



CABINET

15 August 2013

A meeting of the CABINET will be held on Thursday, 22nd August, 2013, 6.00 pm in Committee Room 1 Marmion House, Lichfield Street, Tamworth

A G E N D A

NON CONFIDENTIAL

1 Apologies for Absence

2 Corporate Update

Title: District Deals Plan

Presenter: Matthew Ellis (Police and Crime Commissioner) and Glynn Dixon (Chief of Staff)

3 Minutes of the Previous Meeting (Pages 1 - 2)

4 Declarations of Interest

To receive any declarations of Members' interests (pecuniary and non-pecuniary) in any matters which are to be considered at this meeting.

When Members are declaring a pecuniary or non-pecuniary interest in respect of which they have dispensation, they should specify the nature of such interest. Members should leave the room if they have a pecuniary or non-pecuniary interest in respect of which they do not have a dispensation.

5 Matters Referred to the Cabinet in Accordance with the Overview and Scrutiny Procedure Rules

None

6 Write Offs 01/04/2013 – 30/06/2013 (Pages 3 - 8)

(Report of the Portfolio Holder for Operations and Assets)

7 Local Enterprise Partnership Governance Arrangements (Pages 9 - 22)
(Report of the Portfolio Holder for Economy and Education)

8 Scrap Metal Dealers Act 2013 (Pages 23 - 58)
(Report of the Portfolio Holder for Environment and Waste Management)

Restricted

NOT FOR PUBLICATION because the report could involve the disclosure of exempt information as defined in Paragraphs 3 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended)

9 'Planning for a Sustainable Future' (Meeting the Challenges to our MTFS)
(Pages 59 - 112)
(Report of the Leader of the Council and the Chief Executive)

Yours faithfully



Chief Executive

People who have a disability and who would like to attend the meeting should contact Democratic Services on 01827 709264 or e-mail committees@tamworth.gov.uk preferably 24 hours prior to the meeting. We can then endeavour to ensure that any particular requirements you may have are catered for.

To Councillors: D Cook, R Pritchard, S Claymore, S Doyle, M Greatorex and J Oates



MINUTES OF A MEETING OF THE CABINET HELD ON 1st AUGUST 2013

PRESENT: Councillor D Cook (Chair), Councillors R Pritchard, S Claymore, M Greatorex and J Oates

The following officers were present: Nicki Burton (Director - Technology and Corporate Programmes), Anica Goodwin (Director - Transformation/Corporate Performance), Neil Mason (Head of Community Leisure) and Charlotte Green (Project Manager)

25 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor S Doyle.

26 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 20 June 2013 were approved and signed as a correct record.

(Moved by Councillor R Pritchard and seconded by Councillor S Claymore)

27 DECLARATIONS OF INTEREST

There were no Declarations of Interest.

28 MATTERS REFERRED TO THE CABINET IN ACCORDANCE WITH THE OVERVIEW AND SCRUTINY PROCEDURE RULES

None.

29 ANNUAL REPORT ON THE TREASURY MANAGEMENT SERVICE AND ACTUAL PRUDENTIAL INDICATORS 2012/13

The Report of the Portfolio Holder for Operations and Assets seeking approval for the Annual Report on the Treasury Management Service and Actual Prudential Indicators 2012/13 was considered.

RESOLVED: That:
1 The Actual 2012/13 Prudential Indicators within the report

- and shown at appendix 1 be approved, and;
- 2 The Treasury Management stewardship report for 2012/13 be accepted.
(Moved by Councillor R Pritchard and seconded by Councillor S Claymore)

30 AGILE WORKING

The Report of the Portfolio Holder for Operations and Assets updating Cabinet on progress relating to the Agile Working Project and advising Members of the next stages of implementation was considered.

- RESOLVED:** That:
- 1 The implementation plan for Option 3 'Full Agile Working' be endorsed, and;
 - 2 The Capital and Revenue spend as outlined in the report (appendix 3) be approved, and;
 - 3 The release of funds from the Building Repair retained fund (£160k) and of £50k from the HRA Capital Contingency budget (see appendix 3) be approved, and;
 - 4 The Director of Assets and Environment be authorised to award the contract for floor refurbishment and the Director of Technology and Corporate Change be authorised to award the contracts for infrastructure and telephony in consultation with the Portfolio Holder for Operations and Assets.
(Moved by Councillor R Pritchard and seconded by Councillor D Cook)

31 GRANTS TO VOLUNTARY ORGANISATIONS 2012/13

The Report of the Portfolio Holder for Operations and Assets informing Members of the Small Grants, Arts Grants and Sport Grants awards made during 2012/13 was considered.

- RESOLVED:** That the outturn of the Cabinet (Grants) Sub-Committee be endorsed.

(Moved by Councillor R Pritchard and seconded by Councillor S Claymore)

Leader

22 August 2013

REPORT OF THE PORTFOLIO HOLDER FOR OPERATIONS & ASSETS**WRITE OFFS 01/04/2013 – 30/6/2013****EXEMPT INFORMATION**

None

PURPOSE

To provide members with details of write offs from 01 April 2013 to 30 June 2013.

RECOMMENDATIONS

That members endorse the amount of debt written off.

EXECUTIVE SUMMARY

The Heads of Service are responsible for the regular review of debts and consider the need for write off and authorise where necessary appropriate write offs in line with the Corporate Credit Policy. This report shows the position for the current financial year. Further updates will continue to be produced on a quarterly basis.

| Type | 01/04/13-30/06/13 |
|------------------------------|--------------------------|
| Council Tax | £695.47 |
| Business Rates | £158,789.74 |
| Sundry Income | £54,038.97 |
| Housing Benefit Overpayments | £16,278.54 |

In light of the implementation of Business Rates Retention arrangements with effect from 01 April 2013 a revised approach to the calculation of Business Rates bad debt has been developed which involves a review of all of the outstanding debts to ascertain whether they are likely to be collectable. This has then been used to determine the balance to apply the usual aged debtor percentage.

RESOURCE IMPLICATIONS

There are no new financial implications arising from this report. As the write offs detailed have already been approved in line with the Corporate Credit Policy/Financial regulations and have been reported to members where appropriate.

LEGAL/RISK IMPLICATIONS BACKGROUND

Not applicable

SUSTAINABILITY IMPLICATIONS

Not applicable

BACKGROUND INFORMATION

This forms part of the Council's Corporate Credit Policy and effective management of debt.

The Council is committed to ensuring that debt write offs are kept to a minimum by taking all reasonable steps to collect monies due. There will be situations where the debt recovery process fails to recover some or all of the debt and will need to be considered for write off in accordance with the schemes of delegation prescribed in the Corporate Credit Policy.

The Council views such cases very much as exceptions. Before writing off debt, the Council will satisfy itself that all reasonable steps have been taken to collect it and that no further recovery action is possible or practicable. It will take into account the age, size and types of debt together with any factors that it feels are relevant to the individual case.

Debt Write Off

Authorisations are needed to write off debt:

| | |
|---|----------------------------------|
| Authority Chief Officer (or authorised delegated officer) | Account Value up to £5,000 |
| Executive Director Corporate Services Cabinet | £5,001 - £10,000 over £10,000 |

These limits apply to each transaction

Bad Debt Provision

The level of the provision must be reviewed jointly by the unit and Accountancy on at least a quarterly basis as part of the management performance review, and the table below gives the mandatory calculation.

