

**FLINTSHIRE COUNTY COUNCIL**

**REPORT TO:**           **LICENSING COMMITTEE**

**DATE:**               **THURSDAY, 7 NOVEMBER 2013**

**REPORT BY:**       **DIRECTOR OF ENVIRONMENT**

**SUBJECT:**           **SCRAP METAL DEALERS ACT 2013**

**1.00    PURPOSE OF REPORT**

- 1.01    To provide details of the Scrap Metal Dealers Act 2013 and to inform Members of the role of the Licensing Committee in determining whether applicants are suitable persons.

**2.00    BACKGROUND**

- 2.01    The Scrap Metal Dealers Act 2013 came into force on 1<sup>st</sup> October 2013 and provides a new licensing regime to replace the registration scheme of the old 1964 Act.
- 2.02    The new Act requires scrap metal dealers to be assessed for suitability before licenses are granted or renewed. It also gives local authorities the power to impose conditions on licenses, to revoke licenses, and to close down unauthorised sites.
- 2.03    The Act creates two different types of scrap metal licence - either a Site Licence or a Collectors Licence. The mobile collectors must be separately licensed in every Local Authority area in which they operate.
- 2.04    There is also a requirement for a public register to be maintained by the Natural Resources Body for Wales. In England the register will be maintained by the Environment Agency.
- 2.05    Other powers contained in the Act provide for:
- Licenses to be displayed
  - Dealers to carry out identity checks on scrap metal providers
  - Dealers to keep records of any scrap received or disposed of
  - Prohibition of cash payments. Payment can only be made by non-transferable cheque or transfer of funds
  - Local Authorities and Police to enter and inspect licensed premises
  - Closure of sites through Closure Orders from a magistrates court

- 2.06 The licensing regime commenced on 1<sup>st</sup> October 2013. In order to provide time to process applications without existing businesses being in a position where they could not operate the Home Office implemented a transition process. Provided any dealer already registered with the Authority made their application for a licence on or before 15<sup>th</sup> October 2013, their deemed licence could continue until the Council either issues a licence or gives notice of the decision to refuse the licence.
- 2.07 Any scrap metal dealers not previously registered were able to apply for a licence from 1 October 2013 but have to wait until a licence is granted before they can legally trade.
- 2.08 Officers of the Licensing Team made contact with all the registered dealers to ensure that they submitted their applications before the deadline in mid October. There are expected to be 20 site licences and around 25 collectors' licences in place by the end of the transitional period on 1<sup>st</sup> December 2013.

### **3.00 CONSIDERATIONS**

- 3.01 As the Scrap Metal Dealers Act 2013 does not specify whether implementation is a County Council or an Executive function it automatically becomes an Executive function. Accordingly a report was submitted to Cabinet on 17<sup>th</sup> September 2013. It was agreed that enforcement powers would sit with the Licensing Team in Public Protection, that fee setting arrangements would be delegated to the Director of Environment and that the Licensing Committee would make decisions on whether applicants are 'suitable persons' to hold a licence.
- 3.02 Applicants are assessed for suitability against criteria set out in the Act and supporting regulations. They have to submit a criminal records disclosure document as part of the application process. If they have no relevant convictions in place (or pending) then the licence will be issued by officers. If there are relevant convictions and the Council is minded to refuse an application then the individual has a right to submit written representations or present their views orally.
- 3.03 In this case a Licensing Sub-committee will be convened to hear the representations and determine the application. This process is similar to that which already operates in respect of taxi drivers and those holding personal licences for the sale of alcohol.
- 3.04 To date there has not been any need to consider the suitability of any of the applicants; however this information will be updated on the day of the Committee.

**4.00    RECOMMENDATIONS**

- 4.01    That Members note the new Scrap Metal Dealers legislation and the role of the Licensing Committee in determining certain applications.

**5.00    FINANCIAL IMPLICATIONS**

- 5.01    A fee regime has been adopted which covers the costs of processing the applications and monitoring that the necessary requirements are met in terms of complying with the licence.
- 5.02    There are rights of appeal to the magistrates' court in respect of the decisions of the local authority. These may involve the Council being liable for costs

**6.00    ANTI POVERTY IMPACT**

- 6.01    None

**7.00    ENVIRONMENTAL IMPACT**

- 7.01    None

**8.00    EQUALITIES IMPACT**

- 8.01    None

**9.00    PERSONNEL IMPLICATIONS**

- 9.01    None

**10.00   CONSULTATION REQUIRED**

- 10.01   None

**11.00   CONSULTATION UNDERTAKEN**

- 11.01   None

**12.00   APPENDICES**

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

Scrap Metal Dealers Act 2013  
LGA Guide to the Scrap Metal Dealers Act 2013  
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