

**SCRAP METAL LICENSING POLICY AND GUIDELINES**

Relevant Portfolio Holder	Councillor Yvonne Smith
Portfolio Holder Consulted	Yes
Relevant Head of Service	Ivor Pumfrey – Acting Head of Worcestershire Regulatory Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

**1. SUMMARY OF PROPOSALS**

Redditch Borough Council is responsible for issuing site and collector licences under the Scrap Metal Dealers Act 2013. This report presents the response received during consultation on a draft policy and guidelines for the licensing of scrap metal sites and collectors in the Borough and asks Members to approve the finalised policy and guidelines.

**2. RECOMMENDATIONS**

**Members are asked to RESOLVE;**

**To approve the finalised policy and guidelines.**

**3. KEY ISSUES**

**Financial Implications**

- 3.1 The costs involved in carrying out the consultation were met by existing budgets held by Worcestershire Regulatory Services.

**Legal Implications**

- 3.2 The Council is under no legal obligation to have a policy in place. However, this policy will assist the Council in achieving consistency, fairness and transparency in its decision making process.
- 3.3 Application of the policy in the decision making process will enable the Council to minimise successful legal challenges and appeals. Officers and the Committee should have regard to all the circumstances of a particular case and would be entitled to have due regard to this policy.

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**Service / Operational Implications**

- 3.4 The Scrap Metal Dealers Act 2013 (the Act) was introduced to replace the previous regulatory scheme for scrap metal dealers and for vehicle dismantlers. It requires anyone who deals in scrap metal to obtain and display a relevant licence and gives the police and local authorities more powers of entry and inspection as well as allowing a more thorough application process where licences can be refused and subsequently revoked if dealers are deemed 'unsuitable'.
- 3.5 The Committee has previously received reports to brief them on the provisions of the Act, which came into force on 1<sup>st</sup> October 2013, with full enforcement powers coming into effect on 1<sup>st</sup> December 2013. The Council has agreed the fees to be charged and the delegation of functions relating to the licensing processes under the Act.
- 3.6 A draft policy was then produced which aims to give clear guidance as to how the Council will administer and enforce the requirements of the Act. The draft policy was prepared in accordance with the Act and the regulations that govern it.
- 3.7 The provision of a policy and guidelines aims to provide residents, applicants and other agencies with a benchmark of the licensing authority's expectations and will assist them in understanding statutory requirements. This document will also assist people to submit complete and accurate applications thereby reducing unnecessary work and delays.
- 3.8 It is intended to ask each of the six district Councils in Worcestershire to adopt a similar policy to improve consistency of practise and decision making across the County.
- 3.9 Members approved the draft policy for the purpose of consultation at the Licensing Committee meeting on 3<sup>rd</sup> November 2014.
- 3.10 Consultation subsequently took place with relevant partners and representatives of the metal recycling industry. Consultation took place electronically and approximately twelve weeks was provided for people to provide their feedback on the draft policy.
- 3.11 Only one response was received during the consultation from the British Metals Recycling Association (BMRA). The BMRA's response can be seen in full at **Appendix 1**.
- 3.12 The response is very helpful and a number of the suggested amendments have been incorporated in the finalised policy and guidelines document that can be seen at **Appendix 2**.
- 3.13 Members are now asked to approve this finalised policy and guidelines document.

**4. RISK MANAGEMENT**

- 4.1 Application of the policy will provide clarity when determining applications and reduces the risk of challenge and appeal. Consultation with relevant stakeholders will minimise the risk of challenge.

**5. APPENDICES**

- Appendix 1 – Response from BMRA  
Appendix 2 – Finalised Policy and Guidelines

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