



AGENDA ITEM: 11

SUMMARY

Report for:	Cabinet
Date of meeting:	17 September 2013
PART:	1
If Part II, reason:	

Title of report:	Implementation of Scrap Metal Dealers Act 2013
Contact:	<p>Cllr Neil Harden – Portfolio Holder for Residents and Regulatory Services</p> <p>Author/Responsible Officer: Ross Hill – Licensing Team Leader, Legal Governance</p>
Purpose of report:	To outline new legislation in respect of the regulation of scrap metal dealers; to request the delegation of key functions under the new legislation to officers; and to request the setting of application particulars, forms and fees payable in connection with applications.
Recommendations	<p>That Cabinet resolve to:</p> <ol style="list-style-type: none"> a) Delegate the exercise of functions under the Scrap Metal Dealers Act 2013 to officers, as shown at Annex A to this report; b) Under paragraph 6 of schedule 1 to the Act, set the fees payable in connection with applications for scrap metal licences, for the period from 1st October 2013 to 31st March 2015, as shown in paragraph 3.5 of this report; c) Note the application form shown at Annex B to this report for use in paper applications made for licences; and, under paragraph 4 of schedule 1 to the Act, to require any information requested within that form not otherwise required under paragraph 2 to the schedule to be provided with all such applications; d) Under paragraph 4 of schedule 1 to the Act, to require all applicants, or partners of a partnership applicant, or directors of a limited company applicant; and any site manager named in an application to submit with the application a Basic Disclosure certificate, issued no earlier than 3 months prior to the date of application and in the name of the relevant individual (on variation applications, this requirement to apply only to site managers not

	<p>currently named on the licence).</p> <p>e) Under paragraph 7(8) of schedule 1 to the Act, appoint for the purposes of hearing oral representations the Assistant Director (Chief Executive's Unit) and the Group Manager (Legal Governance).</p>
Corporate objectives:	<p>Safe and Clean Environment</p> <ul style="list-style-type: none"> • Maintain a clean and safe environment
Implications:	<p><u>Financial</u></p> <p>Application fees will be chargeable for the first time in this area of regulation. If application fees are set at the levels proposed within, it is envisaged that the authority's revenue from application fees will be around £3,370 in the first year. A similar sum will be receivable in each subsequent three-year period, assuming licence numbers remain stable.</p>
'Value For Money Implications'	<p><u>Value for Money</u></p> <p>Application fees are expected to be set at a level intended to ensure cost recovery in respect of the administrative and compliance work undertaken by the Council. Fees must exclude the cost of enforcement work against unlicensed businesses, which will be undertaken by licensing enforcement officers provided from within existing resources.</p>
Risk Implications	<p>This report relates to the implementation of new regulatory legislation. Failure to implement the new legislation correctly or in accordance with the statutory timetable could have adverse reputational implications for the Council, or lead to legal action.</p>
Equalities Implications	<p>No equalities implications are expected to arise from implementation of this new regulatory legislation.</p>
Health And Safety Implications	<p>A risk assessment for off-site inspections by officers has been compiled and was last reviewed in April 2013.</p>
Monitoring Officer/S.151 Officer Comments	<p>Deputy Monitoring Officer: The Deputy Monitoring Officer has no comments to add to the report.</p> <p>Deputy S.151 Officer There are no material budgetary implications arising from the recommendations in this report.</p>
Consultees:	<p>None</p>
Background papers:	<p>None</p>
Glossary of acronyms and any other abbreviations used in this report:	

