

Gloucester City Council

Meeting:	Licensing and Enforcement Committee	Date:	11th March 2014
Subject:	Draft Statement of Licensing Policy and Guidelines for Scrap Metal		
Report Of:	Gill Ragon – Head of Public Protection		
Wards Affected:	All		
Key Decision:	No	Budget/Policy Framework:	No
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Appendices:	Appendix 1 - Draft Statement of Licensing Policy and Guidelines for Scrap Metal (containing sub-appendices A and B)		

FOR GENERAL RELEASE

1.0 Purpose of Report

- 1.1 To present a draft statement of licensing policy and guidelines for scrap metal and approve the proposed document for consultation.

2.0 Recommendations

- 2.1 Licensing and Enforcement Committee is asked to **RESOLVE** that the draft statement of licensing policy and guidelines for scrap metal is approved for a period of 12 weeks consultation.

3.0 Background and Key Issues

- 3.1 The Scrap Metal Dealers Act 2013 (the Act) has been 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 licenses can be refused and subsequently revoked if dealers are deemed 'unsuitable'.
- 3.2 On 10th December 2013 the Licensing & Enforcement Committee was briefed on the provisions of the Act, which came into force on 1st October 2013, with full enforcement powers coming into force on 1st December 2013, and agreed the fees and the delegation of functions relating to the licensing processes under the Act.
- 3.3 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.
- 3.4 The policy has been prepared in accordance with the Act and the regulations that govern it.

3.5 A copy of the draft policy is attached as Appendix 1

4.0 Alternative Options Considered

4.1 The draft policy statement will be consulted upon and alternative options will be considered as part of this process. This policy will not take effect until after the 12 week consultation period and all feedback has been considered by the Licensing and Enforcement Committee for final approval and adoption.

4.2 Members may also request further amendments to be made to the draft policy which they consider suitable and approve it for consultation as amended.

5.0 Reasons for Recommendations

5.1 The provision of a policy and guidance provides 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 alleviating unnecessary work and delay.

5.2 It is proposed that this draft policy statement will be consulted upon for a period of 12 weeks. A period of 12 weeks to consult is considered appropriate in line with the BIS code of practice on consultations 2008. It states '*Consultations should normally last for at least 12 weeks with consideration give to longer timescales where feasible and sensible*'. This is certainly sensible for new policies, policies of a contentious nature or where a large number of stakeholders need to be consulted. However, a shorter period is allowed where the authority can rationalise this.

6.0 Future Work and Conclusions

6.1 Results of the consultation will then be presented back to the Licensing & Enforcement Committee to approve as a final version.

6.2 In addition to consulting with residents and scrap metal dealers, the following stakeholders will be consulted:

- Gloucestershire Constabulary
- The Environment Agency
- The Council's Environmental Protection Team
- Gloucestershire Trading Standards
- British Transport Police
- Existing Licence Holders
- Relevant Trade Associations
- The Council's Development Control Team
- Quedgeley Parish Council
- Gloucestershire Fire & Rescue

- 6.3 There is nothing to prevent a Licensing Authority from consulting more widely than with the list above. To this end the licensing authority will seek to identify and consult with other organisations and individuals who may be affected or have an interest in this policy.
- 6.4 It is intended to review this policy on a regular basis. The next review of the Policy is scheduled for 2019, however it may be amended prior to this, depending on changes to the legislative framework, national guidance or changes to internal procedures/processes.
- 6.5 The Scrap Metal Dealers Act 2013 introduces a licensing process for all dealers which will be administered by the Council's Licensing Team. The draft policy has been produced which sets out the procedures and principles that the Council will apply when making decisions regarding the application of the Act.
- 6.6 Members are asked to consider and approve the policy as drafted, subject to any amendments they consider appropriate.

7.0 Financial Implications

- 7.1 There are no direct financial implications associated with this report.

(Financial Services have been consulted in the preparation this report.)

8.0 Legal Implications

- 8.1 Under the Scrap Metal Dealers Act 1964 scrap metal dealers were required to register with the Council. There was no fee associated with this registration and the Council was not able to refuse such a registration. As this is a new licensing regime it is not know at this stage how much of a risk of legal challenge the licensing will represent.
- 8.2 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. Application of the policy in the decision making process will enable the Council to minimise successful legal challenges and appeals. Licensing 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.

(Legal Services have been consulted in the preparation this report.)

9.0 Risk & Opportunity Management Implications

- 9.1 Application of the policy will provide clarity when determining applications and reduces the risk of challenge and appeal.
- 9.2 Consultation with relevant stakeholders will minimise the risk of challenge.
- 9.3 This policy will create an opportunity to develop close partnerships with the Police and Environment Agency to tackle environmental crime and metal theft.

10.0 People Impact Assessment (PIA):

- 10.1 The Screening stage considered risks to customers in the areas of gender, disability, age, ethnicity, sexual orientation and community cohesion.
- 10.2 The PIA Screening Stage was completed and did not identify any potential or actual negative impact. The need to carry out a full PIA will be assessed once representations have been considered following the consultation process.

11.0 Other Corporate Implications

Community Safety

- 11.1 Licensing Scrap Metal Dealers in accordance with the Act will ensure only genuine sites and collectors can obtain a licence and legally operate in scrap metal, enhancing public safety and the prevention of metal theft. The guidelines relating to the relevance of convictions are intended to protect all sectors of the community.

Sustainability

- 11.2 Relevant stakeholders will be consulted on applications, the aim being to encourage intelligence sharing and joint working to eliminate theft and its impact on the environment by illegal and rogue traders.

Staffing & Trade Union

- 11.3 The impact on human resources will be minimal.

Background Documents: Scrap Metal Dealers Act 2013
Home Office – Scrap Metal Dealers Act 2013 -
Supplementary Guidance
LGA Guide to the Scrap Metal Dealers Act 2013
Scrap Metal Dealers Act 2013 Associated Regulations