



BIRMINGHAM CITY COUNCIL

SCRAP METAL DEALERS ACT 2013

**Policy for Determining Suitability of an Applicant
for a Scrap Metal Dealers Licence**

OCTOBER 2016

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1. Introduction

Metal theft over recent years has had a significant impact on communities, businesses and local authorities. The Scrap Metal Dealers Act 2013 (The Act) has been introduced to help prevent some of the previous issues surrounding the sale, collection, storage and disposal of scrap metal.

This policy does not seek to replicate the provisions contained in “the Act” but to clarify what information applicants must provide if applying to Birmingham City Council (“the Council”) for a scrap metal dealer licence, what the process is, what information it considers when determining an application and how we process and use any information an applicant provides to us.

This policy also provides guidance on the criteria taken into account by “the Council” when determining whether or not an applicant or an existing licence holder is suitable to hold a Scrap Metal Dealers Licence.

The Council may depart from its own policy if the individual circumstances of any case warrant it. In such cases, the Council will give full reasons for doing so.

The policy will be formally reviewed every 3 years but will be kept under review during each 3 year period.

Where licensing officers have delegated powers, they will utilise these guidelines when making a decision to grant a licence or to serve Notice in accordance with paragraph 7 of schedule 1 to the Act on an applicant whose application the Council proposes to reject.

2. Types of Licence

There are two types of licence issued under the Scrap Metal Dealers Act 2013, a Site Licence and a Collector's Licence. An applicant may only apply for one type of licence in each council area, but an application for a site licence can include multiple sites.

A **site licence** allows the buying and selling of scrap metal from a fixed location, i.e. a site, within the council area.

A **collector's licence** allows a person to travel from door to door within the Council's area to collect scrap metal.

The normal duration of a licence is 3 years

Section 3 of the Scrap Metal Dealers Act 2013 states that a council must not issue a licence unless it is satisfied that the applicant is a suitable person to carry on a business as a scrap metal dealer.

3. Applying for a scrap metal licence

Applications to operate as a scrap metal collector in Birmingham or for a site situated in Birmingham, must be made to the Licensing Section on the specified application a copy of which is attached as **Annexe A**.

The relevant sections of the application form must be completed in full and submitted with the appropriate supporting documentation as detailed in the application form.

Failure to complete the application form in full / correctly or to submit the appropriate supporting documentation will result in the application being returned unprocessed.

Full payment of the fee must be made in order for the application to be processed. Failure to make the required payment or for the payment not being honoured, will result in the application being returned unprocessed.

4. Considerations when determining applications

All applications must meet the requirements of Schedule 1 to the Act.

Section 3 (1) of the Act states that a local authority must not issue or renew a scrap metal licence unless it is satisfied that the applicant is a suitable person to carry on a business as a scrap metal dealer.

When assessing an application for suitability for a Site Licence or for a Collector's Licence the Council will consider the suitability of:

- the individual applicant
- any site manager(s) where the application is for a site licence
- each partner within a partnership
- any director(s), Secretary(s) or shadow director(s) of a company.

In assessing the suitability of the applicant, the Council will have regard to the following:

- *The Scrap Metal Dealers Act 2013*
- *Home Office Guidance on Determining suitability to hold a scrap metal dealer's licence*
- *Home Office Supplementary Guidance*
- *LGA Guidance under the Scrap Metal Dealers Act 2013*

When establishing the applicant's suitability, the Council may consult with other agencies as follows:

- a) Other local authorities;
- b) The Police;
- c) The Environment Agency
- d) Planning
- e) Environmental Health
- f) Revenues and Benefits
- g) Border Agency/Immigration

NB The Council may provide and exchange information with any of the above authorities with regard to applicants and applications.

The Licensing Section will take into account any comments made by the Licensing Enforcement Team, West Midlands Police, the Environment Agency, another Local Authority or any other such department of the Council or external agency as considered appropriate to determine the application.

The Licensing Authority will consider any previous refusals of an application for a scrap metal licence, a relevant environmental permit or registration and the reasons for that refusal.

In addition to this, applicants are required to state on the application form whether they or any persons involved in the business have any relevant convictions and to provide a Basic Criminal Record Disclosure which must be dated not more than 3 months prior to the date on which the application is submitted.

