

Scrap metal dealers Act

Engaging with the Environment Agency and Natural Resources Wales



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This guidance note sets out how councils should be using the EA/NRW public registers to assess the suitability of the applicants for a scrap metal dealers licence.

It also sets out how to contact the respective agencies if there are specific points of concern that need to be checked with them.

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1. Background

Guidance Note: Scrap Metal Dealers Act 2013

1. Introduction

The Scrap Metal Dealers Act (SMDA) will be introduced on the 1st October 2013 in England and Wales. This replaces the 1964 Scrap Metal Dealers Act.

Anyone who deals in scrap metal (transporting, storing, treating etc) must have a licence with their local authority as well as the relevant permits or exemptions from Natural Resources Wales (NRW) and the Environment Agency (EA).

Local Authorities (LAs) are responsible for the licensing of scrap metals dealers: both site based operators and mobile collectors. However, the Act requires both the EA and NRW to maintain a public register of scrap metal dealer licences issued in England and Wales.

This Guidance Note will explain the interaction between Local Authorities and Natural Resources Wales / Environment Agency.

The SMDA states that LAs may consult with NRW and the EA. During the implementation of the SMDA, agreement was reached by representatives of the LGA, British Transport Police, Home Office, EA and NRW that LAs would consult **by exception only**.

NRW and the EA will interact with Local Authorities at two different points during the licensing process. These are:

- During determination of the licence (see section 2 of Guidance note)
- Once the licence has been issued – placing onto the National public register for Scrap Metal Dealers (see section 3 of Guidance note)

2. Determination of the Licence

During the determination of a Scrap Metal Dealers Licence, the Local Authority is required to undertake a 'suitability test'.

2.1 Background information check:

Local Authorities should check the NRW / EA electronic public register for the following information:

- Waste Carrier Licence;
- Environmental Permit;
- Exemption (T9 for the treatment of scrap metal up to 1000 tonnes)LAs can use the following link and select the registers listed above that they wish to search:

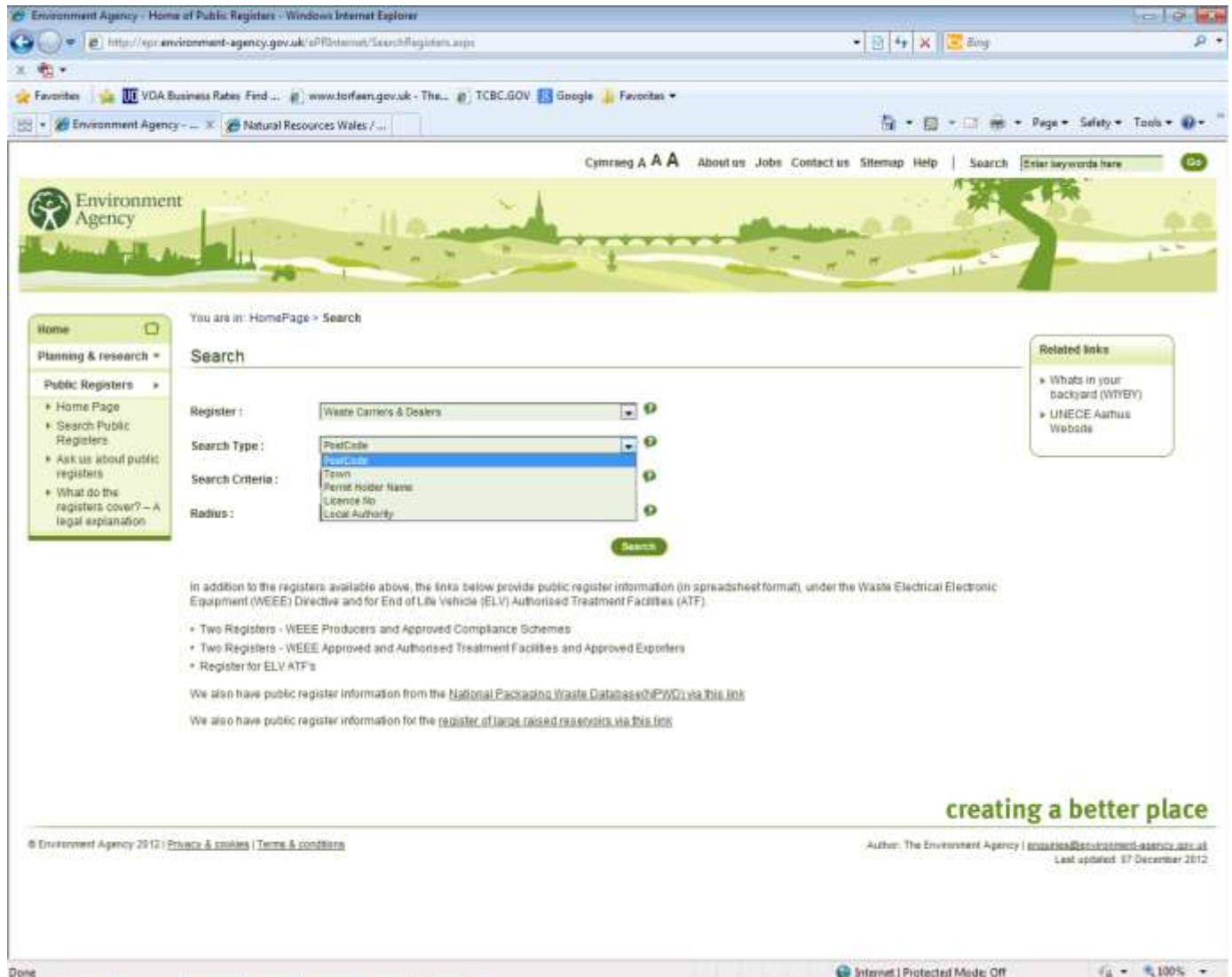
<http://epr.environment-agency.gov.uk/ePRInternet/SearchRegisters.aspx>



