
SUBJECT:	Scrap Metal Dealers Act 2013
REPORT OF:	Officer Management Team - Director of Services Prepared by - Head of Health & Housing

1. Purpose of Report

- 1.1 To update members on implementation of the Scrap Metal Dealers Act 2013, following the special Licensing Committee meeting on 28 August and Special Council on 17 September.

2. Links to Council Policy Objectives

- 2.1 Enforcement of the Scrap Metal Dealers Act 2013 is a statutory function of the authority and links to Council Aim 3 of providing “safe communities” and Aim 4 namely “Improve health and well-being for all.”
- 2.2 The implementation of the provisions of the new Scrap Metal Dealers Act 2013 will help us work towards implementing all of our management principals including:
- Focus on customer needs
 - Improving services
 - Prudent use of resources
 - Fairness, honesty and respect

3. Background

- 3.1 Committee received a report at the special meeting on 28 August about actions necessary to implement this legislation which came into force on 1 October. In particular, it was recommended that authority to set initial fees for the new Site Licence and Collectors’ Licence were delegated to the Head of Housing and Health in consultation with the Chairman of this Committee and the Cabinet Member for Resources, having regard to peer guidance and the LGA’S Licence Fees Toolkit. This recommendation was approved by Full Council on 17 September.
- 3.2 Members expressed concern about resourcing of the new licensing regime in view of the number of scrap metal dealers and collectors operating in the District and whether additional workload could be absorbed within existing resources. Concern was also raised over the health and safety of officers and members when carrying out their respective duties under the Act.

4. Discussion

- 4.1 Acting under his delegated authority and in consultation with the Chairman of this Committee and Cabinet Member for Resources the Head of Housing and Health has set the following fees under the Act for 2013-14:-

Site Licence	£500
Collectors Licence	£250
Plate and ancillary licence documents charge	£25
Licence variation	£50

- 4.2 With regard to resourcing, officers believe there will be an increase in the number of sites licensed under the new Act and therefore an increased resource required for annual inspections. However, changes in enforcement and monitoring regimes for other premises and businesses has led to a corresponding reduction in planned visits. This provides additional flexibility and capacity within the Environmental Health Team. Officers are also assured that they can rely on local police resources and have received the following statement from Thames Valley Police:

“Last year the government gave 5 million pounds to the National Metal Taskforce to tackle the issues around metal theft. This figure was greatly reduced this year to around 600K.

Locally Thames Valley Police have directly funded a Sgt and 3 PCs to focus on metal theft reduction. Most of their work is focused directly on preparing for the new legislation and ensuring compliance once it's implemented.

Metal theft reduction is a high priority for Thames Valley Police and it forms part of our delivery plan for 2013/14. TVP have metal theft SPOC s across all our local police areas to ensure activity is driven at that level rather than solely from HQ. This is having a positive benefit to moving metal theft towards being normal police business.

TVP have also assisted with training packages and briefing other forces”

- 4.3 With regard to health and safety issues TVP have committed to supporting the introduction of the Act and therefore officers will ensure they are included in any enforcement situation. Procedures for implementing the legislation will require accompanied site visits and as Council officers are not authorised to stop or search vehicles, they will not be asked to take direct action whilst out of the office. A detailed risk assessment will be completed to accompany the implementation procedures and members may wish to alert officers to any perceived threats, so they can be considered as specific risks. For example risks associated with the hearing and decision-making process will be assessed and procedures reviewed to minimise any risks identified.

5. Resources, Risk and Other Implications

- 5.1 **Financial Implications** - The Government's intention is that the cost of administering and monitoring the licensing regime will be met from fee income. The costs of investigation and enforcement do not form part of the cost recovery. But it is expected that the police will lead on any prosecutions.

As explained above, it is considered that the additional workload imposed by the legislation will be absorbed within existing resources. However fees can be adjusted if necessary to reflect and recoup any shortfall should one arise.

- 5.2 **Legal Implications** - The new act imposes new legal duties on the Council. Failure to discharge these duties adequately may result in legal challenge from scrap metal dealers, members of the public and aggrieved parties.
- 5.3 **Impact on Communities** - The new Act is expected to reduce incidents of the anti-social and disruptive crime of metal theft and will benefit local residents and businesses. Members may be aware that theft from vehicles has seen a 72% increase and the theft of catalytic converters has risen by 236%. The new fee based licences will increase the costs of dealing in scrap metal which may impact on the viability of some small local businesses although this is expected to be offset by the creation of a fairer and more equal marketplace.
- 5.4 **Equalities Impact** - This change does not impact on equalities
- 5.5 **Impact on the Environment** - The new licensing regime will encourage better intelligence sharing and joint working to drive out illegal and rogue traders. Enhanced regulation of scrap metal sites generally and environmental convictions will be able to be taken into account during consideration of applications. This approach will deal with environmental crime as well as theft.
- 6.0 **Recommendation**
- 6.1 Licensing Committee is asked to note this report.

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Background Papers:	Scrap Metal Dealers Act 2013 with explanatory notes http://www.legislation.gov.uk/ukpga/2013/10/enacted Guidance relating to fee setting <u>Scrap Metal Dealer Act 2013: licence fee charges - Publications - GOV.UK</u> Commencement and Transitional Provisions Order http://www.legislation.gov.uk/uksi/2013/1966/pdfs/uksi_20131966_en.pdf