

LICENSING COMMITTEE

13th June 2016

DRAFT SCRAP METAL LICENSING POLICY AND GUIDELINES

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| Relevant Portfolio Holder | Councillor Rod Laight |
| Portfolio Holder Consulted | No |
| Relevant Head of Service | Simon Wilkes – Head of Worcestershire Regulatory Services |
| Wards Affected | All Wards |
| Ward Councillor Consulted | N/A |
| Non-Key Decision | |

1. SUMMARY OF PROPOSALS

Bromsgrove District Council is responsible for issuing site and collector licences under the Scrap Metal Dealers Act 2013. This report presents a draft policy and guidelines for the licensing of scrap metal sites and collectors in the District.

2. RECOMMENDATIONS

Members are asked to RESOLVE;

To approve the draft policy and guidelines for the purpose of consultation with relevant parties.

3. KEY ISSUES

Financial Implications

- 3.1 The costs involved in carrying out the consultation will be met by existing budgets held by Worcestershire Regulatory Services.

Legal Implications

- 3.2 The Council is under no legal obligation to have a policy in place. However, this policy will assist the Council in achieving consistency, fairness and transparency in its decision making process.
- 3.3 Application of the policy in the decision making process will enable the Council to minimise successful legal challenges and appeals. Officers and the Committee should have regard to all the circumstances of a particular case and would be entitled to have due regard to this policy.

Service / Operational Implications

- 3.4 The Scrap Metal Dealers Act 2013 (the Act) was introduced to replace the previous regulatory scheme for scrap metal dealers and for vehicle dismantlers. It requires anyone who deals in scrap metal to obtain and display a relevant licence and gives the police and local authorities more powers of entry and inspection as well as allowing a more thorough application process where licences can be refused and subsequently revoked if dealers are deemed 'unsuitable'.
- 3.5 The Committee has previously received reports to brief them on the provisions of the Act, which came into force on 1st October 2013, with full enforcement powers coming into effect on 1st December 2013. The Council has agreed the fees to be charged and the delegation of functions relating to the licensing processes under the Act.
- 3.6 A draft policy has now been produced which aims to give clear guidance as to how the Council will administer and enforce the requirements of the Act. The policy has been prepared in accordance with the Act and the regulations that govern it.
- 3.7 A copy of the draft policy is attached as **Appendix 1**.
- 3.8 The provision of a policy and guidelines aims to provide residents, applicants and other agencies with a benchmark of the licensing authority's expectations and will assist them in understanding statutory requirements. This document will also assist people to submit complete and accurate applications thereby reducing unnecessary work and delays.
- 3.9 It is intended to ask each of the six district Councils in Worcestershire to adopt a similar policy to improve consistency of practise and decision making across the County.
- 3.10 It is proposed that the draft policy and guidelines be subject to consultation with relevant parties. The results of the consultation would then be brought back to the Committee for consideration before the draft policy and guidelines are finalised and approved.
- 3.11 In addition to consulting with residents and scrap metal dealers, the following stakeholders will be consulted:
- West Mercia Police
 - The Environment Agency
 - Environmental Health (WRS)
 - Trading Standards

- British Transport Police
- Relevant Trade Associations
- The Council's Development Control Team
- Parish Councils in the District
- Hereford and Worcester Fire and Rescue Service

4. RISK MANAGEMENT

- 4.1 Application of the policy will provide clarity when determining applications and reduces the risk of challenge and appeal. Consultation with relevant stakeholders will minimise the risk of challenge.

5. APPENDICES

Appendix 1 – Draft Policy and Guidelines

AUTHOR OF REPORT

Name: Dave Etheridge – Senior Practitioner (Licensing)
Worcestershire Regulatory Services
E Mail: dave.etheridge@worcsregservices.gov.uk
Tel: (01905) 822799