

## LICENSING COMMITTEE

Meeting - 28 August 2013

Present:

Mrs Simmonds, Mr Brown, Mr Clark, Mr Egleton, Mr Pepler, Mrs Royston, Mr Samson, Mr D Smith and Ms Vigor-Hedderly

Apologies for absence: Mr Walters and Mr Denyer

### 14. SCRAP METAL DEALERS ACT 2013

The Scrap Metal Dealers Act 2013 received Royal Assent on 28<sup>th</sup> February 2013 and following a Commencement and Transitional Provisions Order issued on 6 August will come into force on 1<sup>st</sup> October 2013. The new act repeals the Scrap Metal Dealers Act 1964 in total and Part 1 of the Vehicles (Crime) Act 2001, together with the Motor Salvage Regulations 2002, thus creating a revised single point regulatory regime for the scrap metal recycling and vehicle dismantling operations in England & Wales. The Act was in response to the growth in metal theft offence resulting in a booming recycling industry worth £5 billion in 2011.

Local authorities remain the principal regulators of the 2013 Act and the Committee received a report setting out the implications for South Bucks particularly in so far as delegations were concerned. The Committee noted that the legislation introduced a suitability test for applicants and powers to consult with the Police, other relevant authorities and the Environment Agency when considering the grant of a licence.

The report, after explaining the two different types of scrap metal licences the Act created, set out the requirements for dealers to carry out identity checks, keep records and use cashless payment. The new inspection and closure powers the Act introduced for the Council and police were also covered, together with the implications of transitional provisions for fee-setting, deemed licences and criminal offences.

The Committee noted that there are currently 7 Scrap Metal Dealers and 4 Motor Salvage Operators registered within South Bucks and that the new scheme would broaden the definition and allow the Council to reconsider a number of currently exempt premises. The report also identified the power to set fees on a cost recovery basis having regard to guidance issued by the Secretary of State which had only recently been published. The report emphasised that the fee was to cover the cost of administering the scheme and could not include the costs of the investigation and enforcement of unlicensed activities which would need to be met by the Council. In setting fees reference would also need to be made to the Licence Fees Toolkit.

The Committee, whilst welcoming the Act, expressed concern over the resource implications and, mindful of the number of scrap metal dealers and collectors who were operating in the District, questioned whether the additional workload imposed could be absorbed within existing resources. In the light of this concern the Committee felt that it was important to ensure that the Cabinet Member for Resources was involved in the setting of the fees which the Committee also agreed should be set at a level which recovered as many costs as possible allowed under the Scheme.

The Committee also raised concerns over the health and safety of officers and members when carrying out their respective duties under the legislation. The Committee also thought it would be useful to know the level of priority and resources the Police Crime Commissioner was going to allocate to this issue.

Responding to the points raised by members the Head of Legal and Democratic Services emphasised that the report was an interim one to identify the action that needed to be taken immediately to ensure that the Council was in a position to comply with the provisions of the Act from its commencement on 1 October. The Head of Legal and Democratic Services also assured the

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Committee that a further report addressing amongst other things the concerns raised would be submitted to the next meeting.

### RECOMMENDED to Council

1. That approval is given for a new delegation to the Director of Services to agree and adopt a policy for implementing the changes brought about by the Scrap Metal Dealers Act 2013.
2. That the general setting of fees be delegated to the Licensing Committee. However in light of the short timescale, with the fees having to be set prior to 1<sup>st</sup> October 2013, the setting of the initial fees be delegated to Head of Health and Housing in consultation with the Chair of Licensing Committee and the Cabinet Member for Resources having regard to peer guidance and the License Fees Toolkit.
3. That the current scheme of delegations to for the Licensing Committee and Licensing Sub-Committee be revised by adding “Scrap Metal Dealers” to the list of other Licensing functions
4. That the current scheme of delegations to the Health & Housing Unit be revised to accommodate “other Licensing Functions”
5. That the following detailed amendments be made to the scheme of delegations:
  - The Power in all cases to make enquiries and consult and to determine whether the applicant is a suitable person to carry on business as a scrap metal dealer.
  - The grant, issue, renewal or variation of a Scrap Metal Dealer Licence where the applicant is deemed to be a “suitable person” and no objections are received;
  - The refusal or rejection of an application for a Scrap Metal Dealer Licence where no representations are received;
  - To revoke vary or impose conditions on a licence under the Scrap Metal Dealer Act 2013 where representations have been received
  - To exercise the powers of entry outlined within the Act
  - To seek a warrant of entry to any premises in order to secure compliance with or to ascertain whether the provisions of the Act are being complied with.
  - Power to enforce and initiate action in relation to relevant offences.
  - To supply information received under the act to the relevant bodies under the Act.
  - In consultation with the Chairman of Licensing Committee, the revocation of a Scrap Metal Dealers Licence where no representations are received.
  - To ensure all details of Scrap Metal Dealers any notifications and variations, are reported to the National database maintained by the Environment Agency.

The meeting terminated at 6.54 pm