

## **Guidance Note: Scrap Metal Dealers Act 2013**

**This guide is a joint Natural Resources Wales and Environment Agency guide aimed at Operational and Customer Contact staff**

The guide has been approved for release to Local Authorities if requested.

### **1. Introduction**

The Scrap Metal Dealers Act (SMDA) will be introduced on the 1<sup>st</sup> 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 licences from Natural Resources Wales (NRW) and the Environment Agency (EA). It is a criminal offence not to be registered if needed.

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 licenses issued in England and Wales.

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

This guide is for all NRW and EA staff who will be involved in dealing with Scrap Metal Dealers enquiries.

LAs may be under the impression that they will have to formally consult with NRW and the EA on each individual application they receive and they will probably contact us to find out what this process involves. **This is not the case.** We need to make it clear to LAs what they need to do.

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' which is very similar to a NRW/EA Fit and Proper Person assessment.

### 2.1 Background information check

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

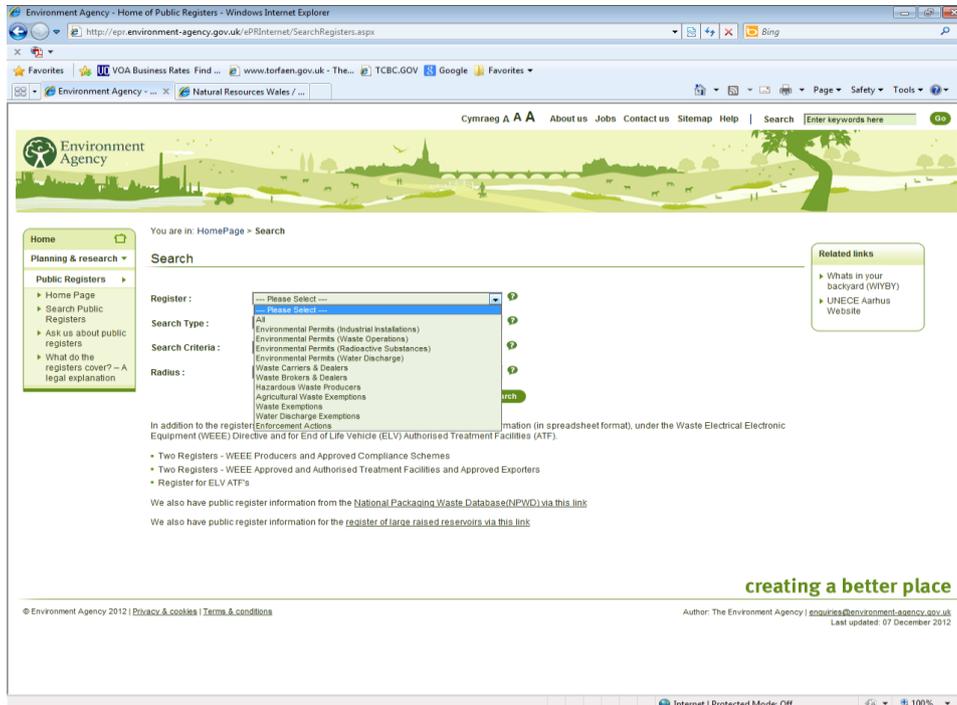
- Waste Carrier Licence;
- Environmental Permit;
- Exemption (T9 for the treatment of scrap metal up to 1000 tonnes)

LAs can use the following link and select the registers listed above that they wish to search:

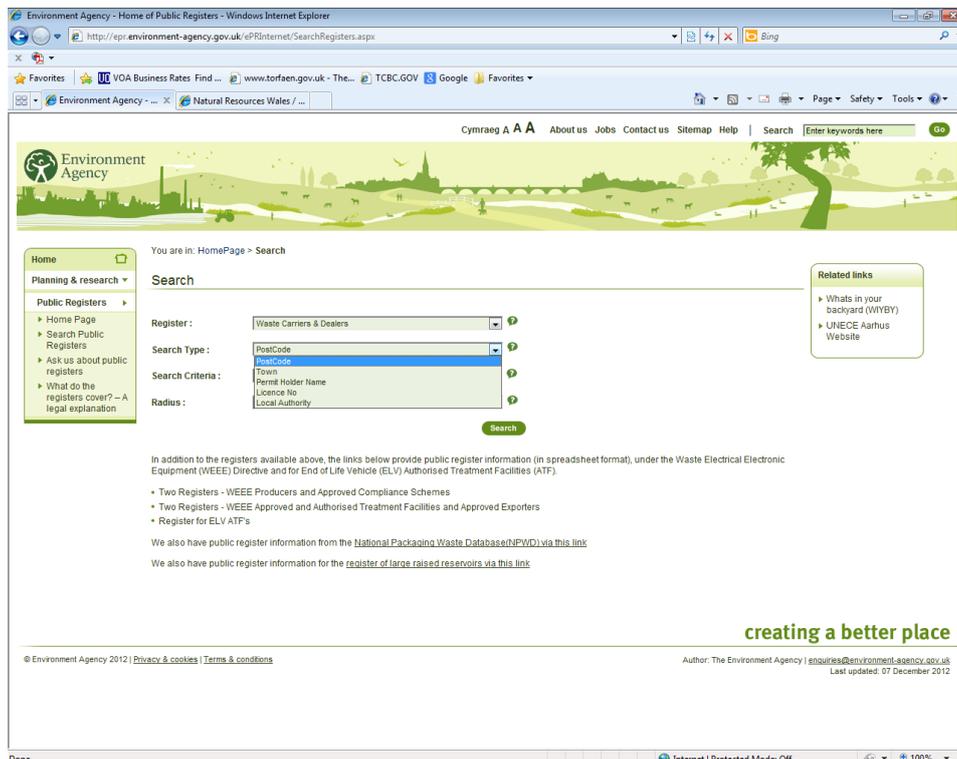
<http://epr.environment-agency.gov.uk/ePRIInternet/SearchRegisters.aspx>