LAs can also use the public register link to check for any Enforcement Actions.

The screenshot shows the Environment Agency website's public registers search page. The browser window title is "Environment Agency - Home of Public Registers - Windows Internet Explorer". The address bar shows the URL: <http://epi.environment-agency.gov.uk/ePRInternet/SearchRegisters.aspx>. The page features a navigation menu with "Home", "Planning & research", and "Public Registers". The "Public Registers" menu is expanded, showing options like "Home Page", "Search Public Registers", "Ask us about public registers", and "What do the registers cover? - A legal explanation". The main content area is titled "Search" and includes a search form with fields for "Register:", "Search Type:", "Search Criteria:", and "Radius:". A dropdown menu is open under "Register:", listing various categories such as "All", "Environmental Permits (Industrial Installations)", "Environmental Permits (Waste Operations)", "Environmental Permits (Radioactive Substances)", "Environmental Permits (Water Discharge)", "Waste Carriers & Dealers", "Waste Brokers & Dealers", "Hazardous Waste Producers", "Agricultural Waste Exemptions", "Waste Exemptions", "Water Discharge Exemptions", and "Enforcement Actions". Below the search form, there is a paragraph of text: "In addition to the register information (in spreadsheet format) under the Waste Electrical Electronic Equipment (WEEE) Directive and for End of Life Vehicle (ELV) Authorised Treatment Facilities (ATF).". This is followed by a bulleted list: "• Two Registers - WEEE Producers and Approved Compliance Schemes", "• Two Registers - WEEE Approved and Authorised Treatment Facilities and Approved Exporters", and "• Register for ELV ATF's". Below the list, there are two more paragraphs: "We also have public register information from the [National Packaging Waste Database \(NPWD\)](#) via [this link](#)." and "We also have public register information for the [register of large raised reservoirs](#) via [this link](#)". The page footer contains the text "© Environment Agency 2012 | [Privacy & cookies](#) | [Terms & conditions](#)" on the left and "Author: The Environment Agency | eha@environment-agency.gov.uk Last updated: 07 December 2012" on the right. The slogan "creating a better place" is also visible in the footer area.

Each register can be searched using a number of different criteria such as Name, town, postcode. LAs should however be aware that such searches will only return results if the details they have been provided with, match those on the public register:



2.2 Relevant convictions:

Part of the assessment for LAs will require an enquiry to the Disclosure and Barring Service (DBS). A DBS check which is returned with relevant convictions should act as a trigger for a Local Authority to make further enquires with NRW or the EA.

Enquiries can be made using the contact details shown on page 8.

3. National Public Register for Scrap Metal Dealers

When to submit data

You should submit your data weekly until further notice anytime between Monday and Wednesday. Data should not be sent on Thursdays or Fridays. We may revise the frequency of submissions after the initial peak of new applications, most probably in Spring 2014. We will let you know through the LGA knowledge hub or by direct e-mail.

How to make submissions

The way our public register system works means that you have to send all of your complete licence data each time as the system does a full data refresh. We won't be able to compare submissions or to add or amend records. This means that you may find it easier to hold a master list of existing licences that you add to when you issue a new licence. Any amendments to the existing records such as revocations or surrenders will be picked up by the addition of the relevant date in the correct field.

If you were to send a submission with only one line for a newly issued licence that is all that would be displayed for your local authority on the public register. We will not be able to QA or validate your data and will simply upload whatever is submitted, providing it is in the correct format. We will return data which is not in the correct format to you for you to correct and resubmit. We will do this using the e-mail address from which the data was sent.

We have provided a standard template for you to use to submit you data. This can be requested from the agency e-mail addresses provided below, and is also on the LGA Tackling metal theft knowledge hub.

Template for submitting data

If your LA uses an electronic licensing system, you should be able to obtain extracts from your licensing systems so that you can cut and paste to the spreadsheet rather than having to type each entry.

If your LA uses a manual system to issue licences, you will have to manually fill in the spreadsheet.

Whichever method you use, you should not alter the template – we will not be able to accept your data if it is not in the correct format.

