

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO LICENSING COMMITTEE

Agenda Item No. 7

meeting date: 17 SEPTEMBER 2013
 title: SCRAP METAL DEALERS ACT 2013
 submitted by: CHIEF EXECUTIVE
 principal author: MAIR HILL

1 PURPOSE

- 1.1 To seek Committee's approval of the fees, application form, officer delegations and policy relevant to the Council's powers under the Scrap Metal Dealers Act 2013 ("the **Act**").
- 1.2 Relevance to the Council's ambitions and priorities
- Community Objectives - }
 - Corporate Priorities - } Consideration of these issues will promote the Council's aim to be a well-managed Council.
 - Other Considerations - }

2 BACKGROUND

- 2.1 The background to the Act and its provisions were set out in detail in the report of the Chief Executive dated 18 June 2013. As was explained in that report the Act was given Royal Assent on 28 February 2013 but was not to come into force until guidance had been issued to Local Authorities.
- 2.2 On 6 August 2013, The Scrap Metal Dealers Act 2013 (Commencement and Transitional Provisions) Order 2013 SI 2013/1966 was made (the "**Order**"). A copy of the Order is contained in **Appendix 1** to this report.
- 2.3 The Order brings the sections of the Act into force in tranches:
- **1 September 2013** – local authorities will be able to set fees;
 - **1 October 2013** – the main provisions of the Act will come into force including the offence of buying metal for cash;
 - **1 December 2013** – All other enforcement provisions within the Act will come into force.

Transitional Provisions

- 2.3 Paragraph 5 of the Order contains the transitional provisions for those who are already licensed under the existing scrap metal or motor salvage regimes. It provides that:

- 2.4 A Scrap Metal Dealer registered either under the Scrap Metal Dealers Act 2013 or the Section 1 of the Vehicles (Crime) Act 2001 shall be deemed to be authorised by a licence under the Act.
- 2.5 The “deemed” licence will have effect from 1 October 2013 until the local authority either issues a licence under the Act or notifies them of a decision to refuse to give him a licence. If the licence is refused they will have a right of appeal to the magistrates within 21 days, and the refusal shall only come into effect when either they do not appeal or the matter is finally determined or withdrawn.
- 2.6 However, should they fail to apply for a licence under the Act by 15 October 2013 the “deemed” licence will lapse on 16 October 2013. The lapse of the deemed licence will not be treated as a revocation and so there will be no right of appeal to the magistrates.
- 2.7 There is no obligation to display a deemed licence or to include it in the national register of licences.

3 ISSUES

- 3.1 The Council must be in a position to begin the licensing process from 1 October 2013. In preparation for this and in order to implement the provisions of the Act the Terms of Reference for the Licensing Committee were amended by the Council in May 2013 to include the power *“To carry out any function, duty or power of the Council relating to the Scrap Metal Dealers Act 2013.”*
- 3.2 Committee must therefore consider and resolve the following issues:
- Officer delegations;
 - Fees;
 - Policy; and
 - Application form.

Officer delegations

- 3.3 A scheme of delegation is proposed and enclosed at **Appendix 2**. It is recommended that Committee approve this.

Fees

- 3.4 The Act provides that local authorities must set a fee and that this must be done with reference to guidance issued by the Secretary of State. The Secretary of State’s has guidance is attached at **Appendix 3** to this report (the **“Guidance”**).
- 3.5 The Guidance makes plain that there must be a different fee for a Site Licence and a Mobile Collector’s licence because of the extra work required in assessing a site and site manager when considering an application for a site licence.
- 3.6 Within each category of licence there must also be a separate fee for the assessment of an application, a variation and/or for renewal.

3.7 The Guidance refers to the EU services directive, which states that a licence fee can only be used to pay for the cost associated with the licensing process. In effect, a local authority must ensure that the income from fees charged for each service does not exceed the costs of providing the service.

3.8 More specific guidance is given on how to calculate the fees and what may be included: *“Local Authorities should specify fees which are payable by licence applicants for the assessment and administration activity within the new licensing regime brought about by the 2013 Act. They should do this by identifying what they need to do to assess the type of licence in question and calculating their best estimate of the cost to be incurred by the LA. The authority will then be able to calculate a best estimate of unit cost for each case.*

In effect, the costs of a licence should reflect the time spent assessing and administering applications, processing them, having experienced licensing officers review them, storing them, consulting on the suitability of an applicant, reviewing relevant offences, the decision on whether to issue a licence, as well as the cost of issuing licences in a format that can be displayed. Consulting the local authority’s enforcement records in order to determine the suitability of the applicant is chargeable within the licence fee costs as are costs associated with contested licence applications.”

3.9 The Council has considered all of the Guidance and in particular that referred to above when setting the fees. The proposed fees are set out in **Appendix 4**.