If applying as a partnership, each partner must supply a criminal record check. If applying as a company, a criminal record check must be supplied for each director of the company (including any shadow director) and any company secretary.

In all cases for a site licence, the individual specified as a site manager must provide a criminal record check.

In determining the suitability, the Licensing Section will consider whether the applicant, site manager or any person associated has been convicted of any relevant offence or has been the subject of any relevant enforcement actions. Relevant offences are those specified in the Scrap Metal Dealers Act 2013 (Prescribed Relevant Offences and Relevant Enforcement Action) Regulations 2013 see **Annexe B**.

The Licensing Authority will also consider convictions which are unspent and which would bring into question the applicant's suitability to hold a scrap metal dealers licence, this may include convictions relating to drugs, dishonesty, violence, or offences of a sexual nature, or reveal any information giving cause for concern. The Licensing Section will also consider any pending investigations or outstanding matters of concern.

A copy of each application will be served on West Midlands Police for their comments.

In addition a copy of the application will be passed to the Licensing Enforcement Team who will then conduct a suitability check which must be completed within 28 days of receipt of the application.

In determining suitability to hold a licence the Council will specifically have regard to:

- a) whether the applicant or any site manager has been convicted of any relevant offence and where there are relevant offences, the Council may consult the local police force for further details.
- b) whether the applicant or any site manager has been the subject of any relevant enforcement action.
- c) any previous refusal of an application for the issue or renewal of a scrap metal licence and the reasons for the refusal.
- d) any previous refusal of an application for a relevant environmental permit or registration and the reasons for the refusal.
- e) any previous revocation of a scrap metal licence and the reasons for the revocation.
- f) whether the applicant has demonstrated that there will be in place adequate procedures to ensure that the provisions of the Act are complied with.
- g) in the case of site licences whether there is satisfactory planning permission in place for sites established after 01 November 1990.

The Act also allows the Council to request an applicant to provide such further information as the Council considers relevant for the purpose of considering the application. Requests for further information will be determined on a case by case basis but could include:

- documentary proof that the applicant has a right to live and work in the country
- photographic proof of identity
- evidence that the applicant has a valid driving licence and appropriate vehicle insurance.

If an applicant fails to provide information as requested, the council may decline to proceed with the application.

Any person listed on an application form can apply for a Basic Disclosure Certificate online from Disclosure and Barring Service (DBS) via the following website:
<https://www.gov.uk/request-copy-criminal-record>

A relevant conviction may not automatically result in the Council refusing to grant a licence, however where an applicant discloses an 'unspent' conviction for a 'relevant' offence under the Act that application will be determined at a Hearing.

In the case of unspent convictions for offences which are not defined as 'relevant' the Council will take into account when the offence was committed, the nature of offences or enforcement action, the frequency of the offence, the gravity of the offence or enforcement action, along with any other relevant information.

In line with guidance issued by the Home Office, 'spent' convictions will not normally be considered when making a decision on suitability. Only if it is satisfied that justice cannot be done except by admitting or requiring evidence relating to a person's spent convictions will the Council take into account a spent conviction. In doing so, regard will be had to the age, circumstances, relevance and seriousness of the conviction(s) concerned.

It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particularly in giving information required by the application for a licence (Scrap Metal Dealers Act 2013 Schedule 1 paragraph 5). Where an applicant has made a false statement or a

false declaration on their application for the grant, renewal or variation of a licence, the Council will normally propose to refuse the application.

The 'spent' periods under the Rehabilitation of Offenders Act 1974 (as amended) are set out in **Annexe C**

5. Revocation and Imposing Conditions

The Council may revoke a scrap metal licence if it is satisfied that:

- the licence holder does not carry on a scrap metal business at any of the sites named on the licence
- the site manager named on the licence does not act as the site manager at any of the named sites on the licence.
- the licence holder is no longer a suitable person to carry on the business.

Before a licence is revoked, Notice will be given to the holder of the licence. The licensee will be able to make written representations and these will be taken into account.

Any decision to revoke will be taken by an officer who is appropriately delegated and holds the post of Licensing Manager or above and the licensee will have the opportunity of being heard before a decision is made.