1. BACKGROUND

- 1.1. The Council has been responsible for the regulation of scrap metal dealers since the implementation of the Scrap Metal Dealers Act 1964. At the present time, any person wishing to carry on the business of a scrap metal dealer (buying or selling old, worn-out or broken metal objects, including most industrial metals but excluding precious metals (gold, silver, etc) and alloys thereof)) must be registered by the relevant local authority in whose area they operate their collection/storage facility, or, in the case of itinerant collectors of scrap metal, in the area in which they reside.
- 1.2. Registration in respect of scrap metal dealers is essentially a paper exercise, and there are no powers under which an applicant may be checked, nor provisions for the refusal or revocation of registration where the business has been responsible for misconduct. On receipt of a correctly completed application form, the authority must register that business for a three-year period. The Act also makes no provision for registration fees, meaning that the authority must run its registration process with no income to fund this.
- 1.3. A second scheme of registration for businesses trading as motor salvage operators (i.e. the breaking of motor vehicles for salvage of usable or saleable parts, the repair of written-off vehicles for resale, and the trade in vehicles for the above activities) was introduced under the Vehicles (Crime) Act 2001. Although the powers available under this Act are slightly stronger than for scrap metal dealers, the complexity of the Act has meant that these provisions have been underused, with many salvage operators being unaware that they are required to register, or falling outside of registration requirements by virtue of the activities comprising a minor amount of their total business. There are also a number of functions which fall between the two schemes, such as the dismantling of end-of-life vehicles or domestic appliances to retrieve the metal content.
- 1.4. National attention on the issue of metal theft has highlighted the problems with the current regulatory system, in that no action can be taken to prevent registered dealers from continuing to trade, even after being convicted of receiving or processing stolen metal. This situation prompted Parliamentary attention, and a private member's bill proposing the repeal and replacement of the existing legislation with a more robust system of regulation of the scrap metal sector received Royal Assent in February 2013. The Scrap Metal Dealers Act 2013¹ is now proposed to be commenced imminently.

2. NEW LEGISLATION

- 2.1. The Commencement Order² for the 2013 Act, recently laid by the Secretary of State, sees the functions under the new Act relating to the making and determination of applications, taking effect on the 1st October 2013, with all other functions, including those in respect of enforcement powers, commenced from the 1st December 2013.
- 2.2. The new Act introduces a combined system of licences, covering both scrap metal dealing and motor salvage activities. Any business falling within the

¹ <http://www.legislation.gov.uk/ukpga/2013/10/contents>

² <http://www.legislation.gov.uk/uksi/2013/1966/made>

new, wider definition of a scrap metal dealer which is trading without a licence will commit an offence, carrying a maximum penalty of a fine of up to £5,000 (level 5 on the standard scale).

- 2.3. Dealers who operate fixed premises at which scrap metal is collected or stored, or where vehicles are dismantled, repaired or traded, may apply to the relevant district council for a **site licence**. This allows for scrap activities to take place at the premises listed in the licence, for a period of up to 3 years, and licences must be prominently displayed at each site. A site manager must be named in respect of each site operated. If dealers operate fixed premises in multiple council areas, they must obtain licences from each applicable council. Holders of site licences may also collect scrap metal from any area, so long as it is returned to a licensed site.³
- 2.4. Dealers who do not operate fixed premises, instead collecting metal from door to door, may apply to the district council for the area in which they wish to collect for a **collector's licence**. Licences must be prominently displayed within the vehicles operated by the dealer. Licences must be obtained from each council in whose area it is intended to collect – a Dacorum collector's licence would not allow a collector to work in any other area, and vice versa.
- 2.5. A licensee may only hold one type of licence at a time, but may apply to vary their licence between the two types. Licences may however be obtained from multiple authorities for different areas.
- 2.6. Businesses which are registered under the existing legislation, either as scrap metal dealers, motor salvage operators or both, immediately prior to commencement are subject to transitional provisions, set out in the commencement order. In essence, all such businesses shall be authorised under a temporary 'deemed licence' with effect from the 1st October. To preserve this licence until determination of the full licence application, an application must have been made no later than the 15th October 2013. If an unregistered business, or a registered business which fails to apply prior to that date, has not obtained a full licence prior to the 1st December 2013, they will commit an offence if they trade between the 1st December and the date on which their licence is issued.
- 2.7. Applicants for licences must pay a fee set by the council (following the principles set out in the EU Services Directive to ensure that such fee is commensurate with the cost to the authority of carrying out the work linked with the application only), and provide such other information and particulars as the Council may require. In particular, government guidance (which at the time of writing has still not been made available) is likely to advocate the request of criminal records certificates from each applicant and site manager. Where the authority is satisfied that the applicant is a 'suitable person to carry on business as a scrap metal dealer', following discretionary consultation with police, the Environment Agency and other local authorities, a three-year licence will be issued.
- 2.8. Licences may be revoked if sites are not being used, if named site managers are no longer responsible for those sites, or if the authority is satisfied that