Where the debt is less than 6 months old it will be written back to the service unit.

| Debt Outstanding | Provision (net of VAT) |
|------------------------------|------------------------|
| Between 6 and 12 months old | 50% |
| Between 12 and 24 months old | 75% |
| Over 24 months old | 100% |

The financial effects of providing for Bad Debts will be reflected in the Council's accounts at Service Unit level.

REPORT AUTHOR

Michael Buckland, Head of Revenues, Tel 709523
e-mail michael-buckland@tamworth.gov.uk

LIST OF BACKGROUND PAPERS

Corporate Credit Policy - effective management of debt

APPENDICES

Appendices A to D give details of write offs completed for Revenues and Benefits Services for 01 April 2013 to 30 June 2013.

Appendix D- Housing Benefit Overpayments

| Summary of Benefit Overpayment Write Offs 01/04/2013-30/06/2013 | | | | | | | | | |
|---|------------------|------------------|---|--------------------|--|----------------------------------|-------------------|--------------------|-----------------------------------|
| Date of Write Off | (£0.00-£75.00) | (£75.01-£500.00) | Head of Benefits (£500.01-£1,000.00) | (£1,000.01-£2,000) | Executive Director Corporate Services (£2,000.01-£10,000.00) | Cabinet (£10,000.01 and Over) | Total | No. of Accounts | Reason(s) |
| 30/04/2013 | £74.87 | £283.47 | | | | | £358.34 | 3 | less than 2 wks rent due to death |
| " | £62.64 | £274.71 | | | | | £337.35 | 3 | not financially viable |
| " | £46.90 | | | | | | £46.90 | 1 | bankruptcy |
| " | £26.05 | | | | | | £26.05 | 1 | <£35.00 o/s |
| " | £44.64 | | | | | | £44.64 | 25 | uneconomical to pursue |
| " | £110.00 | | | | | | £110.00 | 3 | court costs |
| " | £53.10 | £649.79 | £640.41 | £2,251.81 | | | £3,595.11 | 9 | Department (LA) error |
| 31/05/2013 | £40.00 | | | | | | £40.00 | 1 | court costs |
| " | £18.67 | | | | | | £18.67 | 1 | less than 2 wks rent due to death |
| " | £24.78 | £454.59 | £3,573.34 | | £3,578.21 | | £7,630.92 | 8 | absconded debtor |
| " | £56.56 | | | | | | £56.56 | 2 | <£35.00 o/s |
| " | £419.07 | £676.08 | | | | | £1,095.15 | 10 | not financially viable |
| " | £37.25 | £739.04 | | | | | £739.04 | 4 | deceased |
| " | £59.90 | £616.21 | | | | | £37.25 | 14 | not financially viable |
| " | | | | | | | £676.11 | 7 | LA error |
| 30/06/2013 | £73.76 | | | | | | £73.76 | 4 | <£35.00 o/s |
| " | £100.66 | | | | | | £100.66 | 47 | uneconomical to pursue |
| " | | £187.05 | | | | | £187.05 | 1 | absconded debtor |
| " | £81.12 | £914.02 | | | | | £914.02 | 9 | less than 2 wks rent due to death |
| " | | £109.84 | | | | | £190.96 | 4 | Department (LA) error |
| Q1 Totals | £1,329.97 | £4,904.80 | £4,213.75 | £2,251.81 | £3,578.21 | £0.00 | £16,276.54 | 157 | |

22nd August 2013**REPORT OF THE PORTFOLIO HOLDER FOR ECONOMY AND EDUCATION****The Creation of a Greater Birmingham and Solihull Local Enterprise Partnership
Supervisory Board and Scrutiny Arrangements****EXEMPT INFORMATION**

None

PURPOSE

To inform the Cabinet of the Greater Birmingham and Solihull Local Enterprise Partnership (GBSLEP) proposed Governance arrangements in relation to the management of the Single Local Growth Fund.

RECOMMENDATIONS

That Cabinet agree:-

1) to the establishment of a Joint Committee in accordance with Article 12 of the Constitution, the Localism Act 2011, and the Local Government Acts 1972 and 2000 for the purposes of acting as a Supervisory Board for the GBSLEP for decisions on any funds devolved from government as part of a Single Local Growth Fund;

2) that the GBSLEP draft constitution, terms of reference and scrutiny arrangements as detailed in the documents attached in the Appendices be referred to Council for approval in accordance with the Constitution and Article 11 thereof ;

3) that the Solicitor to the Council and Monitoring Officer be authorised to make any amendments to the relevant documents and finalise the detail for the GBSLEP Constitution, terms of reference and scrutiny arrangements as the proposals are developed between the LEP and local authority members of the Joint Committee;

4) to delegate to the Leader and in his absence the Portfolio Holder for Economy and Education the membership position on the GBSLEP as contained in the Terms of Reference with full voting rights on all Supervisory Board matters.

EXECUTIVE SUMMARY

In October 2012 Lord Heseltine published his Independent report with recommendations on how to increase UK growth. Lord Heseltine was concerned that the variety of funding streams impacted on the ability to deliver growth. He recommended:

“Recommendation 1: Central government should identify the budgets administered by different departments which support growth. These should be brought together into a single funding pot for local areas, without internal ring fences.”

In its report, ‘The Greater Birmingham Project: the Path to Local Growth’, the Greater Birmingham and Solihull Local Enterprise partnership (GBSLEP) committed to forming a Supervisory Board comprised of the nine elected local authority leaders, if a substantial Single Pot of funding was created. The report stated that the Supervisory Board would:

- Provide clear political accountability for the management of the Single Pot.
- Operate a cabinet style of accountability and will be a formal governance structure between a Joint Committee and a Combined Authority.
- Empower the LEP Board through formal decision making and a scheme of delegated authority.

In the Government’s response to Lord Heseltine’s ‘No Stone Unturned’ it states that the strength of governance arrangements in place, including decision-making structures for local authorities and for joint LEP and local authority decision-making on spend will be a key criteria in the negotiations around accessing the Single Local Growth Fund.

The report stipulates that: “Local authorities will manage and account for the localised funding through binding and long-lived decision-making structures such as joint leaders committee as a minimum, or combined authority (preferable), or other similar arrangement”.

There is therefore a clear expectation that robust governance arrangements will be in place for each LEP, regardless of the scale of the Single Pot.

Work has been undertaken by GBSLEP over the past few months to develop proposals for the Supervisory Board. Various options were discussed by GBSLEP Leaders on the 13th June. The draft Constitution attached at Appendix 1 reflects the outcome of this discussion.

The proposal is to establish the Supervisory Board as a Joint Committee with each Council delegating functions to it.

Terms of reference have been drafted and are in Appendix B. A paper detailing the Draft Scrutiny arrangements is in Appendix C.

Once each local authority has the appropriate approvals, the LEP Board’s Articles of Association should be reviewed and amended as necessary to reflect the new governance model. It is intended that the Supervisory Board should be in operation by end of September 2013.

RESOURCE IMPLICATIONS

None identified at this stage

LEGAL/RISK IMPLICATIONS BACKGROUND

The Legal implications are detailed in the report. There are no identified risk implications at this stage.