3.10 It is recommended that Committee approve the fees set out in **Appendix 4**.

Policy

3.11 It is proposed that the Council’s solicitor review the licensing regime once it has been in place for 3 months and produce a policy at that point.

Application Form

3.12 The Local Government Association has drafted a comprehensive application form, which covers all types of licence, variations and renewals. A copy of this is contained at **Appendix 5**. It is recommended that this be adopted initially as the Council’s application form to be reviewed at a later date.

4 RISK ASSESSMENT

4.1 The approval of this report may have the following implications

- Resources – Increased resources will be required to implement and run the new licensing regime.
- Technical, Environmental and Legal – The Council will have responsibility for both the licensing and enforcement of the Act.
- Political - No implications identified.

- Reputation –The implementation and enforcement of the regime will enhance the Council’s reputation.
- Equality & Diversity – No implications identified.

5 RECOMMENDED THAT COMMITTEE

- 5.1. Approve the Officer delegations set out in 3.3 above;
- 5.2 Approve the fees set out in Appendix 4;
- 5.3 Authorise the Council’s solicitor to draft a policy as set out in 3.12 above; and
- 5.4 Approve the application form in Appendix 5 to be adopted for use for all applications, variations and/or renewals under the Act.

MAIR HILL
SOLICITOR

MARSHAL SCOTT
CHIEF EXECUTIVE

BACKGROUND PAPERS

- 1. Report of Chief Executive dated 18 June 2013
- 2. **Appendix 1** – The Scrap Metal Dealers Act 2013 (Commencement and Transitional Provisions) Order 2013 SI 2013/1966
- 3. **Appendix 2** – Licensing Committee, Officer delegation scheme
- 4. **Appendix 3** – Home Office Guidance on Licence Fee Charges
- 5. **Appendix 4** – Fee calculation
- 6. **Appendix 5** - Draft application form

For further information please ask for Mair Hill, extension 3216

REF: MJH/Licensing Committee/17 September 2013

APPENDIX 1

*... version (as it was originally made). UK
Statutory Instruments are not carried in their revised form on this site.*

STATUTORY INSTRUMENTS

2013 No. 1966 (C. 83)

**CRIMINAL LAW
SCRAP METAL DEALERS**

**The Scrap Metal Dealers Act 2013 (Commencement
and Transitional Provisions) Order 2013**

Made - - - - - *6th August 2013*

The Secretary of State, in exercise of the powers conferred by sections 20(4) and 23(2) and (3) of the Scrap Metal Dealers Act 2013(1), makes the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Scrap Metal Dealers Act 2013 (Commencement and Transitional Provisions) Order 2013.

(2) In this Order, “the 2013 Act” means the Scrap Metal Dealers Act 2013.

Commencement

2. The following provisions of the 2013 Act shall come into force on 1st September 2013—

- (a) section 5 (further provision about licences: fees) insofar as necessary for the purposes of paragraph (b) below;
- (b) paragraph 6 of Schedule 1 (fee).

3. The following provisions of the 2013 Act shall come into force on 1st October 2013—

- (a) section 1(1) and (2) (requirement for licence to carry on business as scrap metal dealer);
- (b) section 2 (form and effect of licence);
- (c) section 3 (issue of licence);
- (d) section 4 (revocation of licence and imposition of conditions);
- (e) section 5 (further provision about licences) insofar as it is not already in force;
- (f) section 6 (supply of information by authority);
- (g) section 7 (register of licences);
- (h) section 8(1) to (8), and (11) (notification requirements);

- (i) section 10(1) to (4) (display of licence);
 - (j) section 11(1) to (3) (verification of supplier's identity);
 - (k) section 12 (offence of buying scrap metal for cash);
 - (l) section 13 (record of dealings: receipt of metal);
 - (m) section 14 (record of dealings: disposal of metal);
 - (n) section 15(1) to (3) (records: supplementary);
 - (o) section 16 (right to enter and inspect);
 - (p) section 17 (offences by body corporate);
 - (q) section 18 (review of Act);
 - (r) section 19 (consequential amendments);
 - (s) section 21 ("carrying on business as a scrap metal dealer" and "scrap metal");
 - (t) section 22 (other definitions);
 - (u) paragraphs 1, 2, 3(1) to (4), 4 and 7 to 9 of Schedule 1 (further provision about licences).
4. The following provisions of the 2013 Act shall come into force on 1st December 2013—
- (a) section 1(3) (offence of carrying on business as scrap metal dealer without a licence);
 - (b) section 8(9) and (10) (offence of failing to comply with notification requirements);
 - (c) section 9 (closure of unlicensed sites);
 - (d) section 10(5) (offence of failing to comply with requirement to display licence);
 - (e) section 11(4) to (7) (offence of failing to verify supplier's identity etc);
 - (f) section 15(4) to (6) (offence of failing to comply with record keeping requirements);
 - (g) paragraphs 3(5) and (6) and 5 of Schedule 1 (further provision about licences: offences of failing to apply to vary a licence, and making a false statement);
 - (h) Schedule 2 (closure of unlicensed sites).