³ This was taken to be the accepted approach – however, on the 22nd August 2013 the Home Office stated that this would not be permitted, contradicting earlier guidance. This statement has since been withdrawn following a trade challenge, and at the time of writing the legality of this activity is unclear.

the licensee can no longer be considered suitable to hold a licence. Conditions restricting the business activities may also be added if the licensee or site manager is convicted of a relevant offence.

- 2.9. Before applications are refused or licences revoked, applicants or licensees (as the case may be) must be given an opportunity to make written or oral representations, to be considered by a person appointed by the authority, before a final decision is made. There is a statutory right of appeal to a magistrates' court against any decision to refuse an application or to revoke a licence.
- 2.10. The Environment Agency will maintain a centrally-funded national register of all licensed scrap metal dealers, allowing regulatory bodies to check instantly as to the status of a licence.
- 2.11. Other key changes being made under the new Act include:
- New powers for police and council to close down unlicensed sites
 - Enhanced powers of entry and inspection for police and council officers (only police were previously able to enter)
 - A complete ban on cash payments for scrap metal, and new ID requirements for sellers (currently applies to fixed sites only)
 - New record-keeping requirements for sites and collectors
- 2.12. At the time of writing, the Home Office has not laid the regulations nor given any indication as to the details of the relevant offences and relevant enforcement actions to be taken into account when considering applications or interim sanctions, despite numerous requests from councils and the Local Government Association for this. Due to the need to complete the implementation procedures ahead of the first appointed date, it has been necessary to proceed despite the absence of regulations. Where appropriate, officers have had regard to guidance issued in draft form by the Local Government Association in suggesting implementation measures.

3. IMPLEMENTATION PROPOSALS

- 3.1. This section of the report outlines the decisions necessary to successfully implement the new legislation. In particular, it will be necessary to delegate the key functions in respect of routine licensing issues to officers, to set the application fees payable, to specify the particulars that the Council will require to be submitted with applications, and to 'appoint' the persons who will hear and consider representations made by applicants.
- 3.2. The registration of scrap metal dealers and motor salvage operators have historically been non-executive functions, delegated by Full Council to the Licensing and Health & Safety Enforcement Committee, and from the Committee to officers. The functions under the 2013 Act have not been specified in the appropriate functions and responsibilities regulations, and as such their exercise will now be an executive function. However, the Home Office have suggested that, in the months following implementation, the functions may be re-designated as 'local choice functions', requiring each authority to decide at that time in which way to exercise those functions.

- 3.3. A report was presented to the Licensing and Health & Safety Enforcement Committee on the 27th August 2013, outlining the changes to the legislative provisions and advising that functions would be re-designated as executive functions upon implementation.
- 3.4. The Act details a number of functions to be carried out in respect of the licensing process and associated notification requirements, and in entering, inspecting and ensuring compliance among scrap metal dealers, both licensed and otherwise. To ensure that the Act can be implemented successfully and that applications and other actions are dealt with expeditiously, it is proposed that the majority of these functions, and all of those that could be specified as 'routine' functions relating to everyday tasks, are delegated to officers. Annex A sets out this proposal in greater detail.
- 3.5. Schedule 1, paragraph 6 of the Act provides that applications must be accompanied by a fee, the level of which has been set by the authority having regard to guidance issued by the Home Office and the Treasury⁴. Having reviewed this guidance, and with regard to the decision of the Court of Appeal in *R. (on the application of Hemming, t/a Simply Pleasure, & ors) v. Westminster City Council*⁵, in respect of costs permitted to be recovered via licence fees, officers have undertaken a study and believe that the following fees would be sufficient to ensure recovery of the expected administrative and compliance costs incurred in the authorisation procedure and formality:

Application type	Application fee (£)
Application for new scrap metal site licence	248.00
Application for new scrap metal collectors licence	178.00
Application to renew scrap metal site licence	232.00
Application to renew scrap metal collectors licence	162.00
Application to vary scrap metal licence –	
Change of licensee details	12.00
Change of licensed sites	68.00
Change of site managers	35.00
Site to collector's licence	23.00
Collector's to site licence	80.00

- 3.6. Licensing fees are typically reviewed on an annual basis – however, as that process would typically commence around October, it is believed that insufficient data would be available in this year to allow a meaningful review to take place. Cabinet are therefore asked to exercise the power under schedule 1, paragraph 6 to set the application fees at the above levels for the period from 1st October 2013 to 31st March 2015. Annual reviews will then

⁴ <https://www.gov.uk/government/publications/scrap-metal-dealer-act-2013-licence-fee-charges>

⁵ [2013] EWCA Civ 591

take place, taking into account any surplus or deficit incurred by the Council in exercising its authorisation and compliance functions under the new legislation, from that point forward.

- 3.7. It is envisaged that around 10 sites and 5 collectors in the borough will require licences, based on current numbers of registered businesses and businesses likely to require licensing under the new definition. Further collectors are likely to be identified and licensed as enforcement action commences.
- 3.8. Schedule 1, paragraph 2 sets out a number of particulars which applicants must provide in any application for a licence made under the Act; namely, the applicant's details, the trading name, the details of any sites and site managers, details of any other permits or licences, business bank account details, and a declaration of any convictions for relevant offences or other relevant enforcement action taken against the applicant. Paragraph 4 also provides a power for authorities to request further information as considered relevant.
- 3.9. An application form has been developed, which requests all of the information covered in paragraph 2, as well as some further particulars. This form is shown at Annex B to this report. Cabinet are asked to note this application form, for use by applicants in all paper applications made to the Council, and in respect of any particulars requested within the form which are not otherwise required under paragraph 2, to resolve to request these particulars under paragraph 4 of schedule 1 to the Act. It is believed that these particulars will be necessary to ensure that a full picture of the proposed operation is given, and that more detailed information is available to the Council when determining the suitability of an applicant to hold a licence. These particulars include:
- the scrap activities proposed to be carried on under a licence
 - for site licences, details of any intended mobile collections from those sites
 - for collector's licences, details about storage of vehicles
 - a description of arrangements for record-keeping, verifying the identity of sellers, and securing the scrap metal
 - for applications made by limited companies, the details of the directors of the company.
- 3.10. The authority is duty bound under the EU Services Directive to provide an electronic application facility for scrap metal licences. Dacorum currently subscribes to the 'Gov.uk' application facility, provided by the Government, and it is understood that an online application form for this purpose will be provided on this facility imminently. Although the form will be designed centrally and will differ from the council's paper application form, it is also proposed to require the additional particulars listed above to be submitted with electronic applications, and these requirements will be added by officers when deploying the electronic form.
- 3.11. Further guidance notes on the completion of the application form will be provided to applicants – however, as these will need to reflect the regulations still to be laid by the Home Office, it has not been possible to complete and include these at the time of writing. Only the application form

will require adoption, guidance notes are prepared by officers but will have no legal standing.