SUSTAINABILITY IMPLICATIONS

None identified

BACKGROUND INFORMATION

None

REPORT AUTHOR

Matthew Bowers, Head of Planning and Regeneration x276

LIST OF BACKGROUND PAPERS**APPENDICES**

A – Draft constitution

B – Terms of reference

C – Scrutiny arrangements

This page is intentionally left blank

Appendix 1

Supervisory Board: Draft Constitution**1 Governance**

The Supervisory Board will act as a Joint Committee under ss 101, 102 Local Government Act 1972 and s 20 Local Government Act 2000 and pursuant to the Local Authorities (Arrangement for the Discharge of Functions) (England) Regulations 2012

Political Proportionality rules will not apply to the Supervisory Board as so constituted.

1.1 Access to Meetings

Normal rules apply as to public access i.e. as a Joint Committee the public has access except for exempt business.

1.2 Approvals Process

Cabinet authority at each constituent authority will be required to authorise and delegate functions to the Joint Committee. Local Authorities may also need to take it through Full Council depending on their Constitution.

1.3 Host Authority

The Supervisory Board will be hosted under local government arrangements by Birmingham City Council and the Chief Executive or nominated Strategic Director of Birmingham City Council shall be Secretary to the Supervisory Board. Birmingham City Council Standing Orders will apply to the Supervisory Board. The Host Authority will also provide s151 and Monitoring Officer roles to the Joint Committee.

2 Objects of Supervisory Board

- 2.1 To provide effective decision making and clear political accountability for management of the Single Local Growth Fund and other significant funding streams that cover the full GBS LEP geography as agreed with the LEP Board;
- 2.2 To empower the GBSLEP Board;
- 2.3 To co-ordinate and liaise with GBS Local Transport Board; and
- 2.4 To consider any further measures necessary to strengthen the GBSLEP Board.

3 Membership

- 3.1 One member from each constituent authority. Such member to be the Leader (or other appointed member) from each constituent authority (voting).
- 3.2 The Chair of GBSLEP (non-voting).
- 3.3 Each Supervisory Board member should identify an alternate.

4 Voting

- 4.1 One member one vote for local authority members.

4.2 Normal rules as to declarations of interest to be applied in accordance with the law and regulations governing pecuniary interests and Birmingham City Council Code of Conduct. The Chair has the right to decide whether observers declaring an interest can observe the meeting or should be asked to leave.

4.3 No ability to vote for private sector members. Under current legislation private sector members are not allowed to vote on such a Joint Committee.

5 Quorum

5.1 Four members present (one from Birmingham City Council, one from Solihull MBC, one District from Staffordshire and one District from Worcestershire).

6 Meetings

6.1 The Chair of the Meeting will be [*elected at the first meeting*]. Terms of Reference and Standing Orders will provide for an appropriate substitute in the event of unavailability.

6.2 The Supervisory Board will normally meet on the same day and immediately following the GBSLEP Board meeting, but meetings can be called at other times as needed.

7 Scrutiny

7.1 Local Authorities are required under s21 Local Government Act 2000 to ensure that their overview and scrutiny committees have power to “review or scrutinise decisions made by the executive”. As Districts are delegating their executive decision making a Joint Scrutiny Committee will be appointed to oversee the decisions of the Supervisory Board. Its membership will be drawn from the nine local authorities and its focus will be on Call-In of decisions.

Supervisory Board: Draft Terms of Reference

1. Governance

- 1.1 The Supervisory Board acts as a Joint Committee under ss 101, 102 Local Government Act 1972 and s 20 Local Government Act 2000 and pursuant to the Local Authorities (Arrangement for the Discharge of Functions) (England) Regulations 2012
- 1.2 Political Proportionality rules will not apply to the Supervisory Board as so constituted.

2. Host Authority

- 2.1 The Supervisory Board will be hosted under local government arrangements by Birmingham City Council and the Chief Executive or nominated Strategic Director of Birmingham City Council shall be Secretary to the Supervisory Board. The Host Authority will also provide s151 and Monitoring Officer roles to the Joint Committee.

3. Objects of Supervisory Board

- 3.1. To provide effective decision making and clear political accountability for management of the Single Local Growth Fund and other significant funding streams that cover the full GBS LEP geography as agreed with the LEP Board;
- 3.2. To empower the GBSLEP Board;
- 3.3 To oversee and review the activities of the GBSLEP Board;
- 3.4. To co-ordinate and liaise with GBS Local Transport Board; and
- 3.5 To consider any further measures necessary to strengthen the GBSLEP Board.

4. Membership

- 4.1. One member from each constituent authority. Such member to be the Leader (or other appointed member) from each constituent authority (voting).
- 4.2. The Chair of GBSLEP (non-voting).
- 4.3 Each Supervisory Board member to identify an alternate.

5. Voting

- 5.1. One member one vote for local authority members.
- 5.2. Normal rules as to declarations of interest to be applied in accordance with the law and regulations governing pecuniary interests and Birmingham City Council Code of Conduct. The Chair has the right to decide whether observers declaring an interest can observe the meeting or should be asked to leave.

- 5.3. No ability to vote for private sector members.
- 5.4. In the event of any voting member of the Committee ceasing to be a member of the Council which appointed him/her, the Council shall forthwith appoint another voting member in his/her place.
- 5.5. Except as otherwise provided by the Local Government Acts 1972 and 1985, all questions shall be decided by a majority of the votes of the voting members present, the Chair having the casting vote in addition to his/her vote as a Member of the Committee.

6 Quorum

- 6.1. Four members present (one from Birmingham City Council, one from Solihull MBC, one District from Staffordshire and one District from Worcestershire).

7 Meetings

- 7.1. The Chair of the Meeting will be elected at the first meeting and then each Annual Meeting of the Supervisory Board (usually on the same day as the LEP's AGM) and if the Chair is not present at any meeting within 10 minutes of the start of the meeting then those present will elect a Chair to act for that meeting.
- 7.2. Only a voting member is entitled to be elected as Chair or Vice-Chair of the Committee.
- 7.3. Each person entitled to attend will send an alternate as per para 4.3 in the event of his or her unavailability. The Secretary for the Supervisory Board shall be informed prior to the commencement of the meeting of any alternate members attending.
- 7.4. The Supervisory Board will normally meet on the same day and immediately following the GBSLEP Board meeting, but meetings can be called at other times as needed. A meeting of the Supervisory Board must be convened by the Chair within 28 days of the receipt of a requisition of any two voting members of the Supervisory Board addressed to the Secretary to the Supervisory Board. All requisitions shall be in writing and no business other than that specified in the requisition shall be transacted at such a meeting.

8 Standing Orders

- 8.1. Standing Orders for the Supervisory Board shall be the Standing Orders from time to time of Birmingham City Council

9 Administration

- 9.1 (i) The Secretary shall keep proper accounts of the money received and expended by the Supervisory Board.
- 9.1 (ii) The Secretary shall apportion the expenses of the Supervisory Board between the Councils in proportion to the population of each Council in the Greater Birmingham and Solihull Local Enterprise Partnership area.

- 9.2 This Terms of Reference and, subject as hereinafter mentioned, the functions of the Supervisory Board may be amended at any time by the unanimous agreement of the voting members of the Supervisory Board.