If the licence holder, or site manager named on the licence is convicted of a relevant offence, the authority may impose one or both of the following conditions:

- a) The dealer must not receive scrap metal except between 9am and 5pm on any day;
- b) All scrap metal received must be kept in the form in which it was received for a specified period, not exceeding 72 hours, beginning with the time when it was received.

6. Decisions

Where the Council proposes to refuse an application, revoke an existing licence or vary an existing licence by imposing one or both of the above conditions, a notice will be issued to the applicant or licence holder setting out the Council's proposals and the reasons for their decision.

The applicant or licensee will have 21 days from the date of the notice to either make a representation, or to inform the Council that they wish to make a representation. If representations are made they will be taken into account. An applicant or licensee may also wish to make oral representations. In either case, the Council will arrange a hearing for the application to be heard by an officer who has been appropriately delegated and holds the post of Licensing Manager or above.

Where an application is refused, revoked or varied, the Council will issue a decision notice setting out the Council's reasons for the decision.

7. Appeals

Where the Council has refused an application, revoked or varied the licence by imposing conditions, the applicant has a right to appeal to the Magistrates' Court within 21 days of the decision notice.

8. Delegation of Functions and Compliance

Where there are uncontested applications, or where there are no questions about the suitability of the applicant, the determination of an application will be made under delegated authority by officers who hold the post of Senior Licensing Officer or above.

Contested applications will be determined by an officer who has been appropriately delegated and holds the post of Licensing Manager or above.

9. Registration of Licences:

The Environment Agency maintains a register of scrap metal licences issued by all local authorities in England. The register includes the following information:

- a) name of authority which issued the licence;
- b) the name of the licensee;
- c) any trading name of the licensee;
- d) the address of the site identified on the licence;
- e) the type of licence, and
- f) the date of expiry on the licence.

The register is open for inspection by members of the public

10. Our Commitment to you

This Policy and all associated enforcement decisions take account of the provisions of the Human Rights Act 1998. In particular, due regard is had to the following:

- the right to a fair trial, and
- the right to respect for private and family life, home and correspondence.

We are committed to providing open, equal and timely access to our services.

As we are continually seeking to improve our standards, this policy is subject to regular review.

Application for a Scrap Metal Licence

SECTION 1. (for all applicants)		
1.1. Please indicate the type of licence you are applying for (please tick):		
A site licence <input type="checkbox"/>	<u>OR</u>	A collector's licence <input type="checkbox"/>
NB: You may only apply for one type of licence (i.e. a site licence or a collector's licence in each council area)		
1.2. Are you applying as (please tick):		
An individual <input type="checkbox"/>	A company <input type="checkbox"/>	A partnership <input type="checkbox"/>
1.3. Please state your trading name:		
1.4. Is this application for a grant of a new licence or a renewal (please tick the relevant box):		
Grant of a new licence <input type="checkbox"/>	Renewal of an existing licence <input type="checkbox"/>	
If 'renewal' please provide your existing licence number:		
SECTION 2. Permits, registrations and licences in force		
2.1. 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		
2.2. 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):		
2.3. Are you registered as a waste carrier? (please tick)		
Yes <input type="checkbox"/>	No <input type="checkbox"/>	
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	
3.1. 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:
Please also state any other names you have previously been known by:	
Position/Role in the business:	
3.2. I attach a Basic Disclosure Certificate Issued for the applicant by Disclosure and Barring Service (DBS) 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)	
3.3. Business Address: Head office name or house name or number: First line of address: Town/City: Postcode:	Telephone numbers: Daytime: Evening: Mobile:
3.4. Home address: House name or number: First line of address: Town/City: Postcode: <input type="checkbox"/> Please use my home address for correspondence	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 are set out in the explanatory notes accompanying this form.

3.5. 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 there are multiple sites within a licensing authority area, provision should be made for more than one site manager]	
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:²</p> <p>House name or number:³</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"/> ⁴</p> <p>Details of any relevant environmental permit, exemption or registration (e.g. a scrap metal dealer or a motor salvage operator) held by the site manager:</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>Details of any relevant environmental permit, exemption or registration (e.g. a scrap metal dealer or a motor salvage operator) held by the site manager:</p>

² Please also state any other names you have previously been known by.

³ Please provide the site manager's home address as this will facilitate conducting checks on whether they are a suitable person.

