
SCRAP METAL LICENSING POLICY AND GUIDELINES

Relevant Portfolio Holder	Councillor R Smith
Portfolio Holder Consulted	Yes
Relevant Head of Service	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 the responses received during the consultation on a draft policy and guidelines for the licensing of scrap metal sites and collectors in the District and asks Members to approve the finalised policy and guidelines.

2. RECOMMENDATIONS

Members are asked to note the consultation responses and RESOLVE to approve the finalised policy and guidelines at Appendix 2.

3. KEY ISSUES

Financial Implications

- 3.1 The costs involved in carrying out the consultation were 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 was then produced which aims to give clear guidance as to how the Council will administer and enforce the requirements of the Act. The draft policy was prepared in accordance with the Act and the regulations that govern it.
- 3.7 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.
- 3.8 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.
- 3.9 Members approved the draft policy for the purpose of consultation at the Licensing Committee meeting on 13 June 2016.
- 3.10 Consultation subsequently took place with relevant partners and representatives of the metal recycling industry. Consultation took place electronically and approximately eleven weeks was provided for people to provide their feedback on the draft policy.
- 3.11 Only one response was received during the consultation. The response was received from Robin Edwards a Director of Obis Consultancy, who was part of the team that drafted the guidance on the Scrap Metal Dealers Act 2013, when the Act was first being implemented.
- 3.12 Mr Edwards could see no issues with the document and wished to commend the Council for reinforcing the importance of the Act to the recycling industry through the draft policy. Mr Edward's response can be seen in full at **Appendix 1**.

- 3.13 As there were no adverse comments in relation to the draft policy, Members are now asked to approve this as the finalised document as shown at **Appendix 2**.

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 – Consultation Response
Appendix 2 – Finalised Policy and Guidelines

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