

London Borough of
Barnet

SCRAP METAL POLICY

2021 - 2026

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1 DEFINITIONS

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| 1 | THE ACT | Scrap Metal Dealers Act 2013 |
| 2 | SCRAP METAL DEALER | <p>A person carries on business as a scrap metal dealer if:</p> <ul style="list-style-type: none"> a) they wholly or partly buy or sell scrap metal (whether or not sold in the form it was bought in) or; b) they carry on business as a motor salvage operator <p>A person selling scrap metal as surplus materials or as a by-product of manufacturing articles is NOT regarded as a scrap metal dealer.</p> |
| 3 | MOTOR SALVAGE OPERATION | <p>A business that consists wholly or mainly of:</p> <ul style="list-style-type: none"> a) recovering salvageable parts from motor vehicles for re-use or sale and selling the remainder of the vehicle for scrap; b) buying written-off vehicles, repairing and reselling them; c) buying or selling motor vehicles which are to be the subject of any of the activities mentioned in (a) or (b); d) wholly or mainly in activities falling within paragraphs (b) and (c). |

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| 4 | SCRAP METAL | <p>1.1.1 includes:</p> <ul style="list-style-type: none"> a) any old, waste or discarded metal or metallic material, and b) any product, article or assembly which is made from or contains metal and is broken, worn out or regarded by its last holder as having reached the end of its useful life. <p>1.1.2 Scrap Metal does not include:</p> <ul style="list-style-type: none"> a) Gold; b) Silver; or c) Any alloy of which 2% or more by weight is attributable to gold or silver. |
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2 INTRODUCTION

- 2.1 This document sets out the London Borough of Barnet's Policy on the regulation of Scrap Metal Dealers.
- 2.2 The Scrap Metal Dealers Act 2013 received Royal Assent on 28 February 2013 and came into force on 1 October 2013.
- 2.3 The Act gives local authorities powers to regulate the scrap metal industry by allowing them to refuse to grant a licence to 'unsuitable' applicants and a power to revoke licences if the dealer becomes 'unsuitable'.
- 2.4 The London Borough of Barnet (hereinafter called 'the Council') is a Licensing Authority under the Scrap Metal Dealers Act 2013 and is responsible for granting site licence and collector's licences in the London Borough of Barnet in respect of businesses that deal in scrap metal and vehicle dismantling.
- 2.5 When assessing applications, the Council must be satisfied that the applicant is a 'suitable' person to hold a licence. Unsuitability will be based on a number of factors including any relevant criminal convictions.
- 2.6 The Scrap Metal Dealers Act 2013 makes it a requirement for a scrap metal dealer to have a licence in order to carry on in business as a dealer. It is an offence to carry on a business without first obtaining a licence.

3 TYPES OF LICENCES

- 3.2 Anyone wishing to operate a business dealing in scrap metal will require a site licence or a collector's licence.
- 3.3 A licence is valid for three years and permits the holder of the licence to operate within the boundaries of the issuing authority.
- 3.4 The types of licence are as follows:
- Site Licence – A licence will be issued by the Council in whose area a scrap metal site is situated. A site licence will require each 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. This type of licence will permit the holder to operate from those sites and will allow the transporting of scrap metal to and from those sites to any other licensed site within any local authority area.
 - Collector's Licence – A collector's licence authorises a licence holder to operate as a 'mobile collector' in the area of the issuing local authority. This licence will permit them to collect any scrap metal as defined within the legislation, including commercial and domestic scrap metal. It does not permit the collector to collect from any other local authority area. Separate licences should be obtained from each individual local authority that the collectors are collecting scrap metal from. A collector's licence issued by this authority does not permit the licensee to carry on a business as a site within this local authority. If a collector wishes to use a fixed site, they will need to obtain a site licence from the relevant local authority. There is no restriction as to the location where the collector can transport and sell their material.
- 3.5 A person may hold more than one licence issued by different authorities, but might **NOT** hold more than one licence issued by the same local authority.

4. THE APPLICATION

- 4.1 All applications for a licence must be made to the London Borough of Barnet either electronically using the forms on the London Borough of Barnet website or by using the standard application form addressed to:

Licensing Team, London Borough of Barnet,

8th Floor, 2 Bristol Avenue, Colindale, NW9 4EW

Or such other address as the Council may otherwise notify to applicants.