- 3.12. One of the key powers of the new legislation is the ability for councils to refuse applications on the grounds that the applicant is not suitable to hold a licence, or to revoke licences on similar grounds. Section 3(2) states that in reaching such a decision, councils may have regard to any previous convictions for relevant offences or enforcement action, or refusal or revocation of any other licences. Applicants will be required to make a declaration as to these matters within their application form. To ensure the robustness of this declaration, and to prevent attempts to make false declarations, it is proposed that all applicants (including the partners of a partnership, or the directors of a limited company), and all site managers identified within the application, be required under schedule 1 paragraph 4 to submit Basic Disclosure certificates with their applications, issued not more than 3 months prior to the date of application, in the name of the relevant individual. Checks of all such individuals will also be undertaken against the national licence register, and where appropriate consultation shall take place with any relevant local authority or a local or national police force.
- 3.13. On application for variation of an existing licence, the requirement to provide a Basic Disclosure certificate shall apply only to site managers who are not currently listed upon the licence, and not to any person who is currently so listed. However, all applicants and site managers must provide a certificate on application for renewal of the licence.
- 3.14. Schedule 1, paragraph 7 provides a right for applicants or licensees to make representations prior to a decision being made to refuse an application made by them or to revoke a licence held by them. These representations may be made in writing or, on the request of the applicant or licensee, orally, at an appearance before a person appointed by the authority. That person would then become responsible for considering the representations and determining the matter before them. It is proposed to appoint the Assistant Director (Chief Executive's Unit) and the Group Manager (Legal Governance) as appointed persons for this purpose, with one of these individuals responsible for the hearing of representations, and the proposed delegations set out in Annex A reflect this proposal. Although both of these posts are responsible for the line management of the Licensing team, neither are actively involved in the day-to-day processing of licence applications. For this reason, it is believed that both posts would offer the neutrality and independence required for hearings under the rules of natural justice and article 6 of the European Convention on Human Rights.

4. RECOMMENDATIONS

4.1. That Cabinet resolve to:

- 4.1.1. Delegate the exercise of functions under the Scrap Metal Dealers Act 2013 to officers, as shown at Annex A to this report;
- 4.1.2. Under paragraph 6 of schedule 1 to the Act, set the fees payable in connection with applications for scrap metal licences, for the period from 1st October 2013 to 31st March 2015, as shown in paragraph 3.5 of this report;

- 4.1.3. Note the application form shown at Annex B to this report for use in paper applications made for licences; and, under paragraph 4 of schedule 1 to the Act, to require any information requested within that form not otherwise required under paragraph 2 to the schedule to be provided with all such applications;
- 4.1.4. Under paragraph 4 of schedule 1 to the Act, to require all applicants, or partners of a partnership applicant, or directors of a limited company applicant; and any site manager named in an application to submit with the application a Basic Disclosure certificate, issued no earlier than 3 months prior to the date of application and in the name of the relevant individual (on variation applications, this requirement to apply only to site managers not currently named on the licence).
- 4.1.5. Under paragraph 7(8) of schedule 1 to the Act, appoint for the purposes of hearing oral representations the Assistant Director (Chief Executive's Unit) and the Group Manager (Legal Governance).

Annex A

List of functions to be delegated

It is proposed that all of the following powers under the Scrap Metal Dealers Act 2013 be delegated to:

- the Assistant Director (Chief Executive's Unit); and
- the Group Manager (Legal Governance)

With the exception of powers relating to the refusal of applications, revocation of licences consideration of representations and setting of fees, as marked with *, it is expected that further officers will be authorised by those officers to exercise the other powers.