This page is intentionally left blank



GBSLEP Supervisory Board Scrutiny Paper

Background

The Proposal for a Joint Scrutiny Committee was agreed by GBSLEP Leaders on 13th June 2013 and by the LEP Board on 26th June 2013. This paper sets out a draft proposal for this Committee for discussion.

Implementation

The agreed action will need to be implemented through Cabinet and Full Council of each Council. Functions will need to be delegated to the GBSLEP Joint Scrutiny Committee to be effective.

1. Governance

The Joint Scrutiny Committee will act as a Joint Committee under ss 101, 102 Local Government Act 1972 and s 21 Local Government Act 2000.

1.2 Access to Meetings

Normal rules apply as to public access i.e. as a Joint Committee the public has access except for exempt business.

1.3 Approvals Process

Cabinet and in some cases Full Council authority at each constituent authority will be required to authorise and delegate functions to the Joint Scrutiny Committee.

1.4 Host Authority

1.4.1 The Joint Scrutiny Committee will be hosted under local government arrangements by (Council*) and the Chief Executive of (Council) shall be Secretary to the Joint Scrutiny Committee.

** Given that Birmingham CC is hosting the Supervisory Board, Chief Executives have suggested that another authority should host the Joint Scrutiny Committee. Solihull MBC is exploring this option.*

1.4.2 (Council) Standing Orders will apply to the Joint Scrutiny Committee.

1.4.3 The Host Authority will also provide s151 and Monitoring Officer roles to the Joint Scrutiny Committee.

2. Objects of Joint Scrutiny Committee

2.1 To review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the Supervisory Board which are as follows:

- To provide effective decision making and clear political accountability for management of the Single Local Growth Fund and other significant funding streams that cover the full GBS LEP geography as agreed with the LEP Board;
 - To empower the GBSLEP Board;
 - To oversee and review the activities of the GBSLEP Board;
 - To co-ordinate and liaise with GBS Local Transport Board; and
 - To consider any further measures necessary to strengthen the GBSLEP Board.
- 2.2 To make reports or recommendations to the Supervisory Board with respect to the discharge of any functions which are the responsibility of the Supervisory Board

[Please note the above objectives are statutorily defined]

3. Membership

3.1 24 Members in total comprising (based on population):-

- 8 from Birmingham City Council
- 4 from Solihull Metropolitan Borough Council
- 1 each from the 7 Shire Districts in the GBSLEP area
- 3 additional members to be chosen by the South Staffordshire Shire Districts in the GBSLEP area
- 2 additional members to be chosen by the North Worcestershire Shire Districts in the GBSLEP area

[The objective is to achieve political balance for the committee. As such:

- *Birmingham and Solihull's members should be chosen in proportion to the make-up of their councils;*
- *the first member from each of the seven shire districts should be from the ruling party of that particular council;*
- *the three additional members from the South Staffs Districts should be chosen collectively by the four councils to represent the political proportionality of the districts as a whole;*
- *likewise the same approach should be taken for the two additional North Worcs members].*

3.2 There is an ability to co-opt members on to the Joint Scrutiny Committee.

4. Voting

- 4.1 1 member 1 vote for local authority members
- 4.2 No ability to vote for private sector members
- 4.3 Conflicts of Interest will be dealt with in accordance with the Members Code of Conduct of the Host authority

5 Quorum

11 members present (4 from Birmingham City Council, 2 from Solihull MBC, 3 from South Staffordshire Districts and 2 from North Worcestershire Districts).

6 Meetings

6.1 The Chair of the Meeting will be []. Terms of Reference and Standing Orders will provide for an appropriate substitute in the event of unavailability.

6.2 Meetings to take place when there is a possible call-in*.

**Leaders wanted to have a 'light-touch Scrutiny arrangement. The other options for meetings would be a) to meet X monthly independent of GBSLEP or b) to meet on the same day and immediately following the Supervisory Board meeting.*

6.3 Members of the Committee will be invited to the LEP's Annual General Meeting.

This page is intentionally left blank

CABINET

22 AUGUST 2013

Report of the Portfolio Holder for Environment and Waste Management

SCRAP METAL DEALERS ACT 2013

Recommendations

1. That Cabinet authorise the Portfolio Holder for Environment and Waste Management in conjunction with the Director of Assets & Environment to take adequate measures to enable the Scrap Metal Dealers act 2013 be implemented by the due date envisaging adequate government guidance on the interpretation of the new legislation is released, to enable a formal policy be considered by full Council.
2. That a formal policy is presented to Cabinet in due course.

Purpose

To inform Cabinet of impending changes to the regulatory regime for Scrap Metal to be implemented through the provisions of the Scrap Metal Dealers Act 2013 and the increased duties and powers which this gives to the Council.

Executive Summary

The Scrap Metal Dealers Act 2013 (the Act), received Royal assent on 28 February 2013 and will be brought into force in October 2013. This Act repeals the Scrap Metal Dealers Act 1964 and replaces part of the Vehicles (Crime) Act 2001 concerned with Motor Salvage Operators.

Whilst retaining a principal regulator role for Local Authorities, the Act introduces a new and arguably tougher regulatory regime for scrap metal dealing and vehicle dismantling, with new powers permitting Local Authorities to refuse, review, suspend and revoke a licence for this purpose and to enter and inspect such premises.

The Act also provides Local Authorities with the power to set locally (in accordance with Statutory Guidance to be issued on the matter) different charges for different type of metal dealers, on a cost recovery basis.

Background

The Council currently regulates Scrap Metal Dealers (SMD) within its area under the provisions of the Scrap Metal Dealers Act 1964 (1964 Act), and the Vehicle(Crime) Act 2001 and Motor Salvage Operators Regulations 2002.

Under this regime SMD must register with the Council. No fee is payable by the SMD.

The increases in metal theft offences in recent years has highlighted the ineffectiveness of the currently regulatory regime, accordingly reform was necessary to curb such criminal activity.

On 3 December 2012 the Government introduced some changes to the current regime namely Sections 145-147 of the Legal Aid Sentencing and Punishment of Offenders Act 2012 (LASPO 2012). In particular, it increased the penalties for the existing offences contained in the 1964 Act and introduced a new offence of buying scrap metal for cash.

In 2012 the Scrap Metal Dealers Act 2013 (2013 Act) was introduced as a private members bill. It received Royal Assent on 28 February 2013 and will come into force by means of a commencement order, which is anticipated to be on 1 October 2013.

A detailed explanation of the provisions of the 2013 Act is contained in the note enclosed as Appendix 1 and also in the document entitled "The Legislative Response to Metal Theft" issued by the Home Office March 2013 attached as **Appendix 2**.

The main aim of the 2013 Act is to raise standards within the scrap metal industry by replacing the overlapping regimes for vehicle salvage and scrap metal with one regulatory regime, and by giving Councils the responsibility for the licensing and enforcement of the Act in conjunction with the police.

The 2013 Act will repeal the 1964 Act, Sections 145-147 of LASPO 2012 and Part 1, section 35 and paragraphs 1 & 2 of the Schedule of the Vehicles (Crime) Act 2001.