- 4.2 The application must be:
- Made in writing (or submitted electronically)
 - Made on the correct application form as prescribed by the Council

- Accompanied by the full fee
- Accompanied by the relevant documents

- 4.3 When applying for either a collector's or a site licence the applicant is required to provide a basic disclosure of criminal convictions with their application. This can be obtained direct from <https://www.gov.uk/request-copy-criminal-record> or by telephoning on 03000 200 190. Please note that the disclosure is valid for one month from the date it was issued.
- 4.4 An incomplete or incorrectly completed application will be rejected and the fee refunded.

5. SUITABILITY OF APPLICANTS

- 5.1 A local authority must determine whether the applicant is a suitable person to carry on a business as a Scrap Metal Dealer.
- 5.2 In determining this, the Council may have regard to any information it considers to be relevant, including whether any relevant enforcement action has been taken against the applicant or whether the applicant has been convicted of a relevant offence. A list of relevant offences is set out in **Appendix 1**.
- 5.3 Each application will be dealt with on its own merit and regard will be given to any information provided by the police or other agencies that are contacted by the local authority in relation to suitability of an applicant(s).
- 5.4 The Council must also have regard to any guidance issued by the Home Office in relation to determining an applicant's suitability.
[Scrap Metal Dealers Act 2013: supplementary guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/274443/Scrap_Metal_Dealers_Act_2013_supplementary_guidance.pdf)

6. CONSULTATION

- 6.1 The Council may consult other agencies regarding the suitability of an applicant, including:
- Any other local authority;
 - The Environment Agency;
 - The Natural Resources Body for Wales; and
 - An officer of a police force.

7. DETERMINATION OF APPLICATION/ISSUE OF LICENCE

- 7.1 The decision to grant a licence shall be determined by an authorised officer under delegated powers.

- 7.2 Where the Council is satisfied that an applicant is a 'suitable person' to hold a Scrap Metal Dealers Licence, it must issue a licence.
- 7.3 Where there are relevant convictions for either the applicant or site manager, the Council may include, in the licence, one or both of the following conditions:
- To limit the dealer to receiving any metal within the hours of 9.00am to 5.00pm; and
 - That any scrap metal must be kept in the form in which it is received for a specified period of time, not exceeding 72 hours.
- 7.4 Where the Council is not satisfied that an applicant is a 'suitable person' to hold a Scrap Metal Dealers Licence the Council must consider refusing the application. In the case of an existing licence holder should the Council believe that a licence holder is no longer considered 'suitable' to continue to hold a licence the Council must consider revocation.

8 GRANTING THE APPLICATION

- 8.1 Upon approving an application the London Borough of Barnet may issue a licence as appropriate.
- 8.2 A licence shall be granted for a period not exceeding 3 years.

9. VARIATION OF LICENCE

- 9.1 An applicant can, on application, apply to the Council to vary a licence a licence by changing it from one type to another. The variation application must be made to reflect changes to:
- Site licence – name of licensee, the sites, site manager
 - Collector's licence – name of licensee

The variation can amend the name of the licensee but not transfer the licence to another person.

- 9.2 Application is to be made to the issuing authority and contain particulars of the changes to be made to the licence.

10 REFUSAL OF AN APPLICATION

- 10.1 If the Council proposes to refuse a new application or vary an existing application a notice must be issued to the applicant/licensee setting out what the authority proposes to do and the reasons for doing it. The notice must also state that within the period specified on the notice that the applicant/licensee can either:

- a) make representations about the proposal; or
- b) inform the authority that the applicant/licensee wishes to do so.

- 10.2 The period specified in the notice must be not less than 14 days beginning with the date on which the notice is given to the applicant/licensee. Within this time the applicant/licensee must notify the Council that they do not wish to make representations. Should this period expire and the applicant/licensee has not made representations, or informed the authority of their wish to do so the authority may refuse the application, or revoke or vary the licence.
- 10.3 If, within the 14 day period the applicant/licensee informs the authority that they wish to make a representation, the Council will allow a further period of 14 days for the applicant/licensee to make such representations. The Council may refuse the application or revoke or vary the licence if they fail to make representations within this period.
- 10.4 If the applicant/licensee notifies the authority that they wish to make oral representations, the authority must give them the opportunity of appearing before, and being heard by, a person appointed by the authority. This will be heard by the licensing sub-committee.
- 10.5 If the application is refused, the Council will give a notice to the applicant/licensee setting out the decision and the reasons for it.
- 10.6 The notice will state that the applicant/licensee may appeal to the magistrates' court against the decision within 21 days from date of notice of decision is given.

