

| General Licensing Committee Meeting | |
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| Meeting Date | 1 st July 2021 |
| Report Title | Review of Scrap Metal Dealers Licensing Policy |
| Cabinet Member | Councillor Richard Palmer, Cabinet Member for Community |
| SMT Lead | Nick Vickers, Chief Financial Officer |
| Head of Service | Della Fackrell, Resilience & Licensing Manager |
| Lead Officer | Christina Hills, Licensing Officer |
| Key Decision | No |
| Classification | Open |
| Recommendations | <ol style="list-style-type: none"> 1. Members to consider the draft policy for consultation and advise on any relevant amendments 2. Members to note the consultation process as outlined and to instruct officers to proceed with the same |

1 Purpose of Report and Executive Summary

- 1.1 This report provides Members with information and guidance on a new draft Scrap Metal Dealers Licensing Policy which requires Members comments and approval prior to formal public consultation.

2 Background

- 2.1 The Scrap Metal Dealers Act 2013 revised the regulatory regime for the scrap metal recycling and vehicle dismantling industries.
- 2.2 The 2013 Act repealed the Scrap Metal Dealers Act 1964 and the Vehicle Crime Act 2001, replacing them with a more robust licensing regime that gives a local authority the powers to refuse the grant of a licence where the applicant is deemed unsuitable; and the powers to revoke a licence should a licence holder become unsuitable.
- 2.3 The 2013 Act aims are to raise the standards across the scrap metal industry and to help achieve this, licensed operators have to keep detailed records of their transactions, and verify the identity of those selling scrap metal to them.
- 2.4 In addition to replacing the Scrap Metal Dealers Act 1964 and the Vehicle and Crime Act 2001, the 2013 Act revised the definition of a 'Scrap Metal Dealer' so as to take into account the modern way in which people collect and deal in scrap metal. The 2013 Act provides for two types of Scrap Metal Dealer licences. A 'Site Licence' and a 'Collector's Licence' both of which last for three years.

2.4.1 Site Licence

A site licence is applicable where the licence holder has a physical site(s) that they use to carry on their business as a scrap metal dealer. This licence allows the licence holder to accept scrap metal from any of the sites listed on the licence and to transport scrap metal to and from the sites listed on the licence.

2.4.2 Collectors Licence

A collector's licence is applicable where the licence holders business consists of collecting scrap metal, for example by going from door to door asking for scrap. This licence allows the licence holder to collect scrap metal from within the boundaries of the local authority that a person wishes to operate in.

2.5 There are currently 13 Scrap Metal Collectors and 13 Scrap Metal Sites within the borough.

3 Proposals

3.1 There is no statutory requirement for a local authority to have a formal Scrap Metal Dealers licensing policy; however, a Council can choose to adopt such a policy. This is for the benefit of business owners as well as reassuring the general public and other public bodies. It also reinforces the Regulators Code when dealing with applications by promoting effective practice, and ensuring proportionate, consistent and targeted regulator activity, whilst also developing a transparent and effective dialogue and understanding between regulators and those we regulate.

3.2 Although there is no statutory requirement to undertake a review of the policy statement it is accepted best practice to review it at regular intervals to ensure that policy remains up to date and relevant. It is generally recognised that a period of 3 years is reasonable before a policy should be reviewed. Swale first adopted a policy on 12th July 2018 and therefore it now needs to be reviewed.

3.6 As the policy is not a statutory requirement there is no need for it to be formally adopted by Council following consideration by General Licensing Committee.

3.7 The draft Scrap Metal Dealers Licensing policy is attached as **Appendix I**.

4 Alternative Options

1.1.1 The Council could choose not to have a policy on scrap metal dealers however to do so would be contrary to best practice and may lead to a lack of clarity on the application of the legislation.

4.2 The Committee could consider not consulting on the proposed policy; however this would not accord with good governance, giving interested parties an

opportunity to consider the proposed policy and make any representations where they consider that changes might be made before adoption.

5 Consultation Undertaken or Proposed

5.1 A consultation period of 6 weeks is proposed to run between 5th July 2021 and 13th August 2021. Methods of consultation will be by advertising on the Council's website and in local newspapers and where appropriate by email and post. The results of this will then be presented to the General Licensing Committee with a view to being formally adopted.

5.2. Consultees will be the following:

- Ward Councillors
- Parish and Town Councils
- Kent Police
- Kent Fire and Rescue
- Kent Trading Standards
- Child Protection Services
- Interested Parties (local residents and businesses)
- All existing licence holders

5.3 All incoming responses will be entered onto a grid for consideration. The Resilience and Licensing Manager together with licensing officers will conduct an evaluation of each response and give a recommendation as to whether or not to amend the policy statement. The grid and recommendations will be put before General Licensing Committee on 9th September 2021 for consideration and inclusion of any amendments prior to formal adoption.

6 Implications

| Issue | Implications |
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| Corporate Plan | Having an adopted Scrap Metal Dealers Licensing Policy satisfies the corporate objective of: A Council to be proud of |
| Financial, Resource and Property | There are no direct financial implications For Swale Council concerning this matter at present. However, if at any time in the future the policy was subject to legal challenge, there could be costs associated with this process. |
| Legal and Statutory | The 2013 Act introduced a comprehensive licensing regime for all scrap metal dealers. In accordance with the Act the Council must licence all scrap metal dealers. The Council must determine the |

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| | <p>suitability of applicants to hold licences. The Council also has the powers to impose conditions on licences, revoke licences and take enforcement action against unlicensed operators.</p> <p>Whilst there is no statutory requirement for the Council to have a Scrap Metal Dealers Licensing Policy it provides the framework under which Swale BC will exercise its powers and duties under the 2013 Act and ensures that fair and equitable decisions are taken by Swale Borough Council</p> |
| Crime and Disorder | It is important that Swale BC has a robust and accountable regulatory regime in relation to scrap metal in order to ensure fair trading, prevent crime and to protect consumers |
| Environmental Sustainability | None identified |
| Health and Wellbeing | No implications |
| Risk Management and Health and Safety | It is important that Swale BC has a robust and accountable regulatory regime in relation to scrap metal in order to ensure fair trading, prevent crime and to protect consumers |
| Equality and Diversity | <p>The Council has a legal obligation under section 149 of the Equality Act 2010 to have due regard to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different groups.</p> <p>When considering scrap metal applications, only issues provided for in the Scrap Metal Act 2013 and provided for in the Scrap Metal Dealers policy for Swale BC will be taken into account. This will ensure a consistent approach is adopted. Under the terms of the policy, every application will be considered on its own merits.</p> |
| Privacy and Data Protection | Normal data protection and privacy rules will apply. Under the 2013 Act the Council is obliged to provide certain information to the Environment Agency who compile and keep a public register |

7 Appendices

7.1 The following documents are to be published with this report and form part of the report:

- Appendix I: Scrap Metal Dealers Licensing Policy

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8 Background Papers

Scrap Metal Dealers Act 2013 and related Guidance