

# Cherwell District Council

## Executive

4 September 2017

### Joint Scrap Metal Licensing Policy

#### Report of Public Protection Manager

This report is public

#### Purpose of report

To seek approval for the adoption of a joint Scrap Metal Licensing Policy. The policy which will be subject to consultation, will be applied by authorised officers when determining applications for all scrap related licences and subsequently enforcing the provisions of the Scrap Metal Dealers Act 2013.

#### 1.0 Recommendations

The Executive is recommended to:

- 1.1 Note that functions and powers pursuant to the Scrap Metal Dealers Act 2013 are an executive function and hereby delegate such functions and powers to the Director of Operational Delivery, including the setting of licence application fees.
- 1.2 Subject to consultation, to adopt the proposed policy attached at Appendix A setting out the Council's approach to determining all applications and subsequently ensuring compliance with the provisions of the Act.
- 1.3 Delegate authority to the Director of Operational Delivery to approve the final policy in consultation with the Lead Member for Public Protection and Community Services following the consideration of any consultation responses.

#### 2.0 Introduction

- 2.1 The Scrap Metal Dealers Act 2013 came into force on 1 October 2013. The Act repealed both the Scrap Metal Dealers Act 1964 and Part 1 of the Vehicles (Crime) Act 2001 (relating to motor salvage operators).
- 2.2 Whilst the Public Protection team have always dealt with applications and granted licences under the above legislation, there has never been a formal policy in place. As the service is now shared with South Northamptonshire Council (SNC), it is an opportune time to adopt a joint policy across both organisations. SNC's Cabinet will consider the same proposed policy on 11 September 2017.

- 2.3 Scrap metal includes any old waste or discarded metal or metallic material, and any product, article or assembly which is made from or contains metal and is broken, worn out or regarded by its last holder as having reached the end of its useful life. Gold and silver are not included in the definition of scrap metal. Jewellers or businesses trading in second hand gold and silver jewellery or products are not therefore caught by this definition.
- 2.4 A scrap metal dealer is defined as someone carrying on a business which consists wholly or in part of buying or selling scrap metal, whether or not the metal is sold in the form in which it is bought.
- 2.5 Motor salvage operators will also need to hold a scrap metal dealer's licence which replaces the need for them to separately register with the Council as this requirement under Part 1 of the Vehicles (Crime) Act 2001 has been repealed by the Act.
- 2.5 In order for anyone to carry on business as a scrap metal dealer they must hold a licence. Two types of licence are specified in the Act and a dealer can only hold one type in any given local authority area. They must decide whether they are going to have a site licence or a collector's licence.
- **Site licence**  
A site is defined as 'any premises used in the course of carrying on business as a scrap metal dealer (whether or not metal is kept there)'. All the sites where a licensee carries on business as a scrap metal dealer must be identified, and a site manager must be named for each site. A site licence allows the licensee to transport scrap metal to and from those sites from any local authority area.
  - **Collector's licence**  
This allows the licensee to operate as a collector in the area of the issuing local authority. It does not allow the collector to operate in any other local authority area, so a separate licence has to be obtained from each council the collector wishes to operate in. The licence does not authorise the licensee to operate a site; to do so they will need a site licence.

### **3.0 Report Details**

- 3.1 Cherwell District Council currently has three scrap metal site licences and nine scrap metal collector licences.
- 3.2 The length of time for which a licence can be granted is three years from the date of issue.
- 3.3 There is no statutory requirement for a local authority to have a formal scrap metal licensing policy; however, it is considered best practice to adopt such a policy. This is for the benefit of business owners as well as reassuring the general public and other public bodies. It also ensures a level of transparency and consistency when dealing with applications.
- 3.4 The full draft of the proposed policy and relevant conditions is attached to this report at Appendix A.

## **4.0 Conclusion and Reasons for Recommendations**

- 4.1 As this is in effect a new policy which formalises a statutory function of the Council, the Executive are asked to note the functions and powers pursuant to the Scrap Metal Dealers Act 2013, to delegate such powers and functions to the Director of Operational Delivery and to adopt subject to consultation, the proposed policy attached at Appendix A setting out the Council's approach to determining all applications and subsequently ensuring compliance with the provisions of the Act.
- 4.2 As it is proposed to consult on the policy prior to adoption, there is a need to delegate authority to the Director of Operational Delivery to approve the final policy in consultation with the Lead Member for Public Protection and Community Services following the consideration of any consultation responses.

## **5.0 Consultation**

- 5.1 A four week consultation will be carried out with stakeholders, the police, the fire service, the Environment Agency and internal Council departments. The document will also be posted on both Council websites for the duration of the consultation period.

## **6.0 Alternative Options and Reasons for Rejection**

- 6.1 The following options have been identified:

**Option 1:** Adopt the policy and recommendations

**Option 2:** Reject the policy and recommendations

## **7.0 Implications**

### **Financial and Resource Implications**

- 7.1 There are no financial implications arising directly from this report.

Comments checked by:

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### **7.2 Legal Implications**

There is no statutory requirement for the Council to have a Scrap Metal Licensing Policy. The Council is the licensing authority for the purpose of issuing scrap metal licences and regulating those carrying on a business as a scrap metal dealer, either as mobile collectors, site operators or motor salvage operators pursuant to the Scrap Metal Dealers Act 2013. The form and effect of the licences is prescribed by the Act.

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## 8.0 Decision Information

### Key Decision

**Financial Threshold Met:** No

**Community Impact Threshold Met:** Yes

### Wards Affected

All Cherwell wards

### Links to Corporate Plan and Policy Framework

Cherwell: safe, clean and green

### Lead Councillor

Councillor Kieron Mallon, Lead member for Public Protection and Community Services

### Document Information

Appendix No	Title
Appendix A	Draft Scrap Metal Licensing Policy
Background Papers	
None	
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