

Report To: County Council

Date of Meeting: 5 November 2013

Lead Member / Officer: Councillor David Smith

Report Author: Graham Boase, Head of Planning & Public Protection
Emlyn Jones, Public Protection Manager

Title: Scrap Metal Dealers Act 2013

1. What is the report about?

- 1.1 The Government has introduced The Scrap Metal Dealers Act 2013, which repeals the Scrap Metal Dealers Act 1964 and Part 1 of Vehicles (Crime) Act 2001 and brings forward a revised regulatory regime for the scrap metal dealing and vehicle dismantling industries. This will provide the Council with a strong legislative framework desperately needed to empower the council and police forces in the fight against offenders who wilfully plunder the country of metal, whilst also strengthening and supporting legitimate scrap metal dealers

2. What is the reason for making this report?

- 2.1 To inform Members of the provisions of the Scrap Metal Dealers Act 2013 and request that they approve the suggested delegated powers for Licensing Committee to hear oral representations.

3. What are the Recommendations?

- 3.1 Where an applicant/licensee has requested the opportunity to make oral representations, the Licensing Committee be delegated the powers to determine the following:

- to grant or refuse a Scrap Metal site licence or a collector's licence
- to grant or refuse a variation to a licence
- to revoke a licence

4. Report details.

- 4.1 Metal theft has a major impact on the economy costing a reported estimate of between £220 million and £777 million a year. To address this issue the regulation of scrap metal dealers, introduced in the 1960s, has now been revised. The Government has introduced the Scrap Metal Dealers Act 2013.
- 4.2 The Scrap Metal Dealers Act 2013 received Royal Assent on 28th February 2013 and came in to force on the 1 October 2013.

- 4.3 The Act maintains Local Authorities as the principal regulator of these industries. It gives local authorities the power to better regulate these industries by providing a power to refuse to grant a licence and revoke licences if the dealer is considered “unsuitable”. Unsuitability will be based on a number of factors including any relevant criminal convictions. The Act will also provide local authorities and police officers with suitable powers of entry and inspection and to close down unauthorised sites.
- 4.4 The Act has created two different types of Scrap Metal Licence, either a “Site Licence” or a “Mobile Collectors Licence”. A Mobile Collector would have to have a licence in every Local Authority area in which they operate.
- 4.5 Under the 1964 Scrap Metal Dealers Act councils only registered anyone who notifies them that they are operating as a scrap metal dealer. Under the 2013 Act councils will be able to refuse to grant a licence where the applicant is judged not to be a suitable person to operate as a scrap metal dealer. There is guidance on assessing the suitability of applicants and this would include information such as previous relevant convictions.
- 4.6 Where the Council considers it necessary to refuse to issue a licence, to vary a licence or revoke a licence then they must give the opportunity to an applicant/licensee to make oral representations. The Local Government Association (LGA) Guidance regarding the Act recommends the Council’s Licensing Committee as the appropriate body to hear such representations. Full Council therefore is required to delegate the power to hear any requests for oral representation to Licensing Committee. As the Committee only meets quarterly there is likely to be the need to convene at short notice a Licensing Sub Committee comprising 3 Members to hear the oral representation and to make an application decision. Persons aggrieved by any decision can appeal to the Magistrate’s Court.
- 4.7 Those applications which are uncontested or where there are no questions about the suitability of the applicant can be delegated to Licensing Officers to make the decision on whether or not to grant the application.
- 4.8 For Members information, a report was presented to Cabinet on the 24th September delegating all other powers (apart from oral hearings) under the Scrap Metal Dealers Act to the Head of Planning and Public Protection, as the Act is an executive function. The powers delegated to the Head of Service includes the power to delegate responsibilities under the Act to appropriate Officers in the Public Protection Section.

5. How does the decision contribute to the Corporate Priorities?

- 5.1 The implementation of this Act will contribute to economic growth by regulating and enforcing the scrap metal industry.

6.0 What will it cost and how will it affect other services?

- 6.1 The costs will be met within existing budget, as along with additional responsibilities are addition fees for dealing with applications. The setting of the fees is delegated to the Head of Service. Fees will be set at a level that ensures recovery of costs.
- 7. **What are the main conclusions of the Equality Impact Assessment (EqIA) undertaken on the decision? The completed EqIA template should be attached as an appendix to the report.**
- 7.1 The use of the new powers will be subject to an Equality Impact Assessment during the development of procedures, prior to implementation. The Service is committed to carrying out Equality Impact Assessments for all new policies and procedures.
- 8. **What consultations have been carried out with Scrutiny and others?**
- 8.1 Consultation with Licensing Officers, Public Protection Manager and Head of Planning and Public Protection. A report has also been presented to Cabinet in October 2013 on related matters under this legislation.
- 9. **Chief Finance Officer Statement**
- 9.1 Additional costs to be covered from additional fees raised, therefore there are no further financial implications.
- 10. **What risks are there and is there anything we can do to reduce them?**
- 10.1 The Council may be open to legal challenge if a system is not in place to hear oral representations.
- 11. **Power to make the Decision**
- 11.1 Scrap Metal Dealers Act 2013.