



**Hinckley & Bosworth
Borough Council**

FORWARD TIMETABLE OF CONSULTATION AND DECISION MAKING

LICENSING COMMITTEE

25 SEPTEMBER 2019

WARDS AFFECTED: ALL WARDS

SCRAP METAL DEALERS POLICY

Report of Director

1. PURPOSE OF REPORT

1.1 To inform members of the licensing requirements of the Scrap Metal Dealers Act 2013 and to seek approval to consult on the Policy.

2. RECOMMENDATION

2.1 That the Committee give their consent for the Council to consult on the Scrap Metal Dealers Policy as set out in Appendix A to this report.

3. BACKGROUND TO THE REPORT

3.1 The Scrap Metal Dealers Act 2013 revised the regulatory regime for the scrap metal recycling and vehicle dismantling industries.

3.2 The 2013 Act repealed the Scrap Metal Dealers Act 1964 and the Vehicle Crime Act 2001, replacing them with a more robust licensing regime that gives a local authority the powers to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.

3.3 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 metals to them.

- 3.4 In order for anyone to carry on business as a scrap metal dealer they must obtain a licence. The licence will be valid for three years and trading without a licence is a criminal offence.

There are two types of licence specified in the Act:

Site licence

- 3.5 All the sites where a licensee carries on business as a scrap metal dealer have to be identified, and a site manager has to be named for each site. This licence allows the licensee to transport scrap metal to and from those sites from any local authority area.

Collector's licence

- 3.6 This allows the licensee to operate as a collector in the area of the issuing local authority. It does not allow the collector to operate in any other local authority area, so a separate licence has to be obtained from each council the collector wishes to operate in. The licence does not authorise the licensee to operate a site; to do so they will need a site licence from the relevant local authority.
- 3.7 It should be noted that a dealer can only hold one type of licence in any one local authority area. Scrap metal dealers have to decide whether they are going to operate under a site licence or collectors licence in any one area. Scrap metal dealers cannot hold both a site and mobile collector's licence from the same local authority.

Councils' responsibilities under the 2013 Act

- 3.8 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 activity, whilst developing an understanding between regulators and those we regulate.

Alternative Option

- 3.9 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. EXEMPTIONS IN ACCORDANCE WITH THE ACCESS TO INFORMATION PROCEDURE RULES

- 4.1 The report is to be taken in open session.

5. FINANCIAL IMPLICATIONS [AG]

- 5.1 None arising from this report.

6. LEGAL IMPLICATIONS [MR]

- 6.1 Set out in the report.

7. CORPORATE PLAN IMPLICATIONS

7.1 To ensure that the Authority meets its statutory obligations under the Act.

8. CONSULTATION

8.1 The report has been to SLT and they are happy for it to proceed.

It is proposed that the draft policy be sent to:

The Chief Officer of Police
The Environment Agency
All Scrap Metal Dealers within the Borough

8.2 The draft policy will be available on the Council's website and will invite comment.

8.3 Once the consultation period has been completed, any responses will be collated and the policy may be revised in the light of representations/comments made. Any revised document will then be brought back before the Licensing Committee for further consideration prior to the document being recommended to full Council for adoption.

9. RISK IMPLICATIONS

9.1 It is the Council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.

9.2 It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.

9.3 The following significant risks associated with this report / decisions were identified from this assessment:

| Management of significant (Net Red) Risks | | |
|---|---|-------------|
| Risk Description | Mitigating actions | Owner |
| Reputation, Legal, Regulatory | The Council has implemented the Act, Officers are trained and we follow the Home Office Guidance. | Mark Brymer |

10. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

10.1 An equality impact assessment has not been conducted as this is primary legislation and applies nationally and there are no implications locally as enforcement work in respect of scrap metal will be carried out consistently on the basis of risk for all premises across the whole Borough.

11. CORPORATE IMPLICATIONS

11.1 By submitting this report, the report author has taken the following into account:

- Community Safety implications
- Environmental implications
- ICT implications
- Asset Management implications
- Procurement implications
- Human Resources implications
- Planning implications
- Data Protection implications
- Voluntary Sector

Background papers: Scrap Metal Dealers Act 2013,
Get in on the Act – LGA Briefing
Home Office Guidance
Home Office Suitability Guidance

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