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

3.6. 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)	
Full name: ⁵ Date of birth: Residential address: Basic Disclosure certificate attached: Yes <input type="checkbox"/> No <input type="checkbox"/> ⁶	Full name: Date of birth: Residential address: Basic Disclosure certificate attached: Yes <input type="checkbox"/> No <input type="checkbox"/>
3.7. 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:	
3.8. 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"/> ⁷	Role: Name: Date of Birth: House name or number: ⁸ First line of address: Town/City: Postcode: Basic Disclosure certificate attached: Yes <input type="checkbox"/> No <input type="checkbox"/>

⁵ Please also state any other names you have previously been known by.

⁶ If you do not provide a disclosure certificate issued for named persons by Disclosure and Barring Service (DBS) issued no more than three months before the date of this application your application may be delayed or rejected.

⁷ If you do not provide a disclosure certificate issued for named persons by Disclosure and Barring Service (DBS) issued no more than three months before the date of this application your application may be delayed or rejected.

⁸ Please provide home address as this will facilitate conducting checks on whether they are a suitable person.

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

Address:

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.

3.10. 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 authorises the licensee to carry out business as a mobile collector in the authority's area only.	
Details of prospective licence holder	
4.1. 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:
Please also state any other names you have previously been known by:	
4.2. I attach a Basic Disclosure Certificate issued for the applicant by Disclosure Scotland ⁹ : 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)	
4.3. Business Address: House name or number: First line of address: Town/City: Postcode:	Telephone numbers: Daytime: Evening: Mobile:
4.4. Home address: House name or number: First line of address: Town/City: Postcode: <input type="checkbox"/> Please use my home address for correspondence	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

⁹ Further information about Basic Disclosure Certificates and Disclosure and Barring Service (DBS) are set out in the explanatory notes accompanying this form.

SECTION 5. MOTOR SALVAGE (For all applicants)	
<p>5.1. Will your business consist of acting as a motor salvage operator? This is defined as a business that:</p> <ul style="list-style-type: none"> • 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. <p>(please tick)</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>To operate as a motor salvage operator you will need to apply for a site licence.</p>	
SECTION 6. BANK ACCOUNTS THAT WILL BE USED FOR PAYMENTS TO SUPPLIERS (For all applicants)	
<p>6.1. 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.</p>	
<p>Account name:</p> <p>Sort code:</p> <p>Account number:</p>	<p>Account name:</p> <p>Sort code:</p> <p>Account number:</p>
SECTION 7. PAYMENT (For all applicants)	
<p>7.1. How do you wish to make payment for your scrap metal dealer's licence? (please tick)</p> <p><input type="checkbox"/> Credit/Debit Card (payment will be taken over the phone following receipt of application)</p> <p><input type="checkbox"/> Cheque (please make payable to Birmingham City Council)</p> <p><input type="checkbox"/> Postal Order (please make payable to Birmingham City Council)</p>	
SECTION 8. CRIMINAL CONVICTIONS (For all applicants)	
<p>8.1. Have you, or any partners, or any directors, or shadow directors, or any site manager(s), or any company secretary listed in this application form ever been convicted of a relevant offence or been the subject of any relevant enforcement action? (Please see guidance notes below for a list of relevant offences).</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>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:</p>	

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 and any other persons named on this form understand that the local authority to whom I make this application may consult other agencies about my/their 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 and any other persons named on this form understand that the purpose of the sharing of this data is to form a full assessment of my/their suitability to be licensed as a scrap metal dealer. It is understood that the sharing of information 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. Consent is given to the processing of this data and display of relevant information on the public register.

Signed:

Date:

Print Name:

Designation/Position in Business:

Guidance notes to assist with completing your application for a scrap metal dealer's licence

If you need more help in completing the application then contact:
 Birmingham City Council
 General Licensing Regulation & Enforcement
 P.O. Box 17831
 BIRMINGHAM
 B2 2HJ

Telephone: 0121 303 9896
 e-mail: licensing@birmingham.gov.uk

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 a council's 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 including their home address. These details are required by law or to facilitate checks on the applicant or 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 online from Disclosure and Barring Service (DBS) via the following website: <https://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.

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.

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 and Barring Service (DBS) along with the application form. You can apply for this certificate at:
<https://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.

