

## **Arun Scrap Metal Policy**

Scrap metal dealers are required to obtain a licence to run a business as a scrap metal dealer under The Scrap Metal Dealers Act 2013.

Arun has the powers to refuse a licence to “unsuitable” applicants and cancel it if a dealer becomes “unsuitable”.

A Scrap Metal Dealer wholly or partly buys or sells scrap metal (whether or not sold in the form it was bought) or they run a business as a motor salvage operator.

People selling scrap metal just as surplus materials or as a by-product of manufacturing articles are NOT regarded as a scrap metal dealer.

<b>Scrap Metal</b>	
Includes	Does not include
<ul style="list-style-type: none"><li>• Any old, waste or discarded metal or metallic material, and</li><li>• 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.</li></ul>	<ul style="list-style-type: none"><li>• Gold</li><li>• Silver</li><li>• Any alloy of which 2% or more by weight is attributable to gold or silver</li></ul>

### **Types of licence:**

- a) a site licence; or
- b) a collector’s licence.
- The licence is valid for three years
- The licence holder can operate within the boundaries of the issuing authority.
- A person may hold more than one licence issued by different local authorities but not by any one authority.

### **Suitability**

The local authority must determine whether the applicant is a suitable person to run a business as a scrap metal dealer and may not issue a licence if the applicant:

- (a) has are any convictions of any relevant offence;
- (b) Is subject of any relevant enforcement action;
- (c) Has been refused:
  - the issue or renewal of a scrap metal licence or
  - relevant environmental permit/registration or has
  - any previous cancellation of a scrap metal licence

Checks to see if the applicant has demonstrated there will be adequate procedures to ensure provisions of the Act are complied with are also made.

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A suitable person includes:

- (a) any director of the company
- (b) any secretary of the company
- (c) any shadow director of the company

The authority may consult other persons regarding suitability of an applicant i.e.:

- (a) any other local authority;
- (b) the Environment Agency;
- (c) Sussex Police;

### **Register of Licences**

The Environment Agency maintains a register of scrap metal licences issued by authorities in England which are open for inspection to the public.

### **Notification of Requirements**

- An applicant must notify the authority of any changes.
- A licensee who is not 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.
- The licensee must notify the authority which issued the licence of any change to a trading name within 28 days.
- The authority must notify the Environment Agency of changes, variations or cancellations within 28 days.

### **Display of Licence**

- A Site Licence must be displayed at each site identified in the licence in a prominent place and in an area accessible to the public.
- A Collector's Licence must be displayed on any vehicle used for the dealer's business that can be easily read by a person outside the vehicle.

### **Verification of Supplier's Identity**

Before receiving scrap metal the dealer must verify:

1. the person's full name and address from documents and
2. data or other information obtained from a reliable and independent source.

If not done, the scrap metal dealer, site manager or any person given the

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responsibility to verify the name and address are guilty of an offence.

### Payment for Scrap Metal

A scrap metal dealer must only pay for scrap metal by cheque or electronic transfer of funds (authorised by a credit, debit card or otherwise). Payment includes paying in kind – with goods or services.

### Records

#### Receipt of Metal

- Description of the metal, including its type(s), form, condition, weight and any marks identifying previous owners or other distinguishing features:
  - a) Date and time of receipt
  - b) Registration mark of the vehicle delivered by
  - c) Full name and address of person delivering it
  - d) Full name of person making payment on behalf of the dealer
- The dealer must keep copies of documents used to verify the name and address of the person delivering the metal.
- The dealer must retain a copy of the cheque.
- The dealer must keep a receipt identifying the transfer, or (if no receipt identifying the transfer) record particulars identifying the transfer.