The screenshot shows a web browser window displaying the Environment Agency's public registers search interface. The page title is "Environment Agency - Home of Public Registers - Windows Internet Explorer". The URL in the address bar is "http://epr.environment-agency.gov.uk/ePRIInternet/SearchRegisters.aspx". The page features a navigation menu with links for "Cymraeg", "About us", "Jobs", "Contact us", "Sitemap", and "Help". A search bar is located in the top right corner. The main content area includes a "Search" section with the following fields: "Register:" (a dropdown menu with "Please Select" as the current selection), "Search Type:" (a dropdown menu with "PostCode" as the current selection), "Search Criteria:" (a text input field), and "Radius:" (a dropdown menu with "1 km" as the current selection). A "Search" button is positioned below these fields. To the right of the search fields is a "Related links" section with three links: "Whats in your backyard (WYBY)", "UNECE Aarhus Website", and "Website". Below the search fields, there is a section titled "In addition to the registers available above, the links below provide public register information (in spreadsheet format), under the Waste Electrical Electronic Equipment (WEEE) Directive and for End of Life Vehicle (ELV) Authorised Treatment Facilities (ATF)." 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 this list, there are two more lines of text: "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". At the bottom of the page, there is a footer with the text "© Environment Agency 2012 | Privacy & cookies | Terms & conditions" on the left and "Author: The Environment Agency | enquiries@environment-agency.gov.uk Last updated: 07 December 2012" on the right. The page also features the slogan "creating a better place" in the bottom right corner.

LAs can also use the public register link to check for any Enforcement Action. **However, this may not be up to date and if no records are found it may not mean that there are no enforcement actions for that operator**



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 Baring Service. (DBS). The DBS check should act as a trigger for a Local Authority to make further enquires with NRW or the EA.

For NRW staff: A secure email address has been set up in NRW to enable LAs to make such enquires. They will then be sent to the relevant Environmental Crime Team (ECT) for action. See contact details below for further information.

For EA staff: if a call is received at the NCCC from a LA to make such an enquiry, the customer will be asked to email their request to [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk). When the request is received, the NCCC email team will then log and pass to the relevant Customers and Engagement team. They will then contact the relevant area's Environmental Crime Team (ECT).

## 3. National Public Register for Scrap Metal Dealers

The Scrap Metal dealers Public Register will show the following information:

- the name of the authority which issued the licence;
- the name of the licensee;
- any trading name of the licensee;
- the address of any site(s) identified in the licence;
- type of licence (mobile or site) and the date on which this licence expires

Once a licence has been issued, the LA will be required to submit the information to either NRW or the EA, who will publish the information on a Public Register.

LAs will be provided with a standard template in a CSV Format that that they will use to send data to NRW/EA.

The work on the public register is still in progress and further instruction and information and the template will be provided to LAs as soon as it is available. We aim to have a quick fix ready by mid October (a simple spreadsheet) and the fully functional ePR will be ready by the end of December 2013.

The LA will be responsible for the accuracy of the data they provide. NRW and the EA are only hosting the register, the information and data belongs to the LAs. Therefore, any customer making an enquiry should be signposted to the relevant LA.

Information from the LA is expected to start coming in from the 15<sup>th</sup> October at the earliest.

**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	Suitability test and Intelligence enquiries
Email: <a href="mailto:enquiries@naturalresourceswales.gov.uk">enquiries@naturalresourceswales.gov.uk</a>	Email: <a href="mailto:enquiries@naturalresourceswales.gov.uk">enquiries@naturalresourceswales.gov.uk</a>	<a href="mailto:NRWIntel@wales.gsi.gov.uk">NRWIntel@wales.gsi.gov.uk</a>
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 provide Intelligence
Email: <a href="mailto:enquiries@environment-agency.gov.uk">enquiries@environment-agency.gov.uk</a>	E-mail: <a href="mailto:SMDPRegister@environment-agency.gov.uk">SMDPRegister@environment-agency.gov.uk</a>	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](http://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/MDA\\_2013\\_Fees\\_Guidance.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/229459/MDA_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