

## **FLINTSHIRE COUNTY COUNCIL**

**REPORT TO:** LICENSING COMMITTEE

**DATE:** THURSDAY, 9 MAY 2013

**REPORT BY:** DIRECTOR OF ENVIRONMENT

**SUBJECT:** SCRAP METAL DEALERS ACT 2013

### **1.00 PURPOSE OF REPORT**

- 1.01 To request that Members note the new legislation covering scrap metal dealers and the role of the Licensing Committee.

### **2.00 BACKGROUND**

- 2.01 Increases in metal theft driven by the rise in commodity prices have had a wide ranging impact, and cost the economy between £220 million and £777 million a year according to two recent estimates. It has seen disruption to energy supplies, transport and telecommunications, as well as manhole covers stolen and war memorials desecrated. It has also highlighted how ineffective the regulation of scrap metal dealers dating from the 1960s had become.
- 2.02 The new Act repeals the Scrap Metal Dealers Act 1964 and Part 1 of Vehicles (Crime) Act 2001 (relating to motor salvage operators) and brings forward a revised regulatory regime for the scrap metal dealing and vehicle dismantling industries. The Act maintains local authorities as the principal regulator of these industries.

### **3.00 CONSIDERATIONS**

- 3.01 The Act gives local authorities the power to better regulate these industries by providing a power to refuse to grant a licence and revoke licences if the dealer is considered 'unsuitable'.
- 3.02 Unsuitability will be based on a number of factors including any relevant criminal convictions. The Act will also provide local authorities and police officers with powers of entry and inspection.
- 3.03 The Licensing Sub-Committee system will be used to determine applications that are contentious or involve judgements about the past criminal record of applicants.

- 3.04 The Home Office currently plan for the measures to commence in October 2013, but this is dependent on a national register of scrap metal dealers being established by the Environment Agency.

Key features of the Act include:-

Requiring all individuals and businesses to complete an enhanced application process to obtain a scrap metal dealer licence. Local authorities will have the power to turn down unsuitable applicants.

Giving local authorities the power to revoke a licence.

Requiring all sellers of metal to provide personal identification at the point of sale, which is then recorded by the scrap metal dealer.

Extending the offence of buying metal with cash to itinerant metal collectors.

New powers for the police and local authorities to enter and inspect sites.

Creating a central public register, hosted by the Environment Agency, of all individuals and businesses licensed as scrap metal dealers.

Widening the definition of a scrap metal dealer to include motor salvage operators.

#### **4.00 RECOMMENDATIONS**

- 4.01 That Members note the new legislation covering scrap metal dealers and the role of the Licensing Committee in determining contentious applications.

#### **5.00 FINANCIAL IMPLICATIONS**

- 5.01 The main intention of the legislation is to reduce metal theft and the consequential financial impact upon property, equipment and infrastructure owners.

- 5.02 Local authorities will be able to charge a licence fee, which is set locally. In setting the fee, local authorities must have regard to any guidance issued by the Secretary of State

#### **6.00 ANTI POVERTY IMPACT**

None

**7.00 ENVIRONMENTAL IMPACT**

Enhanced regulation of scrap metal sites generally and environmental convictions will be able to be taken into account during consideration of applications.

**8.00 EQUALITIES IMPACT**

None

**9.00 PERSONNEL IMPLICATIONS**

None

**10.00 CONSULTATION REQUIRED**

None

**11.00 CONSULTATION UNDERTAKEN**

None

**12.00 APPENDICES**

None

**LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985**  
**BACKGROUND DOCUMENTS**

Scrap Metal Dealers Act 2013

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