

Licensing Committee Meeting	
Meeting Date	19 th April 2018
Report Title	Draft Scrap Metal Dealers Policy
Cabinet Member	Cllr Alan Horton, Cabinet Member for Safer Families and Communities
SMT Lead	Mark Radford
Head of Service	Mark Radford
Lead Officer	Della Fackrell, Resilience and Licensing Manager
Key Decision	Yes/No
Classification	Open
Recommendations	<ol style="list-style-type: none"> 1. That Members approve the draft Scrap Metal Dealers policy as attached as Appendix I for formal consultation. 2. That Members delegate authority to the Resilience and Licensing Manager to make any changes to the draft policy if Members require amendments.

1 Purpose of Report and Executive Summary

- 1.1 This report provides Members with information and guidance on a new draft Scrap Metal Dealers 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- 2.2 The 2013 Act repealed the Scrap Metal Dealers Act 1964 and the Vehicle Crime Act 2001, replacing them with a more robust licensing regime that gives a local authority the powers to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 within whose boundary a person wishes to operate.

- 2.5 At its meeting of 7th October 2013 the General Licensing Committee of Swale BC approved a scheme of delegations and a fee structure in order to administer the Councils' responsibilities under the 2013 Act.

- 2.6 Swale BC currently has 11 scrap metal site licences and 9 scrap metal collectors licences.

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.

4 Alternative Options

- 4.1 The Council could choose not to introduce 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 It is proposed to undertake a 8 week consultation. The results of this will then be presented to the General Licensing Committee prior to formal adoption.

5.2. Consultees will be the following:

- Kent Police
- Kent Fire and Rescue
- Kent Trading Standards
- Environment Agency
- Swale BC Environmental Services
- Any relevant trade associations
- Neighbouring local authorities
- All existing licence holders

6 Implications

Issue	Implications
Corporate Plan	Making Swale a better place A Council to be proud of
Financial, Resource and Property	There are no direct financial implications for Swale Borough Council concerning this draft Policy as the consultation is being carried out by officers. 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 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. Whilst there is no statutory requirement for the Council to have a Scrap Metal 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
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	No implications

Sustainability	
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: Draft Scrap Metal Dealers Policy April 2018

8 Background Papers

Scrap Metal Dealers Act 2013 and related Guidance