

Licensing Committee

Wednesday, 06 November 2019

Attendees: Councillor Lyn Barton, Councillor Roger Buston, Councillor Helen Chuah, Councillor Simon Crow, Councillor John Elliott, Councillor Dave Harris, Councillor Mike Hogg, Councillor Patricia Moore, Councillor Barbara Wood

Substitutes: Councillor Tina Bourne (for Councillor Tim Young)

Also Present:

92 Licensing Committee minutes 28 August 2019

The minutes of the meeting held on 28 August 2019 were confirmed as a correct record.

93 Draft Scrap Metal Dealers Policy

The Committee considered a report by the Assistant Director (Communities) giving details of the proposed Scrap Metal Dealers Policy which, once approved, would enable a formal consultation process to take place. The policy set out how the Council proposed to exercise the powers and duties contained in the Scrap Metal Dealers Act 2013 which created a revised regulatory regime for the scrap metal recycling and vehicle dismantling industries. The policy would be reviewed on a regular basis, with a full review at least once every three years.

Jon Ruder, Licensing, Food and Safety Manager, presented the report and assisted the Committee members in their discussions. He explained that there were two types of licences which could be granted under the Act, site licences and collector's licences. Site licences were required where a person traded in scrap metal from a fixed site whilst collector's licences were required where a person traded other than at a site, and regularly engaged in collecting scrap metal by means of door-to-door visits. As at 1 April 2015, three site licences and ten collector's licences had been issued, whilst currently there were eight licensed scrap metal dealer sites in the borough and one licensed collector. The proposed policy would be the subject of a public consultation exercise for a period of twelve weeks, from 1 December 2019 and 22 February 2020, the outcome of which would be reported back to this Committee, following which the policy would be referred to Cabinet for ratification.

Members of the Committee welcomed the draft strategy. One member of the Committee sought clarification on the reason behind the reduction in the number of licence holders; whether a noticeable reduction in crime had occurred since the introduction of the

legislation and whether scrap metal dealers were expected to undertake checks such as for the presence of SmartWater marking of metals.

Another member of the Committee commented on the amount of media publicity given to thefts of various metals from domestic dwellings and small businesses but that these reports appeared to have reduced more recently, whilst thefts from licenced premises seemed to have increased. Comment was also made about the deficiencies in the legislation in terms of a lack of targeting of the handling of stolen goods.

Further discussion took place regarding instances of stolen metal, the potential for scrap metal dealers to launder scrap metal, how this practice may be overcome and whether there was any mechanism to feedback on possible loopholes in the legislation.

The Licensing, Food and Safety Manager explained that the reduction in collector's licences was likely to be due to a failure to renew licences but that this would be the subject of a detailed investigation and audit in due course; liaison with Essex Police had been curtailed since the discontinuance of the specialist scrap metal police contact officer and, as such, he was unaware of current scrap metal related crime rates; checks for SmartWater marking were not a requirement for dealers but was a matter for which the police would assume responsibility, whilst dealers were statutorily obliged to obtain an audit trail to verify all transactions. He agreed with the comments regarding trends in thefts of metals, commenting that copper, lead and precious metals were much sought after and, as such, sites where large quantities of these materials were stored were more likely to be targeted. However, the requirement for an audit trail had reduced the number of thefts from buildings such as churches. He explained that the penalties and enforcement associated with the relevant legislation required close co-operation from the police to determine whether a crime had taken place and he commented that the wording of the legislation was not entirely clear. He confirmed that other Councils in Essex were operating at a similar level to Colchester in relation to scrap metal enforcement. He acknowledged instances of stolen metal, explained the need for an audit trail for transactions of metal and that a priority would be given in the near future to undertake a period of enforcement and auditing of licence holders. He also acknowledged the potential for scrap metal dealers to practice illicit transactions but he was unable to comment on the extent of these practices. He confirmed the ability of feedback to be given regarding wording of legislation but he cautioned that this was unlikely to be a priority for the Government at the current time.

RESOLVED that the draft Scrap Metal Dealers Policy be approved for public consultation purposes for a period of 12 weeks, the result of which would be submitted to a meeting of this Committee and the policy would be submitted to Cabinet for ratification.

The Committee considered a report by the Assistant Director Policy and Corporate giving details of the Committee's work programme for 2019 - 2020, updated since the last meeting.

Jon Ruder, Licensing, Food and Safety Manager, explained that he had started the gathering of information to formulate a report on CCTV but he was not yet able to confirm that this work would be completed to enable the matter to be reported to the Committee at its next meeting on 11 December 2019.

Members of the Committee indicated that they were willing for their consideration of the CCTV report to be postponed should this be necessary, particularly given the timing of the next meeting, immediately prior to the forthcoming General Election.

RESOLVED that the contents of the work programme and the current situation regarding the CCTV report be noted and the Food and Safety Manager be requested to notify the Committee members in due course should it be necessary to cancel the next meeting of the Committee.