

Thursday, 14 December 2023

Report of the Portfolio Holder for Environmental Health and Community Partnerships

Scrap Metal Policy 2024 - 2028

Exempt Information

None

Purpose

To bring before Cabinet the outcome of the approved consultation exercise for the draft scrap metal policy 2024 – 2028. The public consultation exercise concluded on 24th September 2023.

Recommendations

It is recommended that Cabinet consider the draft Scrap Metal Policy 2024 – 2028 as suitable for adoption, subject to the revised code of conduct being incorporated.

Executive Summary

The Council, in its capacity as Licensing Authority, is required to consider applications for Scrap Metal Sites & Collectors. There is currently no policy in force covering the Council area for these activities and it is considered necessary and appropriate for such a policy to be prepared, consulted upon and published in order to ensure that applications for this type of authorisation are considered and determined in a fair, consistent and transparent manner.

The draft policy sets out the legal requirements and application process, along with the Licensing Authority's approach to preventing nuisance to residents and businesses located within the Council area and the enforcement of unlicensed activities.

At the meeting of the Licensing Committee held on 22nd June 2023, the committee recommended that Cabinet approve for consultation the draft Scrap Metal Policy 2024 – 2028 and that the draft policy be brought back to the Licensing Committee for consideration together with any comments received. Cabinet approved the draft policy suitable for consultation on the 20th July 2023.

The public consultation exercise was held between the 31st July 2023 and 24th September 2023. A list of those that were consulted is attached at Appendix 3.

Responses to the consultation were received and are attached at Appendix 4 for members consideration.

The responses received are mostly in relation to the code of conduct and members are asked to consider if the code of conduct should be amended or removed from the draft policy.

At the meeting of the Licensing Committee held on the 12th October 2023 the Committee resolved that the Committee recommend to cabinet that they consider the draft scrap metal policy as suitable for adoption subject to the revised code of conduct being incorporated (as attached at Appendix 5)

Options Considered

The Council could choose not to have 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.

Resource Implications

There are no direct financial implications for Tamworth Borough Council concerning this matter at present. However, if at any time in the future the policy was subject to legal challenge, there could be costs associated with this process which would be met through the licence fee. We currently charge £490 for a Site Licence and £260 for a Collectors Licence.

Legal/Risk Implications Background

The 2013 Act introduced a comprehensive licensing regime for all scrap metal dealers. In accordance with the Act the Council must licence all scrap metal dealers. The Council must determine the suitability of applicants to hold licences. The Council also has the powers to impose conditions on licences, revoke licences and take enforcement action against unlicensed operators.

Whilst there is no statutory requirement for the Council to have a Scrap Metal Dealers Licensing Policy it provides the framework under which Tamworth Borough Council will exercise its powers and duties under the 2013 Act and ensures that fair and equitable decisions are taken by Tamworth Borough Council

Equalities Implications

The Council has a legal obligation under section 149 of the Equality Act 2010 to have due regard to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different groups.

When considering scrap metal applications, only issues provided for in the Scrap Metal Act 2013 and provided for in the Scrap Metal Dealers policy for Tamworth Borough Council will be taken into account. This will ensure a consistent approach is adopted. Under the terms of the policy, every application will be considered on its own merits.

Environment and Sustainability Implications (including climate change)

The Council is committed to tackling climate change and the proposed Policy will assist in ensuring that it contributes appropriately to this ambition.

Background Information

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

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.

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 metal to them.

In addition to replacing the Scrap Metal Dealers Act 1964 and the Vehicle and Crime Act 2001, the 2013 Act revised the definition of a 'Scrap Metal Dealer' so as to take into account

the modern way in which people collect and deal in scrap metal. The 2013 Act provides for two types of Scrap Metal Dealer licences. A 'Site Licence' and a 'Collector's Licence' both of which last for three years.

Site Licence

A site licence is applicable where the licence holder has a physical site(s) that they use to carry on their business as a scrap metal dealer. This licence allows the licence holder to accept scrap metal from any of the sites listed on the licence and to transport scrap metal to and from the sites listed on the licence.

Collectors Licence

A collector's licence is applicable where the licence holder's business consists of collecting scrap metal, for example by going from door to door asking for scrap. This licence allows the licence holder to collect scrap metal from within the boundaries of the local authority that a person wishes to operate in.

Tamworth Borough Council have been undertaking this activity in line with legislation since 2013. We currently licence 10 Collectors and 3 Sites. By bringing forward this policy we will be providing a framework and be transparent about how we operate.

Report Author

Sarah Gear – Senior Licensing Officer

List of Background Papers

[Scrap Metal Dealers Act 2013 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

[Scrap Metal Dealers Act 2013: supplementary guidance \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk)

Appendices

Appendix 1 – Draft Scrap Metal Policy 2024 – 2028

Appendix 2 – Impact Assessment form

Appendix 3 – List of Consultees

Appendix 4 – Consultee responses

Appendix 5 – Code of Conduct

This page is intentionally left blank