#### Disposal of Metal

- The Act regards the metal to be disposed of:
  - a) whether or not in the same form it was purchased,
  - b) whether or not the disposal is to another person
  - c) whether or not the metal is dispatched from a site
- Where the disposal is in the course of business under a **site licence**, the following must be recorded:
  - a) description of the metal, including type(s), form and weight
  - b) date and time of disposal
  - c) if to another person, their full name and address
  - d) if payment is received for the metal (by sale or exchange) the price or other consideration received
- If disposal is in the course of business under a **collector's licence**, the dealer must record the following information:
  - a) the date and time of the disposal
  - b) if to another person, their full name and address

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### Supplementary

- The receipt and disposal of metal must be recorded to allow the information and the scrap metal it relates to is identified to each other.
- The records for receipt of metal must be marked to identify the scrap metal it relates to.
- Records must be kept for a period of 3 years beginning with the day on which the metal is received or disposed of.
- If a scrap metal dealer fails to fulfill a requirement for receipt and disposal of metal the following are guilty of an offence:
  - (a) the scrap metal dealer
  - (b) the site manager
  - (c) any person who has been given the responsibility by (a) or (b).
- It is a defence for a person within who is charged with an offence under section 15 of the Act to prove that the person:
  - (d) made arrangements to ensure requirements were fulfilled, and
  - (e) took all reasonable steps to ensure arrangements were complied with.

### Right of Entry & Inspection

A constable or an officer of the Council may enter and inspect a licenced site at any reasonable time on notice to the site manager or:

- if reasonable attempts to give notice have been made and failed
- entry to the site is reasonably required to check the Act is being complied with or investigating offences under it and the giving of the notice would defeat that purpose.

### Application Procedure

You will need to submit the following:

- 1) A completed application form. You can download the following relevant link or they are available from the Licensing department at Arun District Council.
  - a. [Application to register as a scrap metal dealer](#)
  - b. [Application to change a scrap metal dealer registration](#)
- 2) A criminal records check for each person named on the application form. (We allow individuals named on the application form to send their criminal records check to us separately if they wish.)
- 3) The appropriate payment (fees can be found in our [Fees and Charges document](#)).
- 4) IF YOU ARE APPLYING FOR A COLLECTORS' LICENCE you will also need to submit a passport size photograph, endorsed on the back with the words,

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*“I certify that this is a good likeness of (your name)”*

and signed by a responsible person, such as a teacher, police officer, bank official, or someone else of standing in the community.

The application form should include:

- a) full name of applicant (if an individual), date of birth and usual place of residence
- b) name and registered number of the applicant (if a company) and registered office
- c) if a partnership – full name of each partner, date of birth and usual place of residence
- d) proposed trading name
- e) telephone number and email address (if any) of applicant
- f) address of any site within any other local authority at which carry on business as a scrap metal dealer or propose to do so
- g) any relevant environmental permit or registration in relation to the applicant
- h) details of any other scrap metal licence issued to the applicant within a period of 3 years ending with the date of the application.
- i) details of the bank account to be used
- j) details of any relevant conviction or enforcement action taken against the applicant.

For a site licence, the applicant must also provide:

- a) the address of each site proposed to be identified in the licence (or if renewal, each site identified for which renewal is sought)
- b) the full name, date of birth and usual place of residence of each individual, proposed to be named in the licence as a site manager (other than the applicant).
- c) site manager details to be included for any relevant environmental permit or registration, details of any other scrap metal licence issued within a period of 3 years ending with the date of the application details of any relevant conviction or enforcement action taken against them.

The collector's licence allows a business or individual to operate only within that authority's area, therefore individuals wishing to collect across borders will be required to obtain a collectors licence from the relevant local authority where they wish to collect and sell.

All applicants are required to provide a basic disclosure of criminal convictions with the application.

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### **Variation of Licence**

A licence may be varied from one type to the other with the application made to reflect changes to:

- Site licence – the name of licensee, the sites, site manager
- Collector's licence – name of licensee

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

Application is to be made to the issuing authority and contain details of the changes to be made to the licence.

### **Renewal**

When renewed the three year validity period commences on the day of receipt. If a renewal application is withdrawn, the licence expires at the end of the day when the application is withdrawn.

### **Further Information**

The Council may request (at the time of application or later) that additional information is provided, as may be considered relevant for the purpose of considering the application.

Failure to provide such information may result in the application being declined.

### **Fee**

The application must be accompanied by the fee set by the Council.