Transitional provisions

5.—(1) A scrap metal dealer who, immediately before 1st October 2013, was registered under either section 1 of the Scrap Metal Dealers Act 1964⁽²⁾ or section 1 of the Vehicles (Crime) Act 2001⁽³⁾ shall be deemed to be authorised by a licence under section 1 of the 2013 Act, and references in this article to a "deemed licence" shall be construed accordingly.

(2) Subject to paragraphs (3) and (5), a deemed licence has effect from 1st October 2013 until the local authority to whom he applies for a licence either issues him with a licence or gives him a notice of the decision to refuse him a licence.

(3) If a scrap metal dealer who was so previously registered fails to submit an application for a licence on or before 15th October 2013, his deemed licence will lapse on 16th October 2013.

(4) The lapsing of the deemed licence on 16th October 2013 shall not be treated as a revocation of the deemed licence, and does not give rise to a right of appeal under paragraph 9(2)(b) of Schedule 1 to the 2013 Act.

(5) Where a scrap metal dealer who was so previously registered applies for a licence on or before 15th October, and the local authority refuses his application for a licence, this refusal shall only come into effect when no appeal under paragraph 9 of Schedule 1 to the 2013 Act is possible in relation to the refusal, or when any such appeal is finally determined or withdrawn.

(2) 1964 c.69.

(3) 2001 c.5.

(6) Pending an appeal against the refusal of an application for a licence, if the authority considers that the deemed licence should not continue in force without conditions, it may, by notice, provide that until the refusal comes into effect, the deemed licence is subject to one or both of the conditions set out in section 3(8) of the 2013 Act.

(7) The obligations of the Environment Agency and Natural Resources Body for Wales in section 7(1) to (3) of the 2013 Act (register of licences) do not apply in relation to deemed licences.

(8) The obligations in section 10 (display of licence) do not apply to deemed licences.

6th August 2013

Jeremy Browne
Minister of State
Home Office

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force the Scrap Metal Dealers Act 2013 (“the 2013 Act”), which repeals the Scrap Metal Dealers Act 1964 and the system of registration contained therein, and replaces it with a new system of licensing, to be administered by local authorities. The 2013 Act also replaces the system of registration for motor salvage operators under the Vehicles (Crime) Act 2001, in that motor salvage operators will now be treated as scrap metal dealers who fall to be licensed under the new regime.

Article 2 of the Order brings into force paragraph 6 of Schedule 1 of the 2013 Act on 1st September 2013, since this will enable local authorities to set a fee that will be payable on an application for a licence, and requires local authorities to have regard to guidance issued by the Secretary of State in setting the fee.

Article 3 of the Order brings into force the majority of the provisions in the 2013 Act on 1st October 2013, in compliance with the policy on common commencement dates.

Article 4 of the Order brings into force the majority of the criminal offences in the 2013 Act from 1st December 2013.

Article 5 of the Order sets out transitional provisions. These will enable scrap metal dealers who were previously registered under the Scrap Metal Dealers Act 1964 or the Vehicles (Crime) Act 2001 to benefit from a deemed licence, provided that they have applied for a licence on or before 15th October 2013. The intention behind these provisions is to minimize disruption to business during the transition from the old regime to the new regime.

APPENDIX 2

PROPOSED SCHEME OF DELEGATION OF DECISION MAKING AND FUNCTIONS

The table below describes how it is proposed licensing decision will be made.

Matter to be dealt with	Licensing Committee	Sub Committee	Officers
Application for grant, renewal, transfer or variation		If relevant objection made	If no relevant objection made
Revocation of licence		All Cases	
Cancellation of licence			All cases
Setting of fees	All cases		
To undertake the functions relating to the licensing of Scrap Metal Dealers under the Scrap Metal Dealers Act 2013	All cases		
To make and amend policy relating to the licensing of scrap metal dealers	All cases		
To enforce the provisions of the Scrap Metal Dealers Act 2013	All cases		All cases

APPENDIX 3

Scrap Metal Dealer Act 2013: guidance on licence fee charges

Context

The Scrap Metal Dealers Act 2013 (referred to in this guidance as the 2013 Act) received Royal Assent on the 28 February 2013, delivering much needed reform of the scrap metal sector. The 2013 Act will provide effective and proportionate regulation of the sector, creating a more robust, local authority run, licensing regime that will support legitimate dealers yet provide the powers to effectively tackle unscrupulous operators. It will raise trading standards across the whole sector.