11 REVOCATION OF LICENCE AND IMPOSING CONDITIONS

- 11.2 The Licensing Authority may revoke a scrap metal licence if is satisfied that the licensee does not carry on the business of scrap metal dealing at any of the sites identified within the licence.
- 11.3 The Licensing Authority may revoke a licence if it is satisfied that a site manager named on the licence does not act as the site manager at any of the sites identified in the licence.
- 11.4 The Licensing Authority may revoke a licence if it is no longer satisfied that the licensee is a suitable person to carry on a business as a scrap metal dealer.
- 11.5 If the licensee or any site manager named in a licence is convicted of a relevant offence (as shown in **Appendix 1**) the authority may vary the licence by adding one or both of the following conditions:
- That the dealer must not receive scrap metal except between 9 a.m. and 5 p.m. on any day

- That all scrap metal received must be kept in the form in which it is received for a specified period, not exceeding 72 hours, beginning with the time when it was received.

11.6 If the authority considers that the licence should not continue in force without conditions, it may by notice provide:

a) that, until a revocation under this section comes into effect, the licence is subject to one or both of the conditions set out in section 6.2 of this policy; or

b) that a variation under this section comes into effect immediately.

11.7 If the Council proposes to revoke or vary a licence a notice must be issued to the licensee setting out what the authority proposes to do and the reasons for doing it. The notice must also state that within the period specified on the notice that the licensee can either:

- a) make representations about the proposal; or
- b) inform the authority that the applicant/licensee wishes to do so.

11.8 The period specified in the notice must be not less than 14 days beginning with the date on which the notice is given to the licensee. Within this time the licensee must notify the Council that they do not wish to make representations. Should this period expire the applicant/licensee has not made representations, or informed the authority of their wish to do so the authority may revoke or vary the licence.

11.9 If, within the 14-day period the licensee informs the authority that they wish to make a representation, the Council will allow a further period of 14 days for the licensee to make such representations. The Council may revoke or vary the licence if they fail to make representations within this period.

11.10 If the licensee notifies the authority that they wish to make oral representations, the authority must give them the opportunity of appearing before, and being heard by, a person appointed by the authority. This will be heard by the licensing sub-committee.

11.11 If the decision is made to revoke or vary, the Council will give a notice to the licensee setting out the decision and the reasons for it.

11.12 The notice will state that the licensee may appeal against the decision within 21 days from date of notice of decision is given.

12. FEES

- 12.1 The London Borough of Barnet will set the fees for scrap metal licences to recover its reasonable administrative and compliance costs.
- 12.2 The fees will be reviewed annually and published on the London Borough of Barnet's website.

13 APPEALS

- 13.1 Any appeal against the decision of the London Borough of Barnet in respect of the grant, variation, revocation or refusal to grant a licence may be made using the process in Schedule 1 Section 9 of the Scrap Metal Act 2013.

14 ENFORCEMENT

- 14.1 Any enforcement action instigated by the London Borough of Barnet will be in accordance with the Act and the current Enforcement Policy.

15 UNLICENSED SCRAP METAL TRADING

- 15.1 Unlicensed scrap metal trading can have a negative impact on legitimate traders and the community as a whole and will not be tolerated by the London Borough of Barnet.
- 15.2 If an authorised officer suspects that a person has committed an offence of unlawful trading he may take appropriate action in line with the current enforcement policy.
- 15.3 Before taking any formal action the authorised officer will identify him/herself by showing their identification and authorisation.