The main provisions of the 2013 Act are:

- An extended regime to include a wide range of businesses (see paragraphs 1 & 2 of **Appendix 1**).
- Amended definition of scrap metal (see paragraph 3 of **Appendix 1**).
- The introduction of a national register of licenses to be held by the Environment Agency. Each Council previously held a register individually.
- The introduction of two different types of licences, Site and Collector (see paragraphs 4-9 of **Appendix 1**).
- The introduction of a suitability test for applications and licensees (see paragraphs 17-19 of **Appendix 1**).

- The introduction of a licence fee to be determined by the Council (see paragraph 15 of **Appendix 1**).
- The introduction of the power by the Local Authority to revoke a licence (see paragraphs 23 to 31 of **Appendix 1**).
- The introduction of entry and inspection powers (see paragraphs 59 to 61 of Appendix 1). The power to obtain closure notices for unlicensed sites (see paragraphs 62 to 67 of **Appendix 1**).
- The introduction of increased record keeping requirements (see paragraphs 50 to 58 of **Appendix 1**).
- The introduction of a requirement to display licenses (see paragraphs 38 to 40 of **Appendix 1**).
- The continuation of the offence of buying scrap metal for cash and additional offences relating each of the powers and duties contained in the 2013 Act.

Appendix 2, page 18 contains a useful diagram of how the licensing model will work.

Financial Implications

In preparation for the implementation of these new powers and duties the Council will need to make arrangements for dealing with applications, setting a fee (with regard to any statutory guidance issued by the Secretary of State) and providing the resources to deal with enforcement.

Any additional resource implications and fee levels can not be quantified until information is received from the government.

A further report will be presented to members once the information is available but it is anticipated that the officer time required will be met within the existing establishment.

Risk Implications

Resources – Increased resources will be required to implement and run the new licensing regime, however it is anticipated that this can be met from within existing resource by prudent prioritisation of workload.

Technical, Environmental and Legal – The Council will have responsibility for both the licensing and enforcement of the Act. The Council will also have to set and charge a licence fee, which must have regard to any guidance, which is issued by the Secretary of State.

Political - None

Reputation –The implementation and enforcement of the regime will enhance the Council’s reputation.

Equality & Diversity – None identified at present

Sustainability

The services for regulation and licensing contribute to the strategic priority of being healthier and safer in Tamworth and towards protecting and providing a high quality and sustainable environment for this and future generations.

Background Papers/Appendices

1. Scrap Metal Dealers Act 2013.
2. “The Legislative Response to Metal Theft” issued by the Home Office March 2013.

“If Members would like further information or clarification prior to the meeting please contact Steve Lewis, Head Of Environmental Health. Ext 437

THE SCRAP METAL DEALERS ACT 2013 (“Act”)

Definition of Scrap Metal Dealer

1. A person carries on business as a scrap metal dealer (“SMD”) for the purposes of this Act if the person:

- a. Carries on business which consists wholly or partly in buying or selling scrap metal, whether or not the metal is sold in the form in which it was bought, or
- b. Carries on business as a motor salvage operator (so far as that does not fall within paragraph (a)).

This will not include persons who manufacture articles if the selling of scrap metal is only a by-product of that or are surplus materials not needed in the manufacturing.

2. A person carries on business as a motor salvage operator if the person carries on business which consists:

- a. Wholly or partly in recovering salvageable parts from motor vehicles for reuse or sale and subsequently selling or otherwise disposing of the rest of the vehicle for scrap,

- b. Wholly or mainly in buying written off vehicles and subsequently repairing and reselling them,

- c. Wholly or mainly in buying or selling motor vehicles which are to be the subject (whether immediately or on a subsequent re-sale) of any of the activities mentioned in paragraphs (a) and (b), nor

- d. Wholly or mainly in activities falling within paragraph (b) and (c).

3. Scrap metal includes:

- a. Any old, waste or discarded metal or metallic material, and
- b. Any product, article or assembly which is made from or contains metal and is broken worn out or regarded by its last holder as having reached the end of its useful life.

This does not however include gold, silver or any alloy, which contains 2% or more (by weight) of gold or silver. There is also provision for the Secretary of State to amend the definition of scrap metal.

Requirement for Licence

4. The Act repeals the previous regulatory regime contained in the Scrap Metal Dealers Act 1964, and introduces a licensing regime under which:

a. No person may carry on business as a scrap metal dealer unless authorised by a licence under the Act (“Scrap Metal Licence”).

b. Introduces an offence for failure to comply with 1(a) above, which is punishable on summary conviction to a fine not exceeding level 5 on the standard scale (currently £5,000).

5. The Licence will be issued by the Local Authority and must be one of the following types:

a. A site licence; or

b. A collector’s licence.

Site licence

6. This will authorise the licensee to carry on business at any site in the authority’s area, which is identified in the licence.

7. It must include:

a. Name of licensee;

b. Name of authority;

c. Identify all sites in the authority’s area at which the licensee is authorised to carry on business;

d. Name the site manager of each site, and

e. State the date on which the licence is due to expire.

Collector’s licence

8. This authorises the licensee to carry on business as a mobile collector in the authority’s area.

9. It must:

a. Name the licensee;

b. Name the authority; and

c. State the date on which the licence is due to expire.

Term of the Licence

10. A licence expires at the end of the period of 3 years beginning with the day on which it is issued.

11. But if an application to renew a licence is received before the licence expires, the licence continues in effect and

a. If the application is withdrawn, the licence expires at the end of the day on which the application is withdrawn;

- b. If the application is refused, the licence expires when no appeal is either possible or is finally determined or withdrawn;
- c. If the licence is renewed, it expires at the end of the period of 3 years beginning with the day on which it is renewed or (if renewed more than once) the day on which it is last renewed.

Applications

12. A licence is to be issued or renewed on an application, which must be accompanied by

- a. If the applicant is an individual, the full name, date of birth and usual place of residence of the applicant,
- b. If the applicant is a company, the name and registered number of the applicant and the address of the applicant's registered office,
- c. If the applicant is a partnership the full name, date of birth, and usual place of residence of each partner,
- d. Any proposed trading name,
- e. The telephone number and email address (if any) of the applicant,
- f. The address of any site in the area of any other local authority at which the applicant carries on business as a scrap metal dealer or proposes to do so,
- g. Details of any relevant environmental permit or registration in relation to the applicant,
- h. Details of any other scrap metal licence issued (whether or not by the local authority) to the applicant within the period of 3 years ending with the date of the application,
- i. Details of the bank account, which is proposed to be used in order to comply with section (scrap metal not be bought for cash etc).

If the application relates to a site licence, it must also be accompanied by

- j. The address of each site proposed to be identified in the licence (or, in the case of an application to renew, of each site identified in the licence whose renewal is sought), and

k. The full name, date of birth and usual place of residence of each individual proposed to be named in the licence as a site manager (other than the applicant).

13. The Local authority may request (either when the application is made or later) that the applicant provide such further information as the authority considers relevant for the purpose of considering the application.

14. An applicant who in response made to a request under 10 above:

- a. Makes a statement knowing it to be false in a material particular, or
- b. Recklessly makes a statement which is false in a material particular, Is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale (currently £1,000).

Fee

15. The Local Authority must set the fee to accompany the application and in doing so must have regard to the guidance issued from time to time by the Secretary of State.

Issue of Licence

16. The Council must not issue or renew a Scrap Metal Licence unless it is satisfied that the applicant is a suitable person to carry on business as a scrap metal dealer.

