

The council is minded to refuse any application for a new scrap metal licence or a renewal of an existing scrap metal licence if the DBS basic disclosure of the applicant, partner or site managers has a relevant conviction. Consideration will be given to the date of the offence as well as any sentence given.

The Scrap Metal Dealers (Relevant Offences) Regulations 2013 specifies that offences that are relevant to the application for a scrap metal licence are:

- An offence under sections 1, 5, or 7 of the Control of Pollution (Amendment) Act 1989
- An offence under sections 170 or 170B of the Customs and Excise Management Act 1979, 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
- Any offence under 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

In addition the applicant will also have been convicted of a relevant offence where they have:

- Attempted or conspired to commit any of the offences listed above;
- Incited or aided, abetted, counselled or procured the commission of any offence listed above; and
- Committed an offence under Part 2 of the Serious Crime Act 2007(a) (encouraging or assisting crime) in relation to any of the offences listed above.

An environment related offence will mean an offence which relates to the transportation, shipment or transfer of waste; or the prevention, minimisation or control of pollution of the air, water or land which may give rise to any harm. In this context the expression “harm” means:

- Harm to the health of human beings or other living organisms;
- Harm to the quality of the environment;
- Offence to the senses of human beings;
- Damage to property; or
- Impairment of, or interference with, amenities or other legitimate uses of the environment.

During the application process, the council may consult with West Yorkshire Police, British Transport Police, the Environment Agency, local authorities that are listed in the application form, and any other neighbouring local authority. The council will take into consideration any report from the agencies on the suitability of the applicant in regard to any enforcement action they have taken against the applicant, partner or site manager listed in the application form.

Should the council be minded to refuse the application on the grounds of suitability, the applicant will be advised in writing. The applicant has the right to make written representations which should be made within 14 days of the date of the letter advising that the council is minded to refuse the licence application. If the applicant advises the council that they wish to make written representations but need more time, then the council will arrange a suitable date by which the representations can be received.

In addition the applicant has the right, on request, to make an oral representation to a person appointed by the council to hear such matters. Any such requests must be made in writing within 14 days of the receipt of the letter advising the council is minded to refuse the application.

If a request for an oral representation meeting is received the council will contact the applicant to arrange a suitable date and time for the meeting.

If no representations or request is received, the council will issue a notice of refusal. If a request is received the council will take into consideration the oral representation when making the determination. The decision will be provided in writing.

The applicant has the right to appeal the decision of the council to the Magistrates Court within 21 days of the receipt of the notice of refusal.