/waste-carrier-or-broker-registration.

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.

This section asks you to provide your tax check code. If you are applying to renew an existing licence, you already hold the same type of licence with another licensing authority, or have held the same type of licence issued by another licensing authority which has been in force at any time over the last 12 months at the time of completing the application form, you **MUST** provide a tax check code. If this is the first time that you are applying for this type of licence, or if it has been more than 12 months since you last held this type of licence, either from Watford Borough Council or any other licensing authority, you do not need to complete a tax check code.

Section 3 – If applying for a SITE licence (if applying for a collector's licence please see Section 4 guidance)

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. This process normally takes 14 days to complete so you should apply in plenty of time.

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.

Please continue on a separate piece of paper setting out the details in the same way as the form if you run out of space to answer a question.

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. It also includes any shadow directors, who are people from whom the directors take directions or instructions from.

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 – If applying for a COLLECTOR’s licence (if applying for a site licence please see Section 3 guidance)

This section 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 with the application form. You can apply for this certificate at www.gov.uk/request-copy-criminal-record. This process normally takes 14 days to complete so you should apply in plenty of time.

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 – 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 7 – Document verification

You are required to verify your customers' identities using the documents listed in regulations under the Act. This section asks what steps you will take to ensure that identities are verified including any training given to staff or instructions given to contractors.

Section 8 – Data protection

You will be required to register with the Information Commissioner in order to process customer's personal data (eg to use it for marketing purposes). Please provide your registration number.

Even if you do not need to be registered please state how you will ensure that customers' personal data will be kept securely.

Section 9 – Payment

The fee reflects our costs of processing the form and checking that people are doing what the licence requires. The current fees for both new applications and renewals can be found on our website at www.watford.gov.uk/scrapmetal. Please note that we can only accept payment by credit or debit card or bank transfer.

Section 10 – 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 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 are applying for this type of licence for the first time, or if you are applying for a type of licence that you have not held for more than 12 months at the time of completing this application, this section includes a declaration that you are aware of your tax registration requirements. Before signing this declaration you MUST read the following guidance from HMRC:

- PAYE information: www.gov.uk/income-tax/how-you-pay-income-tax
- registering for Self Assessment: www.gov.uk/register-for-self-assessment
- Corporation Tax information: www.gov.uk/corporation-tax

Before your next licence renewal, you will need to register with HMRC's online services to allow you to obtain a tax code for your next renewal, or should you be applying for another licence with a different licensing authority.

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 the council's licensing team.

Relevant offences

These include committing, attempting or conspiring to commit, inciting, aiding, abetting, counselling or procuring, encouraging or assisting the commission of the offences below, as well as being charged with those offences even if legal proceedings have not yet been concluded:

- section 1, 5, or 7 of the Control of Pollution (Amendment) Act 1989
- section 170 or 170B of the Customs and Excise Management Act 1979, where the specific offence concerned relates to scrap metal
- section 110 of the Environment Act 1995
- sections 33, 34 or 34B of the Environmental Protection Act 1990
- section 9 of the Food and Environment Protection Act 1985
- section 1 of the Fraud Act 2006, where the specific offence concerned relates to scrap metal, or is an environment-related offence
- section 146 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012
- sections 327, 328 or 330 to 332 of the Proceeds of Crime Act 2002
- the Scrap Metal Dealers Act 1964
- the Scrap Metal Dealers Act 2013
- 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
- Part 1 of the Vehicles (Crime) Act 2001
- sections 85, 202, or 206 of the Water Resources Act 1999.

PART 2 Secondary Legislation

- regulation 38 of the Environmental Permitting (England and Wales) Regulations 2007
- 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
- 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
- regulation 42 of the Waste (England and Wales) Regulations 2011.

Further information

If you need more help in completing the application then call or email the licensing team at Watford Borough Council: 01923 278476 or licensing@watford.gov.uk. You should also refer to our website at www.watford.gov.uk for more details about Scrap Metal Dealers licences.