Suitable person

17. In determining whether an applicant is a suitable person the Council may have regard to any information which it considers relevant including:

- a. Whether the applicant or site manager has been convicted of any relevant offence (as defined by regulations to follow);
- b. Whether the applicant or site manager has been the subject of any relevant enforcement action (as defined by regulations to follow);
- c. Any previous refusal of any application for the issue or renewal of a Scrap Metal Licence (and the reasons for refusal);
- d. Any previous refusal of an application for a relevant environmental permit or registration (and the reasons for the refusal);
- e. Any previous revocation of a Scrap Metal Licence (and the reasons for the revocation);

f. Whether the applicant has demonstrated that there will be in place adequate procedures to ensure that the provisions of this Act are complied with.

g. Any guidance issued by the Secretary of State on determining suitability.

18. When considering applications from companies or partnerships the Council shall apply the criteria set out in 8 to any director, secretary, shadow director (i.e. any person in accordance with whose directions or instructions the directors of the company are accustomed to act) of the company and each partner within a partnership.

19. The Council may also consult the following on the suitability of an applicant:

- a. Any other local authority;
- b. The environment agency;
- c. The Natural Resources Body for Wales;
- d. An officer of a police force.

Conditions on Licence

20. If the applicant or any site manager has been convicted of a relevant offence, the authority may include in the licence one or both of the following conditions:

- a. That the dealer must not receive scrap metal except during the hours 9am to 5pm;
- b. All scrap metal received must be kept in the form in which it is received for a specified period, not exceeding 72 hours, beginning with the time when it is received.

Variation of licence

21. A local authority may, on application vary a licence by changing it from one type of licence to the other, but the licence cannot be transferred from one person to another.

22. If any of the details of the licence or its sites changes the Licensee must apply for a variation. A Licensee who fails to do so is liable on summary conviction to a fine not exceeding level 3 on the standard scale (currently £1,000). It is a defence to this offence that the person took all reasonable steps to avoid committing the offence.

Revocation of Licence

23. The Council may revoke a Scrap Metal Licence if it is:

- a. satisfied that the Licensee does not carry on business at any of the sites identified in the licence;

- b. satisfied that a site manager named in the licence does not act as site manager at any of the sites identified in the licence;
- c. no longer satisfied that the licensee is a suitable person to carry on business as a scrap metal dealer.

24. If the licensee or any site manager is convicted of a relevant offence the Council can vary the licence to add the conditions at 11(a-b) above.

25. The revocation comes into effect when either an appeal is not made within the allotted time or when the appeal is finally determined or withdrawn.

26. If during the appeal period the Council considers that the licence should not continue in force without conditions it may by notice provide:

- a. That until revocation comes into effect the Scrap Metal Licence is subject to the conditions set out at 11(a-b) above.
- b. That a variation as in 13 above comes into effect immediately.

Right to make representations

27. If a Local Authority proposes to:

- a. Refuse an application;
- b. Revoke a licence;

It must give the applicant or licensee a notice that sets out what the authority proposes to do and the reasons for it.

28. The applicant or Licensee will have not less than 14 days to either make a representation or inform the Council that it wishes to do so. If the applicant or licensee informs the Council that it wishes to make representation then it must be allowed a further reasonable period in which to do so.

29. The Council must consider the representations made and if the applicant or licensee wishes to make oral representations the Council must allow them to do so by giving them the opportunity of appearing before and being heard by a person appointed by the Council.

Notice of Decision

30. If the Authority refuses an application or revokes or varies the licence it must give a notice setting out the decision and the reasons for it.

31. The notice must state:

- a. That they may appeal against the decision;
- b. The time within which they may appeal;
- c. In the case of a revocation or variation when that will take effect.

Appeals

32. An applicant/licensee may appeal to the Magistrates court against:

- a. The refusal of an application;
- b. The inclusion of a condition on a licensee;
- c. The revocation/variation of a licensee.

33. The appeal must be made within 21 days beginning with the day on which the notice referred to above was given.

34. On appeal the Magistrates Court may:

- a. Confirm, vary or reverse the authority's decision, and
- b. Give such directions as it considers appropriate having regard to the provisions of this Act.

Supply of information by authority

35. The Council must supply any information (which has been supplied to it under this Act and which relates to a Scrap Metal Licence or to an application for or relating to a licence) to:

- a. Any other local authority;
- b. The Environment Agency;
- c. The Natural Resources Body for Wales; or
- d. An officer of a police

Who requests it for purposes relating to the Act.

36. This does not limit any other power the Council has to supply such information.

Register of Licences

37. The Environment Agency must maintain a register of Scrap Metal Licences issued by authorities in England. This was previously the responsibility of the Council.

Display of Licence

Site Licence

38. The licence holder must display a copy of the licence (in a prominent place in an area accessible to the public) at each site identified in the licence.

Collector's Licence

39. The licence holder must display a copy of the licence (in a manner which enables it easily to be read by a person outside the vehicle) on any vehicle that is being used in the course of the dealer's business.

Penalty

40. A licence holder who fails to comply with the above is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale (currently £1,000).

Verification of supplier's identity

41. A SMD must not receive scrap metal from a person without verifying the person's full name and address.

42. Verification must be made by reference to documents, data or other information obtained from a reliable and independent source. Regulations may be made to specify what these will be.

43. Breach of the above is an offence for which the following are liable:

- a. The SMD;
- b. If the metal is received at site the site manager;
- c. Any person who, under arrangements made by a person within (a –b) above who has responsibility for verifying the name and address.

44. It is a defence to this offence to show that the person made arrangements to ensure that the metal was not received in breach of the Act and took all reasonable steps to ensure that those arrangements were complied with.

45. A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale (currently £1,000).

Offence of buying scrap metal for cash

46. A SMD must not pay (including paying in kind for goods or services) for scrap metal except by cheque or by electronic transfer. This may be amended by the Secretary of State to include other methods of payment.

47. If a SMD breaches this section the following persons are guilty of an offence:

- a. The SMD;
- b. If payment is made at a site, the site manager;
- c. Any person who makes the payment acting for the dealer.

48. It is an defence if the person made arrangements to ensure that the payment was not made in breach and took all reasonable steps to ensure that the payment was not made in breach.

49. A person guilty of an offence under this section is liable to a fine not exceeding level 5 on the standard scale (currently £5,000).

Records: receipt of metal (Section 13)

50. If the SMD receives any scrap metal in the course of their business they must record the following information:

- a. The description of the metal, including the type, form, condition, weight and any marks identifying previous owners or other distinguishing features;
- b. The date and time of its receipt;
- c. If the metal is delivered in or on a vehicle, the registration mark of the vehicle;
- d. If the metal is delivered from a person, the full name and address of that person;
- e. If the SMD pays for the metal the name of the person who makes the payment acting for the dealer.

51. The SMD must keep copies of any documents it uses to verify the name and address of that person.

52. If the SMD pays for the metal by cheque they must keep a copy of the cheque, or if they pay by electronic transfer a copy of the receipt identifying the transfer or the particulars identifying the transfer.