Introduction

The 2013 Act will allow local authorities to decide who should and should not be licensed, allowing them to refuse a licence upon application or to revoke a licence at any time if they are not satisfied that the applicant is a suitable person to carry on business as a Scrap Metal Dealer. The act also creates closure powers for unscrupulous dealers who operate without a licence. It extends the record keeping requirements placed upon scrap metal dealers and requires the verification of the people Scrap Metal Dealers are transacting with. The act will integrate the separate regulation for motor salvage operators with the scrap metal sector and bring to an end the cash exemption given to some collectors under the 1964 Act.

Finally, the 2013 Act creates a fee raising power, to allow local authorities to recover the costs stemming from administering and seeking compliance with the regime. This element of the legislation will be the focus of this guidance.

The intention is for the act to be implemented in October 2013.

Licensing requirements placed upon scrap metal dealers

Section one of the 2013 Act requires a scrap metal dealer to obtain a licence in order to carry on business as a scrap metal dealer'. It will be an offence to carry on a business as a scrap metal dealer in breach of the requirement to hold a licence. This offence is punishable on summary conviction with a fine not exceeding level 5 on the standard scale. In addition, Schedule 1(6) of the 2013 Act provides that an application must be accompanied by a fee set by the authority.

Aim and scope

Local authorities will be responsible for administration and compliance activity in relation to the 2013 Act. This guidance is provided to local authorities in relation to the carrying out of their fee raising function. It also provides information for the benefit of those who will be applying for a scrap metal dealer's licence and the general public. This guidance applies to local authorities in England and Wales and is produced in accordance with the 2013 Act.

Legal status

Schedule 1(6) of the 2013 Act provides that an application must be accompanied by a fee set by the local authority. In setting a fee, the authority must have regard to any guidance issued from time to time by the Secretary of State with the approval of the Treasury. This Guidance is therefore binding on all licensing authorities to that extent.

What costs can local authorities charge for when issuing a licence?

The 2013 Act provides that an application for a licence must be accompanied by a fee set by the local authority. This fee raising power is an essential component of the legislation as it will provide local authorities with the funding they need to administer the regime and ensure compliance.

The power to set fees has been passed to individual local authorities, so that any fees levied in each local area is set by reference to the actual costs to each authority. The EU services directive states that a licence fee can only be used to pay for the cost associated with the licensing process. In effect, each local authority must ensure that the income from fees charged for each service does not exceed the costs of providing the service.

LAs should specify fees for each category of application. Specifically we would expect a fee to be specified for the assessment of an application for a licence, the assessment of an application to vary a licence, and the assessment of an application for licence renewal.

Local authorities should specify fees which are payable by licence applicants for the assessment and administration activity within the new licensing regime brought about by the 2013 Act. They should do this by identifying what they need to do to assess the type of licence in question and calculating their best estimate of the cost to be incurred by the LA. The authority will then be able to calculate a best estimate of unit cost for each case.

In effect, the costs of a licence should reflect the time spent assessing and administering applications, processing them, having experienced licensing officers review them, storing them, consulting on the suitability of an applicant, reviewing relevant offences, the decision on whether to issue a licence, as well as the cost of issuing licences in a format that can be displayed. Consulting the local authority's enforcement records in order to determine the suitability of the applicant is chargeable within the licence fee costs as are costs associated with contested licence applications.

Registering authorities should review fees regularly to check whether they remain appropriate.

Can a local authority charge for enforcement activity?

The licence fee cannot be used to support enforcement activity against unlicensed scrap metal dealers. Any activity taken against unlicensed operators must be funded through existing funds. Such activity against unlicensed operators includes issuing closure notices; with applications for closure orders subsequently made to a magistrates court. The cost of applying to the Magistrates Court for a warrant (Section 16(5)(6) and (7) of the 2013 Act) for entry to unlicensed premises, by force if necessary, will incur legal costs to be borne by the local authority and police.

What are the different types of licences?

There are two types of licence specified within the act, one is for a site licence and the other is for a mobile collector licence (carrying on business otherwise than at a site). The licence authorises the licensee to carry on business as a scrap metal dealer at the sites listed in it (in the case of a site licence) or within the local authority area (in the case of a mobile collector's licence).

Site licences

A site licence requires all of the sites at which the licensee carries on the business as a scrap metal dealer within the local authority area to be identified and a site manager to be named for each site. In doing so, they will be permitted to operate from those sites as a scrap metal dealer, including transporting scrap metal to and from those sites from any local authority area.

Collectors licences

A collector's licence authorises the licensee to operate as a mobile collector in the area of the issuing local authority, permitting them to collect any scrap metal as appropriate. This includes commercial as well as domestic scrap metal.

The licence does not permit the collector to collect from any other local authority area. A separate licence should be obtained from each local authority from which the individual wishes to collect in. A collector's licence does not authorise the licensee to carry on a business at a site within any area. Should a collector wish to use a fixed site, they will need to obtain a site licence from the relevant local authority.

The Act 2013 also specifies that a licence will be issued by the local authority in whose area a scrap metal site is situated, or (in respect of a mobile collector) in the area that the collector operates.

Do different fees apply?

