

6 November 2019

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 this draft policy to enable the formal consultation process to take place.

2. Recommended Decisions

- 2.1 That the Licensing Committee agree the draft policy for the purposes of consultation and agree to a short consultation period of 12 weeks with licence holders and key stakeholders.

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 received Royal Assent on 28 February 2013. The Act repealed the Scrap Metal Dealers Act 1964 (and associated legislation) and Part 1 of Vehicles (Crime) Act 2001. It created a revised regulatory regime for the scrap metal recycling and vehicle dismantling industries.
- 5.2 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.
- 5.4 There are two types of licences which can be granted under the Act, site licences and collector's licences. As at 1 April 2015, three site licences and ten collector's licences were issued. Site licences are required where a person trades in scrap metal from a fixed site. Collector's licences are required where a person trades other than at a site, and regularly engages in collecting scrap metal by means of door-to-door visits. Scrap metal is defined as 'old waste or discarded metal or metallic material and any product article or

assembly which is made from or contains metal and is broken/ worn out or regarded by its last holder as having reached the end of its useful life'

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 Because this is a very specialist area, the Council proposes to consult with licence holders and stakeholders over a 12-week period between 1 December 2019 and 22 February 2020 to seek views.

8. Publicity Considerations

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

9. Financial Implications

- 9.1 There may be costs associated with sending out letters of consultation. It is also possible that there could be costs incurred in defending any action brought against the Council to judicially review the policy.

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.

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