



## Report for Leader Decision (Homelessness & Regulatory Services portfolio)

<b>Decision Date:</b>	7 February 2024
<b>Reference number:</b>	HR01.24
<b>Title:</b>	<b>New Scrap Metal Licensing Policy</b>
<b>Cabinet Member(s):</b>	Councillor Mark Winn, Cabinet Member for Homelessness & Regulatory Services
<b>Contact officer:</b>	Simon Gallacher, Principal Licensing Officer
<b>Ward(s) affected:</b>	None specific.
<b>Recommendations:</b>	<b>To agree the adoption of a new Scrap Metal Licensing Policy for Buckinghamshire Council to be implemented from a date to be agreed by the Head of Licensing, in consultation with the Cabinet Member for Homelessness and Regulatory Services and Chairman of Licensing Committee.</b>

### 1. Executive Summary

- 1.1 In accordance with the Scrap Metal Dealers Act 2013 (“SMDA”), Buckinghamshire Council, in its role as Licensing Authority, is responsible for licensing scrap metal dealers as defined within the Act.
- 1.2 Determination of applications and fee setting in relation to scrap metal licences is an Executive function of the Council, with the power to grant licences and take enforcement under the SMDA delegated to officers as detailed under Buckinghamshire Council’s Scheme of Delegations.
- 1.3 Whilst there is no statutory requirement for a policy under the legislation, the Licensing Committee have agreed that it is appropriate to produce a single policy for Buckinghamshire Council which sets out a clear and consistent framework for the Council’s approach to licensing scrap metal dealers.

1.4 The adoption of a policy supports the Council's commitment to transparency, fairness and openness when determining applications and ensuring compliance with the relevant legislation.

## **2. Scrap Metal Licensing Policy status and background**

2.1 At its meeting on 14<sup>th</sup> June 2023 the Licensing Committee approved a draft Scrap Metal Licensing Policy ("Policy"), to be put out for a 6 week public consultation.

2.2 The report presented to the Licensing Committee on 14<sup>th</sup> June 2023 sets out the legal framework and background information to the content of the Policy.

2.3 The Policy itself sets out the Council's proposed approach to regulating scrap metal dealers, outlining the requirements of the SMDA, along with the application and fee setting processes. The Policy goes on to set out a risk based approach to compliance checks and enforcement which incorporates "good practice" recommendations from the Local Government Association in relation to scrap metal licensing.

2.4 The report, which includes the draft Policy at appendix 1, and minutes of the meeting held on 14<sup>th</sup> June 2023 can be viewed [here](#).

2.5 Having carried out a public consultation, the Licensing Committee were presented with a report providing full details of the consultation responses, together with an analysis of those responses at their meeting on the 5<sup>th</sup> September 2023. All those that responded as part of the consultation either strongly agreed or agreed with the proposals within the draft policy.

2.6 The Licensing Committee agreed that it considered no amendments were necessary to the draft version of the Policy and recommended that the Policy be adopted by way of Key Decision by the Leader of the Council. In addition, the Licensing Committee agreed to recommend:

- A proposed Policy implementation date of 1st February 2024
- That the Head of Service for Licensing, in consultation with the Cabinet Member for Homelessness & Regulatory Services and Chairman of the Licensing Committee, be authorised to amend the implementation date of the Policy if required.

2.7 The report and minutes of the meeting of 5<sup>th</sup> September 2023 can be viewed [here](#).

## **3. Other options considered**

3.1 Buckinghamshire Council could choose not to have a scrap metal licensing policy as there is no statutory requirement to have one. However, a policy provides an

opportunity for the Council to set out its approach, providing clarity for applicants, licence holders and other affected parties.

#### **4. Legal and financial implications**

- 4.1 The legal implications are set out in the reports presented to the Licensing Committee on 14th June 2023 and 5th September 2023. The Policy ensures consistency of approach, and it is considered that the Council would be far less likely to be open to legal challenge where a policy is adopted which clearly sets out how applications will be considered, reasons for potential refusal and approach to enforcement.
- 4.2 The Policy has made reference to the Local Government Associations guidance document “Open for business: Local Government Association (LGA) guidance on locally set licence fees”. The LGA guidance acknowledges that Councils are free to design their licensing service in a manner that best serves the needs of their community and recover the costs accordingly. The Policy also refers to the Home Office guidance “Scrap Metal Dealers Act 2013: guidance on licence fee charges”. These outline which activities can be funded by the licence fee.
- 4.3 With respect to financial implications, the scrap metal licence fees were harmonised across Buckinghamshire as a result of the formation of the unitary Council and are set on a cost recovery basis. A high-level review of fees is carried out annually to align with the Council’s general approach on fees and charges and ensure the consideration of any necessary inflationary impacts. Proposed changes to licence fees for 2024/25 were included in the [Schedule of Fees and Charges](#) presented and approved by Cabinet on 4<sup>th</sup> January 2024.

#### **5. Corporate implications**

- 5.1 Corporate implications are contained within the Licensing Committee report presented at the meeting of 5<sup>th</sup> September 2023, which can be viewed [here](#).

#### **6. Local councillors & community boards consultation & views**

- 6.1 All Ward Councillors, Community Boards and Town and Parish Councils were consulted on the content of the proposed new Policy. All those parties that responded to the Policy consultation either strongly agreed or agreed to the proposals. Full details of the consultation responses is contained within Appendices 1 to 3 of the Licensing Committee report of 5<sup>th</sup> September 2023.

#### **7. Communication, engagement & further consultation**

- 7.1 No further consultation proposed.

## **8. Next steps and review**

- 8.1 If agreed, the new Policy will be implemented from 1<sup>st</sup> February 2024, or such alternate date as considered necessary by the Head of Licensing, in consultation with the Cabinet Member for Homelessness and Regulatory Services and Chairman of Licensing Committee.

## **9. Background papers**

- 9.1 Scrap Metal Dealers Act 2013 (SMDA)

<https://www.legislation.gov.uk/ukpga/2013/10/enacted>

The Scrap Metal Dealers Act 2013 (Prescribed Documents and Information for Verification of Name and Address) Regulations 2013

<https://www.legislation.gov.uk/uksi/2013/2276/contents/made>

The Scrap Metal Dealers Act 2013 (Prescribed Relevant Offences and Relevant Enforcement Action) Regulations 2013

<https://www.legislation.gov.uk/uksi/2013/2258/made>

The Scrap Metal Dealers Act 2013 (Commencement and Transitional Provisions) Order 2013

<https://www.legislation.gov.uk/uksi/2013/1966/contents/made>

The Scrap Metal Dealers Act 2013: [Determining suitability to hold a scrap metal dealer's licence statutory guidance for local authorities in England and Wales](#)

## **10. Your questions and views**

- 10.1 If you have any questions about the matters contained in this report, please contact the author of this report. If you have any views that you would like the cabinet member to consider, please inform the democratic services team. This can be done by email to [democracy@buckinghamshire.gov.uk](mailto:democracy@buckinghamshire.gov.uk) by 5pm on 5 February 2024.