Yes. Fees charged for a site licence would reflect the extra work involved in processing these licences and will vary from a collector's licence.

Display of licences

The form in which a licence is issued must enable it to be displayed in accordance with section ten of the 2013 Act. All licensees are therefore required to display a copy of their licence. For site operators the licence must be displayed in a prominent place in an area accessible to the public. For mobile collectors, it must be in a manner which enables the licence to be easily read by a person outside the vehicle. A criminal offence is committed by any scrap metal dealer who fails to fulfil this requirement. This offence is punishable on summary conviction with a fine not exceeding level 3 on the standard scale.

The cost of providing a licence in a form which can be displayed should be included in the local authority licence fee charges.

Police objections to licence applications

The police may object to a licence application where they believe that the applicant is not a suitable person as defined within the act. The police can object where, for example, the applicant has been convicted of a relevant offence. LAs should also consider representations from other organisations or individuals in considering the applicant's suitability

Where the police do object, the local authority should take this into consideration but must use their own judgement and discretion when taking a licence decision. The local authority must allow for the person whose licence is about to be refused or revoked to be afforded the right to make representations. The local authority considering the matter must restrict its consideration to the issue of suitability of applicant and provide comprehensive reasons for

its decision.

Costs associated with considering oral and written representations should be included in licence fee charges.

Appeals

There is a right of appeal to the Magistrates' Court against a decision to refuse a licence application, to include a condition within the licence, to revoke the licence or to vary the licence. The costs associated with appeals and the costs of defending an appeal in the Magistrate Court should not be included in licence fee charges.

The costs associated with defending a Judicial Review into whether the local authority has failed to have regard to the guidance on fees is not chargeable under the licence regime.

Revocation of a licence and formulating and imposing licence conditions

If a licence has been granted, it may be revoked or licence conditions imposed on a scrap metal dealer if the subsections within Clause 4 of the Scrap Metal Dealers Act are triggered. A local authority may impose conditions pending an appeal against revocation (section 4 (7)) or if the applicant or site manager has been convicted of a relevant offence (section 3 (8)).

Variation of licence

Schedule 1 paragraph 3(1) indicates that a local authority may, on an application, vary a licence by changing it from one type to another and (2) if there is a change in any of the matters mentioned in section 2(4)(a), (c) or (d) or (6)(a).

These changes should be recorded by the local authority. The applicant is also under a duty to notify any convictions for relevant offences to the local authority. These measures ensure that a single record will be held of the licence holder's history in terms of licensing matters.

National Register of Scrap Metal Dealers

Whilst a local authority can recover any costs incurred in transmitting information about a licence, the costs which the Environment Agency incurs are not chargeable under the licence regime.

How long will a licence be valid for?

Schedule 1 paragraph 1 of the 2013 Act specifies the terms of a licence. It indicates that a licence expires at the end of the period of 3 years beginning with the day on which it is issued.

Additional regulations and guidance

The Home Office will be publishing regulations in relation to relevant offences and the identification required to sell scrap metal over the summer of 2013. These regulations will be published on www.gov.uk. We will also be working with the Local Government Association, the British Metal Recycling Association and British Transport Police to produce additional guidance on the requirements of the new act.

The Local Government Association guidance will include a breakdown of reasonable timescales for each of the activities associated with setting a fee.

Annex A - Definitions

What is a local authority?

'Local authority' means —

- (a) in relation to England, the council of a district, the Common Council of the City of London or the council of a London borough;
- (b) in relation to Wales, the council of a county or a county borough.

What is a scrap metal dealer?

21 'Carrying on business as a scrap metal dealer' and 'scrap metal'

(2) A person carries on business as a scrap metal dealer if the person—

- (a) carries 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) carries on business as a motor salvage operator (so far as that does not fall within paragraph (a)).

What is a mobile collector?

'Mobile collector' means a person who—

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

What is a motor salvage operator?

(4) For the purposes of subsection (2)(b), a person carries on business as a motor salvage operator if the person carries 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 reselling 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 mentioned in paragraphs (a) and (b), or
 - (d) wholly or mainly in activities falling within paragraphs (b) and (c).
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APPENDIX 4

SITE LICENCE APPLICATION/RENEWAL

Task	Licensing officer time (mins)	Licensing enforcement officer time (mins)	Solicitor time (mins)	
Consider application form (7 pages)	20.00			
Process application fee	5.00			
Input data into Lalpac	10.00			
Suitable Person test (must check each site manager and each and every partner/director/shadow director in applicant) Check to include consideration of the following:				
Relevant offences	20.00			
Relevant Enforcement Action	10.00			
Previous refusal of relevant enforcement action	10.00			
Previous revocation of licence	10.00			
Guidance from Secretary of State	10.00			
Has applicant demonstrated that adequate measures are in place to comply with the Act?	10.00			
Consult with the police, Las and EA	10.00			
Consider/impose conditions	5.00			
Notify applicant of decision	10.00			
Hearing:				
Liaise with parties	10.00			
Notice of Hearing	30.00			
Sending out agendas and reports	10.00			
Preparation of report	60.00			
Attend hearing	30.00		30.00	
Update date Lalpac	10.00			
Issue licence	10.00			
Notice of determination			30.00	
Provide licence data to EA	10.00			
Check licence displayed on site 1 visit per annum		135.00		
Total (Mins)	290.00	135.00	60.00	
Hrly Rate (£)	23.20	24.80	49.93	
Total Officer Cost (£)	112.13	55.80	49.93	217.86
Members costs of hearing				£58.37
Licence per sheet				0.77
		Total Cost		277.00
		Proposed Fee		£277

SITE LICENCE VARIATION

Task	Licensing officer time (mins)	Licensing enforcement officer time (mins)	Solicitor time (mins)	
Consider application form (7 pages)	5.00			
Process application fee	5.00			
Input data into Lalpac	5.00			
Suitable Person test (must check each site manager and each and every partner/director/shadow director in applicant) Check to include consideration of the following:				
Relevant offences	10.00			
Relevant Enforcement Action	5.00			
Previous refusal of relevant enforcement action	5.00			
Previous revocation of licence	5.00			
Guidance from Secretary of State	5.00			
Has applicant demonstrated that adequate measures are in place to comply with the Act?	5.00			
Consult with the police, Las and EA	10.00			
Consider/impose conditions	5.00			
Notify applicant of decision	10.00			
Hearing:				
Liaise with parties	5.00			
Notice of Hearing	15.00			
Sending out agendas and reports	10.00			
Preparation of report	20.00			
Attend hearing	30.00		30.00	
Update date Lalpac	5.00			
Issue varied licence	10.00			
Notice of determination			15.00	
Provide licence data to EA	5.00			
Check varied licence displayed on site 1 visit per		45.00		
Total (Mins)	170.00	45.00	45.00	
Hrly Rate (£)	23.20	24.80	49.93	
Total Officer Cost (£)	65.73	18.60	37.45	121.78
Members costs				58.37
Cost of replacement licence				0.77
Total cost				180.15
Proposed Fee				180

Task	Mobile Collectors Variation		Solicitor time (mins)	
	Licensing officer time (mins)	Licensing enforcement officer time (mins)		
Consider application to vary	5.00			
Process fee	5.00			
Input variation data into Lalpac	5.00			
Suitable Person test (must check each site manager and each and every partner/director/shadow director in applicant)				
Check to include consideration of the following:				
Relevant offences	5.00			
Relevant Enforcement Action	5.00			
Previous refusal of relevant enforcement action	5.00			
Previous revocation of licence	5.00			
Guidance from Secretary of State	5.00			
Has applicant demonstrated that adequate measures are in place to comply with the Act?	5.00			
Consult with the police, Las and EA	5.00			
Consider/impose conditions	5.00			
Notify applicant of decision	5.00			
Hearing:				
Liaise with parties	5.00			
Notice of Hearing	10.00			
Sending out agendas and reports	5.00			
Preparation of report	15.00			
Attend hearing	30.00		30.00	
Update date Lalpac	5.00			
Issue varied licence	5.00			
Notice of determination			20.00	
Provide licence data to EA	5.00			
Check varied licence displayed on vehicle			10.00	
Total (Mins)	135.00		10.00	50.00
Hrly Rate (£)	23.20		24.80	49.93
Total Officer Cost (£)	52.20		4.13	97.94
Members cost				58.37
Replacement Licence plate				4.98
Total cost				161.29
Proposed Fee				£160

Task	Mobile Collectors Application/Renewal			Solicitor time (mins)
	Licensing officer time (mins)	Licensing enforcement officer time (mins)		
Consider application form (7 pages)	10.00			
Process application fee	5.00			
Input data into Lalpac	5.00			
Suitable Person test (must check each site manager and each and every partner/director/shadow director) Check to include consideration of the following:				
Relevant offences	10.00			
Relevant Enforcement Action	5.00			
Previous refusal of relevant enforcement action	5.00			
Previous revocation of licence	5.00			
Guidance from Secretary of State	5.00			
Has applicant demonstrated that adequate measures are in place to comply with the Act?	5.00			
Consult with the police, Las and EA	10.00			
Consider/impose conditions	5.00			
Notify applicant of decision	10.00			
Hearing:				
Liaise with parties	5.00			
Notice of Hearing	15.00			
Sending out agendas and reports	10.00			
Preparation of report	30.00			
Attend hearing	30.00		30.00	
Update date Lalpac	5.00			
Issue licence	10.00			
Notice of determination			20.00	
Provide licence data to EA	5.00			
Check licence displayed on vehicle 1 visit per annum		60.00		
Total (Mins)	185.00	60.00	50.00	
Hrly Rate (£)	23.20	24.80	49.93	
Total Officer Cost (£)	71.53	24.80	41.61	137.94
Members costs of hearing				58.37
Cost of licence plate				4.98
			Total cost Proposed fee	201.29
				200

