

REPORT OF THE DEPUTY CHIEF EXECUTIVE

REGULATORY COMMITTEE – 30 SEPTEMBER 2013

SCRAP METAL DEALERS ACT 2013

1.0 PURPOSE OF REPORT

- 1.1 To advise the Committee of the requirements of the Scrap Metal Dealers Act 2013.

2.0 DESCRIPTION OF DECISION

- 2.1 The Committee is requested to note this report and agree to receive a training session upon the Act.

3.0 INTRODUCTION/BACKGROUND

- 3.1 On 28 February 2013 the Scrap Metal Dealers Act 2013 ('the Act') received Royal Assent. The Act revises the regulatory regime for scrap metal dealing and vehicle dismantling. On 6 August 2013 the Government issued a Commencement and Transition Provisions Order for the Act which requires the Council to accept and process applications for licences under the Act from 1 October 2013. The Order provides a transition process whereby persons authorised under previous regulatory regimes are entitled to trade legally under their existing authorisations until the new legal process is completed.
- 3.2 The Home Office have advised that there has been an increase in metal theft with the increased value of metal across the UK as a whole. A wide range of sectors have been hit including national transport, electricity and telephone links, street furniture, memorials, commercial and residential buildings including churches and schools.
- 3.3 The aim of the Act is to revise the regulatory regime for scrap metal dealing and vehicle dismantling. The Act gives councils and the Police more powers to refuse and revoke licences as well as granting greater rights of entry and inspection.
- 3.4 The Act creates two types of licences. Firstly, a site licence, which will allow a dealer to operate from the sites named on the licence, and, secondly, a collector's licence, which will allow dealers to operate as mobile collectors in a council area. An application for a site licence must also name a site manager for each site to be covered by the licence. Each licence may last for a period of up to three years.
- 3.5 Before granting a licence a council must be satisfied that the applicant is a suitable person to operate as a dealer and, in doing so, it may consult with the Environment Agency and the Police.
- 3.6 Where a council is minded to refuse, revoke or vary a licence it must notify the applicant or licence holder giving the reasons for the decision. The relevant person is then entitled to make representations should they wish to do so. The Council is

required by the Act to appoint a person to hear any oral representations that an applicant or licence holder may wish to make.

3.7 At the time of writing this report it was expected that, at its meeting of 25 September 2013, the Council would identify the Head of Street Scene as the person to whom oral representations may be made and empower the Regulatory Committee to determine matters of licence refusals etc. under the Act.

3.8 The Committee may, therefore, be called upon to make decisions under the Act in the future.

4.0 CURRENT POSITION

4.1 The Committee is invited to receive a training session on the Act on a date to be arranged.

5.0 REASONS FOR THE DECISION

5.1 To allow the consideration of representations on the refusal, revocation or varying of licences under the Scrap Metal Dealers Act 2013.

6.0 ALTERNATIVE OPTIONS

6.1 None.

7.0 RELEVANT CONSIDERATIONS

7.1 None.

8.0 GLOSSARY

8.1 None.

9.0 LIST OF APPENDICIES

9.1 None.

10.0 BACKGROUND PAPERS

10.1 None.