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.

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. You will need to apply for a site licence to operate as a motor salvage operator.

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

The application must be accompanied by the relevant fee, please check the following link for details of the cost of your application:-

https://www.birmingham.gov.uk/info/20083/general_licensing_applications/210/licensing_schedule_of_fees_and_charges/5

Applications cannot be accepted unless the correct fee has been paid.

Standard Refund Policy - 50% refund in respect of withdrawn applications. No refund payable for refused applications.

Section 8 - Criminal Convictions

You are required to provide details of any unspent offences or enforcement action. Relevant offences can be found in The Scrap Metal Dealers Act 2013 (Prescribed Relevant Offences and Relevant Enforcement Action) Regulations 2013 which can be found on the Legislation Website www.legislation.gov.uk

NB: It is an offence under the Scrap Metal Dealers Act 2013 to make or recklessly make a false statement.

Section 9 – Declaration

The person who will hold the Scrap Metal Dealer's Licence needs to sign and date the declaration on the understanding that any other persons named on the form are aware their details have been provided and how those details will be used. 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, as follows:

- a) Name of authority which issued the licence;
- b) The name of the licensee;
- c) Any trading name of the licensee;
- d) The address of the site identified on the licence;
- e) The type of licence, and
- f) The date of expiry on the licence.

The register is open for inspection by members of the public.

If you are in any doubt about what this section means then contact our Licensing Team.

Relevant offences specified in the Scrap Metal Dealers Act 2013 (Prescribed Relevant Offences and Relevant Enforcement Action) Regulations 2013

The relevant offences are as follows;

- a) An offence under section 1, 5, or 7 of the Control of Pollution (Amendment) Act 1989
- b) An offence under section 170 or 170B of the Customs and Excise Management Act 1979, where the specific offence concerned relates to scrap metal
- c) An offence under section 110 of the Environment Act 1995
- d) An offence under sections 33, 34 or 34B of the Environmental Protection Act 1990
- e) An offence under section 9 of the Food and Environment Protection Act 1985
- g) An offence under section 1 of the Fraud Act 2006(h), where the specific offence concerned relates to scrap metal, or is an environment-related offence
- h) An offence under section 146 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012
- i) An offence under sections 327, 328 or 330 to 332 of the Proceeds of Crime Act 2002
- j) Any offence under the Scrap Metal Dealers Act 1964
- k) An offence under regulation 38 of the Environmental Permitting (England and Wales) Regulations 2007
- l) An offence under regulation 38 of the Environmental Permitting (England and Wales) Regulations 2010
- m) Any offence under the Hazardous Waste (England and Wales) Regulations 2005
- n) Any offence under the Hazardous Waste (Wales) Regulations 2005
- o) An offence under regulation 17(1) of the Landfill (England and Wales) Regulations 2002
- p) Any offence under the Pollution Prevention and Control (England and Wales) Regulations 2000
- q) Any offence under the Producer Responsibility (Packaging Waste) Regulations 2007
- r) Any offence under the Trans frontier Shipment of Waste Regulations 1994
- s) Any offence under the Trans frontier Shipment of Waste Regulations 2007
- t) Any offence under the Waste (Electrical and Electronic Equipment) Regulations 2006
- u) An offence under regulation 42 of the Waste (England and Wales) Regulations 2011

The 'spent' periods under the Rehabilitation of Offenders Act 1974 (as amended) are set out below: in

Sentence	Rehabilitation Period for people aged 18 or over when convicted	Rehabilitation Period for people aged 17 and under when convicted
Prison sentences [1] of 6 months or fewer	2 years	18 months
Prison sentences [1] of more than 6 months to 2 and a half years	4 years	2 years
Prison sentences [1] of more than 2 and a half years to 4 years	7 years	3.5 years
Prison sentences [1] of more than 4 years	Cannot be spent	Cannot be spent
Fines	1 year	6 months
Compensation orders	Spent once paid in full	Spent once paid in full
Youth Rehabilitation Orders	N/A	6 months
Absolute discharge	Spent immediately	Spent immediately
Probation [2], supervision, care order, conditional discharge or bind-over	Spent at end of the order	Spent at end of the order
Hospital orders (with or without a restriction order)	Spent at end of the order	Spent at end of the order