Records: disposal of metal

53. If a SMD disposes of any scrap metal in the course of business (which applies whether or not it is in the same form in which it was received, it is disposed of to another person or it is despatched from site) it must record the information set out below:

Site licence

- a. The description of the metal, including its type (or types if mixed), form and weight;
- b. The date and time of its disposal;
- c. If the disposal is to another person, the full name and address of that person;
- d. If the dealer receives payment for the metal (whether by way of sale or exchange), the price or other consideration received.

Collector's Licence

- a. The date and time of disposal;
- b. If the disposal is to another person, the full name and address of that person.

Supplementary

54. The information must be recorded in a manner, which allows the information and the scrap metal to be readily identified by reference to each other.

55. The information must be kept for 3 years from when the metal was either received or disposed of.

56. If there is a breach of any of the requirements relating to record keeping the following persons will be guilty of an offence:

- a. The SMD;
- b. If metal is received at or (as the case may be) despatched from a site, the site manager;
- c. Any person who, under arrangements made by a person within (a) or (b) has responsibility for fulfilling the requirement.

57. It is a defence to prove that the person:

- a. Made arrangements to ensure that the requirement was fulfilled, and
- b. Took all reasonable steps to ensure that those arrangements were complied with.

58. A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale (currently £5,000).

Right to enter and inspect

59. A constable or an officer of the local authority may enter and inspect a licensed site at any reasonable time on notice to the site manager, or without notice to the site manager if:

- a. Reasonable attempts to give such notice have been made and have failed,
or
- b. Entry to the site is reasonably required for the purpose of ascertaining whether the provisions of this Act are being complied with or investigating offences under it and (in either case) the giving of notice would defeat the purpose.

This does not however apply to residential premises, nor is the constable or officer allowed to use force to enter the premises this can only be done in exercise of a warrant (which can be obtained under the act).

60. A constable or officer may require production of and inspect any scrap metal kept at any premises or mentioned in any warrant obtained under the Act.

61. A person who:

- a. Obstructs the exercise of a right of entry or inspection under this section,
or

- b. Fails to produce a record required to be produced under this section is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale (currently £1,000).

Closure of Unlicensed Sites

62. Where a constable or the local authority is satisfied that premises are being used by a SMD in the course of business and that it is not a licensed site they may issue a closure notice.

63. When the notice has been given the constable or LA may make a complaint to a justice of the peace for a closure order. This must be made not less than 7 days after or more than 6 months after the date on which the closure notice was given.

64. The justice may then issue a summons to answer the complaint.

65. A closure order may require:

- a. That the premises be closed immediately to the public and remain closed until a constable or LA make a certificate to terminate the order;
- b. That the use of the premises by a SMD in the course of business be terminated immediately;
- c. That any defendant pays into court such sum as the court determines and that the sum will not be released by the court to that person until the other requirements of the order are met.

66. It may also make such conditions as the court considers appropriate to the admission of persons to the premises and the access by persons to another part of any building or other structure of which the premises form part.

67. The police and LA also have powers to enforce a closure order and any person who intentionally obstructs them in exercising those powers is liable on summary conviction to a fine not exceeding level 5 on the standard scale (currently £5,000).

Review of the Act

68. Before the end of 5 years beginning with the day on which section 1 of the act comes into force the Secretary of State must carry out and publish the conclusion of its review of the Act.

69. The report must in particular:

- a. Set out the objectives intended to be achieved by this Act,
- b. Assess the extent to which those objectives have been achieved, and

c. Assess whether it is appropriate to retain or repeal the Act or any of its provisions in order to achieve those objectives.



Home Office

The Legislative Response to Metal Theft

Richard Pugh – Crime Directorate, Home Office
22 March 2013

The Problem – the theft of metal



Why the interest in scrap metal dealers?

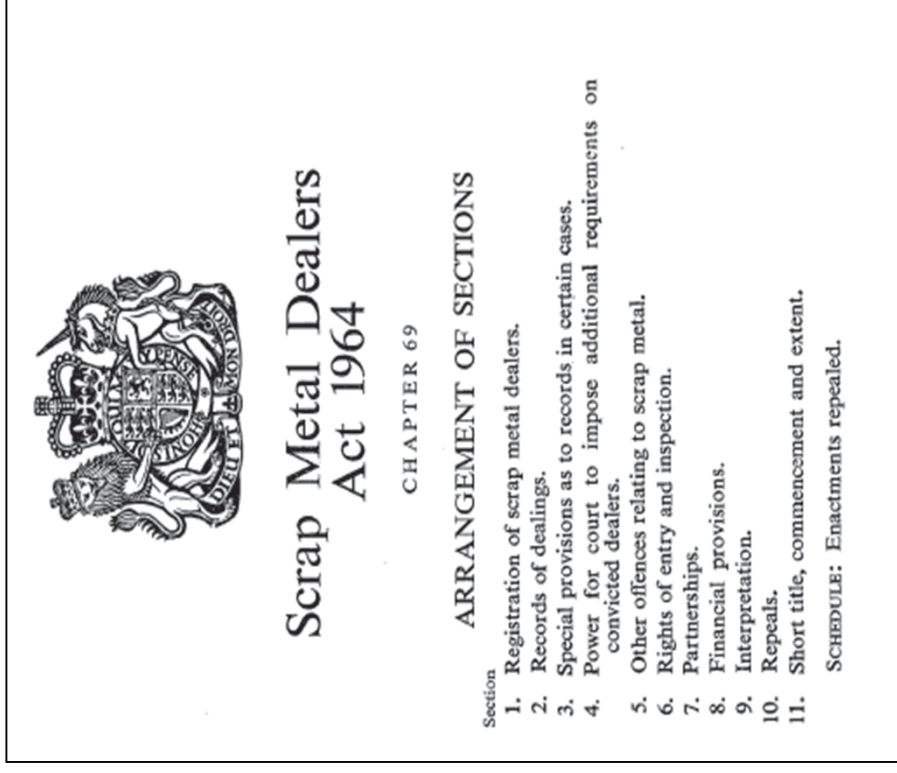
- The scrap metal industry offers the principal outlet for stolen metal in the UK (ACPO).



Existing regulation of the scrap metal sector – the Scrap Metal Dealers Act 1964

- Parliament regulated (for the first time nationally) scrap metal dealers.

This Act is still in place today!



The Scrap Metal Dealers Act 1964

- Local authority administered regime
- Has three requirements:
 1. Section 1 – that scrap metal dealers must register with their local authority every 3 years
 2. Section 2 – every scrap metal dealer must keep a book recording all metal received, processed and despatched
 3. Section 5 – no scrap metal dealer can acquire any scrap metal from a person “apparently” under the age of 16

The prohibition of cash

- A fourth requirement was added to the 1964 Act by the Legal Aid, Sentencing and Punishment of Offenders Act 2012.
- From 3 December 2012 a scrap metal dealer must not pay for scrap metal except by:
 - (i) non-transferable cheque, or
 - (ii) by an electronic transfer of funds (authorised by credit or debit card).

Who does this offence apply to?