Section of SMDA 2013	Power or function
3(1)	Issue and renewal of scrap metal licences
3(7)	Consultation on licence applications with officers of other local authorities, the Environment Agency, Hertfordshire Constabulary or the British Transport Police
3(8)	Inclusion of additional licence conditions due to conviction of applicant or a site manager for a relevant offence
4(1)	Revocation of a scrap metal licence due to non-use of licensed sites
4(2)	Revocation of a scrap metal licence due to site manager not managing any licensed site
4(3) *	Revocation of a scrap metal licence if satisfied that licensee is unsuitable to hold licence
4(5) *	Variation of licence to include additional licence conditions due to conviction of licensee or a site manager for a relevant offence
4(7) *	Immediate imposition of conditions pending outcome of appeal against revocation/variation decision
6	Supply of information to specified persons
8	Amendment of licence following notification of change of material details
8(6)	Notification to Environment Agency of licence changes
16(1)	Entry to and inspection of licensed scrap metal sites at any reasonable time on notice to site manager
16(2)	Entry to and inspection of licensed scrap metal sites at any reasonable time otherwise than on notice to site manager
16(5)	Application to a justice of the peace for a warrant, and entry to any premises under and in accordance with such a warrant
16(9)	Inspection of scrap metal or records kept by the dealer; taking of copies or extracts of such records
Sched 1, para 3	Variation of a scrap metal licence
Sched 1, para 4	Request for additional information from applicant; Rejection of application where incomplete information given
Sched 1, para 6 *	Setting of application fees

Section of SMDA 2013	Power or function
Sched 1, para 7 *	Consideration of written or oral representations; refusal of application, or revocation or variation of licence
Sched 1, para 8	Issue of notice of decision
Sched 1, para 9	Defence of appeals brought against decisions made by the authority
Sched 2, para 2	Issue of closure notice in respect of unlicensed scrap metal site
Sched 2, para 3	Issue of cancellation notice in respect of scrap metal site closure notice
Sched 2, para 4	Application for closure order in respect of unlicensed scrap metal site
Sched 2, para 6	Termination of closure order by certificate
Sched 2, para 8	Appeal to Crown Court against decision not to make a closure order or against a discharge order
Sched 2, para 9	Enforcement of closure order
Multiple	Initiation of prosecution proceedings or administration of cautions for offences under the Act

Annex B Proposed application form



Licensing, Dacorum Borough Council, Civic Centre, Marlowes, Hemel Hempstead, HP1 1HH

Scrap Metal Dealers Act 2013

Application for a Scrap Metal Dealer's licence

Please write legibly in **block capitals**, and ensure that your answers are inside the boxes and written in **black ink**. All questions must be answered. Incomplete applications will not be processed.

You may wish to keep a copy of the completed form for your records.

Section 1: Licence details			
What type of licence do you wish to apply for? <i>(tick one)</i>	<input type="checkbox"/> Site licence <input type="checkbox"/> Collector's licence		
What type of application do you wish to make? <i>(tick one)</i>	<input type="checkbox"/> Grant of a new licence <input type="checkbox"/> Renewal of an existing licence <input type="checkbox"/> Variation of an existing licence (change of licence type) <input type="checkbox"/> Variation of an existing licence (change of licensed sites) <input type="checkbox"/> Variation of an existing licence (change of site managers)		
Current licence number: <i>(leave blank on new applications)</i>		Expiry date of current licence:	/ /
If you are applying to vary an existing licence, from which date do you wish the proposed amendments to take effect?			/ /

Section 2: Business details	
Please give the trading name(s) by which your business is/will be known: <i>(if any)</i>	
Please indicate the business activities that you intend to carry on under this licence:	<input type="checkbox"/> Buying and selling scrap metal <input type="checkbox"/> Recovering salvageable parts from motor vehicles for re-use or sale <input type="checkbox"/> Buying written-off vehicles for repair and resale <input type="checkbox"/> Buying or selling vehicles for salvage or repair purposes <input type="checkbox"/> Other: _____

Section 3: Site details		<i>Do not complete if you are applying for a Collector's licence.</i>
How many sites do you intend to operate under this licence, if your application is granted?		
I have completed Annex A with details of all of the sites where it is proposed to carry on business as a scrap metal dealer under this licence, and the managers of those sites. <i>(please tick)</i>		<input type="checkbox"/>
<i>If more than four sites are to be operated, please give details of further sites on an additional sheet.</i>		
<i>If you are applying to vary a licence, please include details of all of your sites, even if the proposed changes do not affect those sites, and highlight any changes to site details or site manager details as applicable.</i>		
Do you also intend to operate any mobile collection vehicles from these sites?		<input type="checkbox"/> Yes <input type="checkbox"/> No
If so, please describe the arrangements for how these vehicles will operate:		

Section 4: Collector's details		<i>Do not complete if you are applying for a Site licence</i>
How many vehicles do you intend to operate under this licence, if your application is granted?		
Where will the vehicle(s) be kept when not in use?		

Section 5: Other licences, permits and registrations				
Do you currently hold a scrap metal site licence, issued by Dacorum or any other council, or have you held such a licence within the previous 3 years?			<input type="checkbox"/> Yes <input type="checkbox"/> No	
Do you currently hold a scrap metal collector's licence, issued by Dacorum or any other council, or have you held such a licence within the previous 3 years?			<input type="checkbox"/> Yes <input type="checkbox"/> No	
Do you currently hold a relevant environmental permit or registration?			<input type="checkbox"/> Yes <input type="checkbox"/> No	
Are you registered as a waste carrier?			<input type="checkbox"/> Yes <input type="checkbox"/> No	
If you have answered any of the above 'yes', please give details of the licence, permit or registration below: <i>(continue on a blank sheet where necessary)</i>				
Licence/permit type	Issued by	Reference number	Start date	End date

Section 6: Purchase arrangements
Please describe your arrangements for keeping records of scrap metal transactions, in accordance with the relevant statutory requirements:
Please describe your arrangements for verifying the identity of a person wishing to supply scrap metal to you, in accordance with the relevant statutory requirements:
How do you intend to ensure the security of the scrap metal you have purchased or collected in the course of your business, including unlawful sale or purchase or theft?

Section 7: Applicant(s) details		
This application is made by: <i>(tick one)</i>	<input type="checkbox"/> An individual	<i>Please give details in Part A</i>
	<input type="checkbox"/> A partnership	<i>Please give details in Parts A & B</i>
	<input type="checkbox"/> A limited company	<i>Please give details in Part C</i>

Part A: Individual applicant / First partner		<input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Other _____	
Full name:			
Home address:			
Date of birth:	/ /		
Daytime phone number:		Mobile phone number:	
Email address:			

Part B: Second partner		<input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Other _____	
Full name:			
Home address:			
Date of birth:	/ /		
Daytime phone number:		Mobile phone number:	
Email address:			

If there are more than two partners, please give the details of further partners on a separate sheet.

Part C: Limited company applicant		<i>Please also complete Annex B with director's details</i>	
Registered name:			
Registered office address:			
Company registration number:			<input type="checkbox"/> UK: Companies House <input type="checkbox"/> Other: _____
Daytime phone number:			
Email address:			

Section 8: Suitability of applicant(s)	
<p><i>In the following questions, 'relevant person' includes:</i></p> <ul style="list-style-type: none"> • the individual applying for a licence • any of the partners of a partnership applying for a licence • any of the directors, company secretary, or shadow directors of a company applying for a licence • any site manager identified in this application. 	
<p>Has any relevant person previously been convicted of a relevant offence, or has any relevant person previously been cautioned in respect of a relevant offence, in either case where the conviction or caution is not considered to be 'spent'?</p> <p><i>Convictions and cautions which are considered 'spent' under the provisions of the Rehabilitation of Offenders Act 1974 need not be disclosed. Driving licence endorsements are also not relevant.</i></p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>Has any relevant person been charged with an offence and is currently awaiting the outcome of those proceedings?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>Has any relevant person previously had an application for a scrap metal licence refused, or a scrap metal licence revoked, by any council?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>Has any relevant person previously been subject to any other relevant enforcement action, by any council or applicable government agency?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>If any of the above questions have been answered 'yes', please provide further details in respect of those matters in the space below:</p>	
<p>Please note that a Basic Disclosure certificate must be supplied, at the time of application, in respect of every applicant (or partner, or director of a limited company applicant) and site manager named in this application. Certificates must have been obtained in the relevant individual's name and issued within the last 3 months.</p>	

Section 9: Bank account details (for payments to scrap metal suppliers)	
<p>As part of the application process, the Council is required to verify that the business has a bank or building society account from which payments for scrap metal will be made. It is an offence to make payments for scrap metal other than by cheque or electronic funds transfer.</p>	
<p>Please give details of this account below:</p>	
Name of bank / building society:	
Name in which account is held:	
Sort code and account number:	

Section 10: Application fee(s)	<i>Please tick one of the following options</i>
<input type="checkbox"/> I enclose a cheque for £____, payable to Dacorum Borough Council.	
<input type="checkbox"/> I wish to pay the application fee(s) by credit or debit card – please contact me to arrange payment.	

Section 11: Declaration and signatures		<i>Every applicant must sign the form</i>	
<ul style="list-style-type: none"> 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 the Act, for which I may be prosecuted, and if convicted, fined. I understand that the Council may consult other agencies about my suitability to be licensed as a scrap metal dealer, and that those other agencies may include other local authorities, the Environment Agency, and local and national police forces. I understand that data within this application may be shared with other agencies, for the purpose of assessing 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:		Print name:	Date:
Signed:		Print name:	Date:
<p>If there are more than two partners, a copy of this page should be taken to allow all partners to sign. Where the application is made by a limited company, the form should be signed by an officer of the company.</p>			

Completed application forms should be submitted, along with basic disclosure certificates for the applicant, partners, company directors and site managers, and payment of the appropriate fee(s), to:

Licensing, Dacorum Borough Council, Civic Centre, Marlowes, Hemel Hempstead, HP1 1HH

Data Protection – PLEASE READ THIS NOTICE CAREFULLY
<p>We will use the information you provide in this form and in any supporting documents to process and determine your application for a licence. The information will be held on file and on an internal database, and such public registers as we may be required to maintain.</p> <p>The information supplied may be passed to other bodies, including law enforcement agencies and government departments, as allowed by law. We may check information you have provided, or information about that another person has provided, with other information we hold. We may also obtain information about you from, or provide information to, organisations such as government departments, law enforcement agencies, other local authorities, and private sector organisations such as banks, insurance companies or legal firms, to verify the accuracy of information, prevent or detect crime, or protect public funds.</p> <p>We will not give your information to anyone else, or use information about you for other purposes, unless the law requires us to.</p> <p>Dacorum Borough Council is the data controller for the purposes of the Data Protection Act. If you would like to know more about what information we hold about you, or the way we use it, please contact us.</p>

Office use only	
Date received:	Fee received: <input type="checkbox"/> Chq <input type="checkbox"/> Card
Receipt number:	
Appn complete:	Lic. approved:
Licence valid from:	Licence expires:

Annex A – details of scrap metal sites							
Site	Site details				Site manager details		
	Postal address	Opening hours	Phone number	Email address	Full name	Home address	Date of birth
1							
2							
3							
4							

Annex B
Details of limited company directors

Please complete the following details for each director of the company. Use additional sheets where necessary.

Director 1		<input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Other ____	
Full name:			
Home address:			
Date of birth:	/ /	Daytime phone number:	

Director 2		<input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Other ____	
Full name:			
Home address:			
Date of birth:	/ /	Daytime phone number:	

Director 3		<input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Other ____	
Full name:			
Home address:			
Date of birth:	/ /	Daytime phone number:	

Director 4		<input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Other ____	
Full name:			
Home address:			
Date of birth:	/ /	Daytime phone number:	

Please note that a Basic Disclosure, issued within the last 3 months, must be submitted for each director