The template has the following field headings:

Heading Title	Comments to assist with completion
Local authority*	The template has a drop down list of LA names – please select the correct name for your LA.
Licence number *	The licence number that you have issued.
Business name*	The business or trading name.
Licensee name *	The licence holder’s name (individual or company)
Associated names	The names of any other parties such as Directors if the licence holder is a company
Licence type *	This will be collector or site. If the licence issued is a collector you should not provide address details.
House number or name	
Street name	
Town	
County	
Postcode	You should provide a postcode for site licences. If you don’t provide a postcode the record will not be searchable.
Licence expiry date *	The date that the licence will expire, usually 3 years from date of issue, but could be more if an applicant renews earlier.
Licence revoked date	If providing us with an update regarding a licence that has been revoked, please leave all details the same but add in the date the licence was revoked. Leaving this field blank means that there will be an assumption that the licence is current.
Licence surrendered date	If providing us with an update regarding a licence that has been surrendered, please leave all details the same but add in the date the licence was surrendered. If the surrender date is left blank, there will be an assumption that the licence is current.

*** These fields are mandatory and your data will be returned if these fields contain null values.**

The template should be e-mailed to

SMDPRegister@environment-agency.gov.uk - Environment Agency for English LAs

enquiries@naturalresourceswales.gov.uk - Natural Resources Wales for Welsh LAs.

What happens next?

Once submitted you will receive an automatic e-mail to confirm receipt. This e-mail does not mean that your data has been accepted for upload, simply that we are in receipt of your e-mail.

If there is a problem with your data, it will be returned to you for you to amend and resubmit.

Please note that delays in returning data to us could mean that your data is not shown on the electronic public register.

Data submitted in the correct format will be collated and uploaded onto our public register. We aim to do this within 2-3 working days of data collation rather than data submission. This means that data should be shown in the same week that it is submitted.

Contact details:

We request that LAs send their emails with the title prefix “Scrap Metal Dealers” or “SMD” to assist us in identifying the subject. It would be helpful for the LA to specify the location of the activity so this it can be sent to the correct operational team in EA/NRW.

Natural Resources Wales:

General enquiries & submitting Public Register information Email: enquiries@naturalresourceswales.gov.uk
Sharing intelligence: NRWIntel@wales.gsi.gov.uk
Telephone: General enquiries: 0300 065 3000 (Mon-Fri, 8am - 6pm)
Post: Natural Resources Wales, Tŷ Cambria, 29 Newport Road, Cardiff, CF24 0TP

Environment Agency:

General enquiries and suitability test enquiries	Submitting Public Register	To report unlicensed operators
Email: enquiries@environment-agency.gov.uk	E-mail: SMDPRegister@environment-agency.gov.uk	Please use our incident hotline Tel: 0800 80 70 60 (Freephone and 24 hour service)
Telephone: 03708 506 506 Telephone from outside the UK: 00 44 1709 389 201 (Mon to Fri, 8am to 6pm) Minicom service, for the hard of hearing: 03702 422 549 National Customer Contact Centre		
Post: National Customer Contact Centre, PO Box 54, Rotherham, S60 1BY		

4. Useful Guidance

Further guidance and information has been provided by the Home Office and the Local Government Association. Please see the following links:

Legislation:

The Scrap Metal dealers Act 2013 can be found at <http://www.legislation.gov.uk/ukpga/2013/10/enacted>

The Scrap Metal Dealers Act 2013 (Prescribed Relevant Offences and Relevant Enforcement Action) Regulations 2013 No. 2258 can be found at <http://www.legislation.gov.uk/id/uksi/2013/2258>.

The Scrap Metal Dealers Act 2013 (Prescribed Documents and Information for Verification of Name and Address) Regulations 2013 No. 2276 can be found at <http://www.legislation.gov.uk/id/uksi/2013/2276>.

Guidance:

Home Office guidance on cashless payments for scrap metal was issued on 24 October 2012 and may be found at www.homeoffice.gov.uk/publications/crime/scrap-metal-guidance?view=Standard&pubID=1086133.

Home Office Guidance for guidance on fees can be found here at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/229459/SMDA_2013_Fees_Guidance.pdf

Local Government Association Guidance for Local Authorities includes the following and can be found here: <http://www.local.gov.uk/publications>

- Applications guide: An explanatory note on how the new applications process will work and be managed
- Fees guide: A toolkit that assists with the setting of licence fees that comply with the requirements of the EU Services Directive and the Provision of Services Regulations 2009
- Getting in on the Act: A short outline of the new Act and how it differs from the 1964 Act
- Councillor handbook: A guide to help councillors to understand their role and responsibilities in tackling instances of metal theft
- Tackling metal theft toolkit: A toolkit that outlines additional strategies and tools that go beyond the limitations of the 2013 Act and can be used more broadly to tackle instances of metal theft

For more information please contact

Local Government House
Smith Square
London SW1P 3HZ

Email: info@local.gov.uk
Telephone: 020 7664 3000



Contact the Local Government Association

Telephone: 020 7664 3000

Email: info@lga.gov.uk

Website: www.local.gov.uk

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For a copy in Braille, Welsh, larger print or audio, please contact us on 020 7664 3000.
We consider all requests on an individual basis.