APPENDIX 5



Ribble Valley
Borough Council

www.ribblevalley.gov.uk

Application for a Scrap Metal Licence

SECTION 1. (for all applicants)

Please indicate the type of licence you are applying for (please tick):

A site licence A collector's licence

Are you applying as (please tick):

An individual A company A partnership

Please state your trading name:

Is this application for a grant of a new licence or a renewal (please tick the relevant box):

Grant of a new licence Renewal of an existing licence

If 'yes' please provide your existing licence number:

SECTION 2. Permits, registrations and licences in force

Please provide details of any relevant environmental permit, exemption or registration (such as a scrap metal dealer or a motor salvage operator) in relation to the applicant:

Type: Identifying number: Date of issue:

Type: Identifying number: Date of issue:

Continue on a separate sheet if necessary

Please provide details, including licence number, of any other scrap metal licence issued by any authority to the applicant within the last 3 years (please use a continuation sheet if necessary):

Are you registered as a waste carrier? (please tick)

Yes No

If 'yes' please provide your carrier's registration number:

SECTION 3. TO BE COMPLETED IF APPLYING FOR A SITE LICENCE

N.B. - A site licence authorises the licensee to carry on business at a site in the authority's area. You can apply to licence multiple sites using this form.

Details of prospective licence holder

Title (please tick): Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other <input type="checkbox"/> (please state):		I am 18 years old or over. Please tick Yes <input type="checkbox"/> No <input type="checkbox"/> Date of Birth:	
Surname:		Forenames:	
Position/Role in the business:			
I attach a Basic Disclosure Certificate issued for the applicant by Disclosure Scotland ¹ : Yes <input type="checkbox"/> No <input type="checkbox"/> If you do not provide a disclosure certificate your application may be delayed or rejected.			
Contact details (we will use your business address to correspond with you unless you indicate we should use your home address)			
Business Address: Head office name or house name or number: First line of address: Town/City: Postcode:		Telephone numbers: Daytime: Evening: Mobile:	
Home address: House name or number: First line of address: Town/City: Postcode:		Email address (if you would prefer us to correspond with you by email): Please note that you must still provide us with a postal address	

¹ Further information about Basic Disclosure Certificates and Disclosure Scotland are set out in the explanatory notes accompanying this form.

<p>Site details. Please list the details for each site where you propose to carry on business as a scrap metal dealer in this local authority area. If you operate more than two sites in the area please provide details for each site on a continuation sheet. [N.B- If the applicant operates multiple sites within a licensing authority area, provision should be made for more than one site manager]</p>	
Full address of each site you intend to carry out business as a scrap metal dealer:	Site manager(s) details (if different from the applicant)
<p>Site 1</p> <p>Name or number:</p> <p>First line of address:</p> <p>Town/City:</p> <p>Postcode:</p> <p>Telephone number:</p> <p>Email address:</p> <p>Website address:</p>	<p>Name:</p> <p>House name or number:</p> <p>First line of address:</p> <p>Town/City:</p> <p>Postcode:</p> <p>Date of Birth:</p> <p>Basic Disclosure certificate attached: Yes <input type="checkbox"/> No <input type="checkbox"/> ²</p>
<p>Site 2</p> <p>Name or number:</p> <p>First line of address:</p> <p>Town/City:</p> <p>Postcode:</p> <p>Telephone number:</p> <p>Email address:</p> <p>Website address:</p>	<p>Name:</p> <p>House name or number:</p> <p>First line of address:</p> <p>Town/City:</p> <p>Postcode:</p> <p>Date of Birth:</p> <p>Basic Disclosure certificate attached: Yes <input type="checkbox"/> No <input type="checkbox"/></p>
<p>Partnerships (If you are applying as a partnership, please provide the following details in respect of each partner – where there are more than two partners then please use a continuation sheet)</p>	

² If you do not provide a disclosure certificate issued for named persons by Disclosure Scotland issued no more than three months before the date of this application your application may be delayed or rejected.

Full name: Date of birth: Residential address: Basic Disclosure certificate attached: Yes <input type="checkbox"/> No <input type="checkbox"/> ³	Full name: Date of birth: Residential address: Basic Disclosure certificate attached: Yes <input type="checkbox"/> No <input type="checkbox"/>
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Companies (If you are applying as a company please provide the details set out below about the company)

Company name:
 Registration number:
 Address of the registered office:

Please provide the following details for each director(s), shadow director(s) and company secretary where these are different from the applicant and site manager(s) – where necessary please use a continuation sheet.

