

10 June 2020

Report of	Assistant Director (Communities)	Author	Jon Ruder
Title	Draft Scrap Metal Dealers Policy		☎ 282840
Wards affected	Not applicable		

## 1. Executive Summary

- 1.1 The report details the Council's proposed Scrap Metal Dealers Policy and recommends the approval of the policy following the end of the consultation process during which no representations were received.

## 2. Recommended Decisions

- 2.1 That the Scrap Metal Dealers Policy be approved and recommended to full Council for adoption as part of the Council's statutory framework.

## 3. Reason for Recommended Decision

- 3.1 The Council has been licensing sites and collectors since the Act came in to force, however there has been no formal policy. This policy will provide a framework for the process of licensing, auditing and enforcement of scrap metal dealers and collectors and ensure that the process is robust and fit for purpose.

## 4. Alternative Options

- 4.1 To continue the licensing regime as it is currently without the benefit of a policy.

## **5. Supporting Information**

- 5.1 The Scrap Metal Dealers Act 2013 created a revised regulatory regime for the scrap metal recycling and vehicle dismantling industries. The Act and associated guidance issued by the Home Office sets out the principles that the Council must apply when exercising its powers and duties under the Act.
- 5.3 The policy sets out how the Council proposes to exercise these powers and duties, and will be reviewed on a regular basis, with a full review at least once every three years. The Policy is attached at Appendix 1.
- 5.4 A 12 week period of consultation was carried out with licence holders and stakeholders ending on 22 February 2020. No representations have been received.

## **6. Strategic Plan References**

- 6.1 The policy is in line with the Council's priorities for the Borough and in particular those of responsibility and opportunity. The policy aims to contribute to the priorities by ensuring there continues to be a reduction in crimes in relation to metal and by the responsible disposal of scrap metal in order to protect the environment.

## **7. Consultation**

- 7.1 No further consultation is considered necessary in relation to the proposed adoption of the Policy.

## **8. Publicity Considerations**

- 8.1 The new revised policy will be available for all on the Council's website.

## **9. Financial Implications**

- 9.1 It is possible that there could be costs incurred in defending any action brought against the Council to judicially review the policy but the robust consultation process with licence holders and the trade minimises this risk.

## **10. Community Safety**

- 10.1 The licensing policy in respect of scrap metal is a key component of the strategy to tackle metal theft and so contributes to overall community safety.

## **11. Equality, Diversity and Human Rights Implications**

- 11.1 The draft policy has been developed in accordance with, and taken account of, all relevant legislation and national and local strategies.

## **12. Risk Management Implications**

- 12.1 A flexible yet robust policy will provide the Council with a sound basis for decision making.

## **13. Health & Safety Implications**

- 13.1 There are no known direct public health and safety issues which might arise from the adoption of the policy.

#### **14. Environmental and Sustainability Implications**

- 14.1 The policy contributes to the proper control and minimisation of waste and supports recycling in the Borough.

#### **Background Papers**

Scrap Metal Dealers Act 2013

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

Scrap Metal Dealers Act 2013 explanatory notes

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

Local Government Association publication 'Get in on the Act'

Scrap Metal Dealers Act 2013- Guidance on Determining suitability to hold a scrap metal dealers licence

<http://www.gov.uk/government/publications/determining-suitability-to-hold-a-scrap-metal-dealers-licence>

Scrap Metal Dealers Act 2013- Supplementary guidance December 2013

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/265871/SMDA\\_supplementary\\_guidance.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/265871/SMDA_supplementary_guidance.pdf)