16 REGISTER OF LICENCES

- 16.1 The Environment Agency will maintain a register of scrap metal licences issued by authorities in England.
 - a. Each entry will record:
 - a) the name of the 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 in the licence;

- e) the type of licence; and
 - f) the date on which the licence is due to expire.
- b. The registers will to be open for inspection to the public a www.environment-agency.gov.uk

17 NOTIFICATION REQUIREMENTS

- 17.1 An applicant for a scrap metal licence, or for the renewal or variation of a licence, must notify the authority to which the application was made of any changes which materially affect the accuracy of the information which the applicant has provided in connection with the application.
- 17.2 A licensee who is no longer carrying on business as a scrap metal dealer in the area of the authority which issued the licence must notify the authority within 28 days of ceasing to trade.

18 DISPLAY OF LICENCE

- 18.1 A copy of a site licence must be displayed at each site identified in the licence. The copy must be displayed in a prominent place in an area accessible to the public.
- 18.2 A site licence holder may wish to carry a copy of the relevant site licence in their vehicle so they are not mistaken for an unlicensed mobile collector. However, there is no legal requirement to do this.
- 18.3 A copy of a collector's licence must be displayed on any vehicle that is being used in the course of the dealer's business. This must be displayed in a manner which enables it easily to be read by a person outside the vehicle.

19 DATA PROTECTION, FREEDOM OF INFORMATION AND DATA MATCHING

- 19.1 The London Borough of Barnet London Borough of Barnet is the Data Controller of all personal information held by the Licensing Authority. The London Borough of Barnet will process and hold that information in accordance with principles of the Data Protection Act 2018.
- 19.2 The information supplied and held as part of the street trading application and enforcement processes may be disclosable in accordance with the Freedom of Information Act 2000 or Environmental Information Regulations 2004.
- 19.3 The information supplied in all applications will be given to the Audit Commission to participate in the National Fraud Initiative (NFI) data matching exercise and will be used for cross-system and cross authority comparison with other relevant organisations' data for the prevention and detection of fraud.

APPENDIX 1 – RELEVANT OFFENCES

When considering the suitability of an applicant, London Borough of Barnet will take into consideration relevant offences, these can be found in The Scrap Metal Dealers Act 2013 (Prescribed Relevant Offences and Relevant Enforcement Action) Regulations 2013 include:

- An offence under section 1, 5, or 7 of the Control of Pollution (Amendment) Act 1989
- An offence under section 170 or 170B of the Customs and Excise Management Act 1979(5), where the specific offence concerned relates to scrap metal
- An offence under section 110 of the Environment Act 1995
- An offence under sections 33, 34 or 34B of the Environmental Protection Act 1990
- An offence under section 9 of the Food and Environment Protection Act 1985
- An offence under section 1 of the Fraud Act 2006, where the specific offence concerned relates to scrap metal, or is an environment-related offence
- An offence under section 146 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012
- An offence under sections 327, 328 or 330 to 332 of the Proceeds of Crime Act 2002
- Any offence under the Scrap Metal Dealers Act 1964
- Any offence under the Scrap Metal Dealers Act 2013
- An offence under sections 1, 8,9,10, 11, 17, 18, 22 or 25 of the Theft Act 1968, where the specific offence concerned relates to scrap metal, or is an environment-related offence
- Any offence under Part 1 of the Vehicles (Crime) Act 2001
- An offence under sections 85, 202, or 206 of the Water Resources Act 1991
- An offence under regulation 38 of the Environmental Permitting (England and Wales) Regulations 2007
- An offence under regulation 38 of the Environmental Permitting (England and Wales) Regulations 2010
- Any offence under the Hazardous Waste (England and Wales) Regulations 2005
- Any offence under the Hazardous Waste (Wales) Regulations 2005
- An offence under regulation 17(1) of the Landfill (England and Wales) Regulations 2002
- Any offence under the Pollution Prevention and Control (England and Wales) Regulations 2000
- Any offence under the Producer Responsibility (Packaging Waste) Regulations 2007
- Any offence under the Transfrontier Shipment of Waste Regulations 1994
- Any offence under the Transfrontier Shipment of Waste Regulations 2007
- Any offence under the Waste (Electrical and Electronic Equipment) Regulations 2006
- An offence under regulation 42 of the Waste (England and Wales) Regulations 2011

This document should not be relied upon as an accurate statement of the law, only indicative of the general offences and penalties. You should seek independent legal advice if you are unsure of any information in this document.