Role: Name: Date of Birth: House name or number: First line of address: Town/City: Postcode: Basic Disclosure certificate attached: Yes <input type="checkbox"/> No <input type="checkbox"/> ⁴	Role: Name: Date of Birth: House name or number: First line of address: Town/City: Postcode: Basic Disclosure certificate attached: Yes <input type="checkbox"/> No <input type="checkbox"/>
--	---

Please provide details of any site in the area of any other local authority at which the applicant carries on business as a scrap metal dealer or proposes to do so:

Address:

³ If you do not provide a disclosure certificate issued for named persons by Disclosure Scotland issued no more than three months before the date of this application your application may be delayed or rejected.

⁴ If you do not provide a disclosure certificate issued for named persons by Disclosure Scotland issued no more than three months before the date of this application your application may be delayed or rejected.

Postcode:

Please name the local authority which has licensed this site, or to whom applications have been made if before commencement of the Scrap Metal Dealers Act 2013:

Please continue on a separate sheet of paper if necessary.

Only applicable to sites established after 1 November 1990.

Do you have planning permission (please tick)

Yes No

SECTION 4. TO BE COMPLETED IF APPLYING FOR A COLLECTOR'S LICENCE
N.B. - A collector's licence authorizes the licensee to carry out business as a mobile collector in the authority's area only.

Details of prospective licence holder

Title (please tick):

Mr Mrs Miss Ms Other

(please state):

I am 18 years old or over. Please tick

Yes No

Date of Birth:

Surname:

Forenames:

I attach a Basic Disclosure Certificate issued for the applicant by Disclosure Scotland⁵.

Yes No

If you do not provide a disclosure certificate your application may be delayed or rejected.

Contact details (we will use your business address to correspond with you unless you indicate we should use your home address)

Business Address:

Telephone numbers:

House name or number:

Daytime:

First line of address:

Evening:

Mobile:

Town/City:

Postcode:

⁵ Further information about Basic Disclosure Certificates and Disclosure Scotland are set out in the explanatory notes accompanying this form.

Home address: House name or number: First line of address: Town/City: Postcode:	Email address (if you would prefer us to correspond with you by email): Please note that you must still provide us with a postal address
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Where will scrap metal that has been purchased be stored before further disposal?

House name or number:
First line of address:
Town/City:
Postcode:
Will not be stored

SECTION 5. MOTOR SALVAGE (For all applicants)

Will your business consist of acting as a motor salvage operator? This is defined as a business that:

- wholly or in part recovers salvageable parts from motor vehicles for re-use or re-sale, and then sells the rest of the vehicle for scrap;
- wholly or mainly involves buying written-off vehicles and then repairing and selling them off; and,
- wholly or mainly buys or sells motor vehicles for the purpose of salvaging parts from them or repairing them and selling them off.

(please tick)
Yes No

SECTION 6. BANK ACCOUNTS THAT WILL BE USED FOR PAYMENTS TO SUPPLIERS (For all applicants)

Please provide details of the bank account(s) that will be used to make payment to suppliers, in accordance with s12 of the Scrap metal Dealers Act 2013. If more than two bank accounts will be used, please use a continuation sheet.

Account name: Sort code: Account number:	Account name: Sort code: Account number:
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SECTION 7. PAYMENT (For all applicants)

How do you wish to make payment for your scrap metal dealer's licence? (please tick)

Direct Debit (please complete separate direct debit form) Cheque (please make payable to )

SECTION 8. CRIMINAL CONVICTIONS (For all applicants)

Have you, any listed partners, any listed directors, or any listed site manager(s) in this application ever been convicted of a relevant offence or been the subject of any relevant enforcement action? (Please see below for a list of relevant offences).

Yes No

If 'yes' you must provide details for each conviction, the date of the conviction, the name and location of the convicting court, offence of which you were convicted and the sentence imposed:

SECTION 9. DECLARATION (For all applicants)

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 Schedule 1 Para 5 of the Scrap Metal Dealers Act 2013, for which I may be prosecuted, and if convicted, fined.

I understand that the local authority to whom I make my application may consult other agencies about my suitability to be licensed as a scrap metal dealer, as per section 3(7) of the Scrap Metal Dealers Act 2013, and that those other agencies may include other local authorities, the Environment Agency, the Natural Resources Body for Wales, and the police.

I understand that the purpose of the sharing of this data is to form a full assessment of 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 this processing of my data and display of relevant information on the public register.

Signed:

Date:

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

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 from Disclosure Scotland. You can apply for this certificate at <http://www.disclosurescotland.co.uk/apply/individuals/>

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 from Disclosure Scotland along with the application form. You can apply for this certificate at <http://www.disclosurescotland.co.uk/apply/individuals/>

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 – 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 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 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 9 – 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

These are to be confirmed in Home Office Regulations. The LGA anticipates, based on the explanatory notes to the Scrap metal Dealers Act 2013, that these will reflect other environmental permitting schemes and suggests the 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

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