- Businesses who purchase scrap metal including:
 - Any business that principally operates as a scrap metal dealer (whether or not they are registered under the SMDA 1964)
 - Metal “itinerant” collectors – (collectors who hold an Order under s3(1) of the SMDA 1964 are exempted)
 - Motor salvage operators - unless they are purchasing non-vehicle scrap metal, in which case they should be considered a scrap metal dealer

Acceptable payment methods - cheques

- 1) **Crossed-cheques**
 - Must be to a verified named person
 - A copy of the cheque must be recorded
 - No time limits when cheques can be cashed
 - Can be cashed by any third party – including by scrap metal dealers acting as an agent.
 - but any business wishing to cash cheques must be registered with HMRC as a “Money Service Business” and comply with the Money Laundering Regulations 2007

Acceptable payment methods – electronic transfer

2) Electronic transfer

- Must be via a method that is transparent and traceable
- The transfer must be to a named account
- A receipt must be produced and kept
- Some re-loadable cards are acceptable, providing they are issued and linked to a named person.

Legal Aid, Sentencing and Punishment of Offenders Act 2012

- In addition to creating the new cash criminal offence, we were also able through the LASPO Act 2012 to:
 1. Increase the financial penalties by two levels for each of the offences in the SMDA 1964
 2. Revise police powers of entry into unregistered scrap metal sites
- The scope of the Bill did not allow us to do anymore.

The time for regulatory change



Scrap Metal Dealers Act 2013

CHAPTER 9

Explanatory Notes have been produced to assist in the understanding of this Act and are available separately

The Scrap Metal Dealers Act 2013

- Home Office handout bill
- Adopted by Richard Ottaway MP
- Received Royal Assent on 28 February having passed both the Commons and the Lords
- The Home Office will lead on commencing the Act
- Anticipated commencement on 1 October 2013
- Will cover England and Wales only.
- Will be statutorily reviewed within 5 years

The Scrap Metal Dealers Act 2013 – licences created

- The Act creates two different licences:
 - (1) SITE** - in the local authority area in which the site(s) is located
(a licence can cover multiple sites if operated by the same company)
 - (2) COLLECTOR** - in the local authority area in which the collector wishes to collect from
(note - collectors will need a separate licence from each local authority in whose area they collect in)

The Scrap Metal Dealers Act 2013 – Key Features

- Will create a local authority administered, robust licensing regime for the scrap metal sector
- Suitability test
- Revocation of licence
- Closure powers for unlicensed sites
- Licence fee – determined by each LA locally
- Entry and inspection powers
- Greater record keeping requirements
- Site and vehicle badging
- National register of licensed dealers

The new regime

- The following will be included – extended scope from the 1964 Act:
 - scrap metal dealers;
 - mobile collectors (who do not have a site);
 - motor salvage operators; and
 - all other businesses who buy or sell scrap metal “in the course of their business” - this does not include businesses who buy or sell scrap as the occasional result of their primary business (e.g. pawnbrokers)

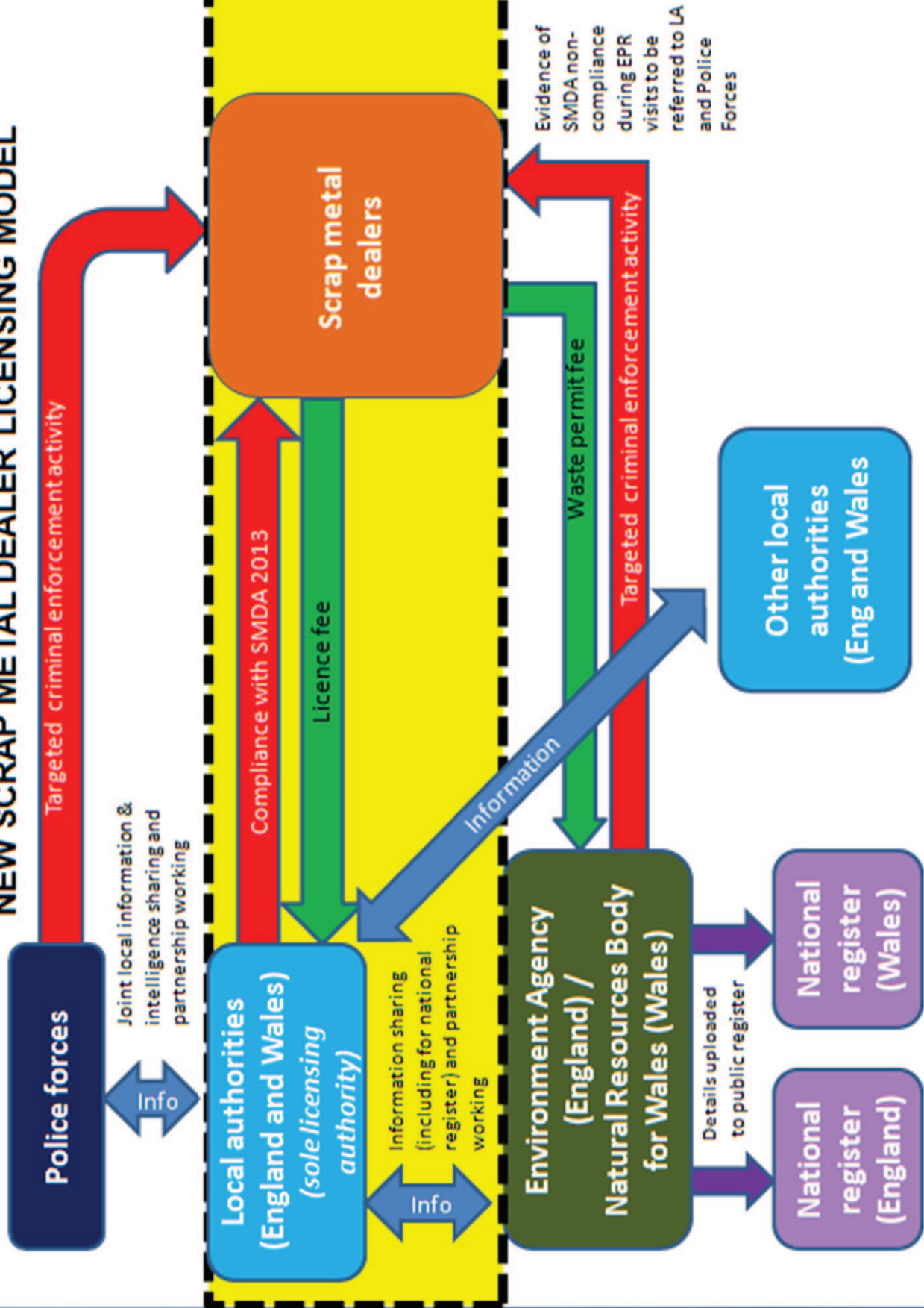
What is scrap metal?

- The definition of scrap metal has been amended by the Act.
- “Un-worked” metal: “old, waste or discarded”
- “Worked” metal: “broken, worn out or regarded by its last holder as having reached the end of its useful life” .
- Includes all metals with the exception of gold and silver
- BUT – “scrap” does not mean “second hand”

Licence conditions for scrap metal dealers

- Scrap metal dealers must:
 - obtain a licence (either a site or a collector’s licence) to operate as a scrap metal dealer
 - prominently display their licence in a publically accessible place;
 - verify and record the identification of the person selling the metal;
 - not purchase metal for cash; and
 - keep records of all metals received and disposed of.

NEW SCRAP METAL DEALER LICENSING MODEL



- For more information –

Richard Pugh

richard.pugh@homeoffice.gsi.gov.uk

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank