

REPORT TO CABINET MEMBER FOR DECISION

Open/Exempt		Would any decisions proposed:		
Any especially affected Wards	Mandatory/	(a) Be entirely within cabinet's powers to decide YES/NO		
	Discretionary /	(b) Need to be recommendations to Council YES/NO		
	Operational	(c) Be partly for recommendations to Council YES/NO and partly within Cabinets powers –		
Lead Member: Cllr B Long E-mail: cllr.Brian.Long@West-Norfolk.gov.uk		Other Cabinet Members consulted: Cllr A Lawrence		
Lead Officer: Dave Robson E-mail: dave.robson@west-norfolk.gov.uk Direct Dial: 01553 616302		Other Members consulted:		
Financial Implications YES/NO		Policy/Personnel Implications YES/NO	Statutory Implications YES/NO	Equal Impact Assessment YES/NO If YES: Pre-screening/ Full
Date advertised: 18 September 2013		Risk Management Implications YES/NO		
Deadline for Call-In: 2 October 2013		Date decision to be taken: 25 September 2013		

SCRAP METAL DEALERS ACT 2013

Summary

Implement new legislation to replace existing Scrap Metal Dealer Registration and Motor Salvage Operators with a new licensing regime for Scrap Metal Dealer's Sites and Mobile Collectors Licence.

Recommendation

Agree new fees for Scrap Metal Dealers

Reason for Decision

To enable to Borough Council to process new licences applications under Scrap Metal Dealers Act 2013

1 Introduction

1.1 New legislation dealing with scrap metal dealers (SMD) is about to commence. This is due to the increase in metal theft over the last few years and Government has decided to replace the current registration system with a licensing system.

2 New Licensing System

2.1 We currently have 40 registered scrap metal dealers (SMD) and 11 consented Motor Salvage Operators (MSO) operating within the District. Current arrangements are that anyone wishing to operate a scrap metal yard needs to register with the Borough Council every three years. The current scheme of registration is to be replaced by a new licensing system. Registration is currently free and the main powers of entry and enforcement powers are led by the Police. This is in addition to last year's requirement to ban cash payments for scrap metal.

2.2 The new licensing system will require all existing scrap metal dealers to apply under transitional arrangements by 15th October. Local Authorities will have until December 2013 to determine transitional applications and we will not be able to consider any enforcement action until then.

2.3 A Scrap Metal Dealer who buys and trades in scrap metal or an existing Motor Salvage Operator will need to apply for a new Scrap Metal Dealers Site Licence. They will need to display the Site Licence and keep records of what scrap metal they buy and from whom.

2.4 A Mobile Collector who does not have a site but collects waste/scrap metal material, such as knocking door to door, will need to apply for a Collectors Licence. A Mobile Collector will need a Collectors Licence for each Local Council district they wish to collect in. We therefore expect that Mobile Collectors based in different local authority areas (and Counties) may apply for a Collectors Licence to operate within the Borough. Mobile Collectors will have to display a Collectors Badge in their vehicle so that members of the public can identify them as being licenced.

2.5 The new provisions repeal the existing MSO provision so an existing MSO will now only require a SMD site licence rather than the existing SMD Registration and MSO Licence.

2.6 When applying for either a Site Licence or Mobile Collector the applicant will need to supply a current Basic Disclosure (criminal records check) from Disclosure Scotland (additional fee of £25 paid direct to Disclosure Scotland) and details of relevant environmental permit or waste exemption certificates.

2.7 A Site Licence or Mobile Collector Licence will be valid for three years.

2.8 The legislation will not impact on tradesmen such as plumbers who may collect copper pipe as part of their main job and then take this to a scrap metal site. The legislation will also not cover gold or silver collectors who may buy scrap gold/silver from members of the public.

3 Policy Implications

3.1 Applications are to be determined using existing delegated authority which is similar to the existing Motor Salvage Operators licensing regime

currently being carried out by the Environmental Quality Team. If an application is refused then the applicant does have the right to appeal to the Magistrates Court. Licence Fees have been based on applications being determined using delegated authority. If delegated authority were not to be used, then individual licence applications costs would have to be significantly adjusted upwards.

4 Financial Implications

4.1 Fees have been set to cost recover officer time spent on determining each type of licence, either a Site Licence or Mobile Collector.

4.2 A Site Licence Fee will be initially £209 and Mobile Collector Licence Fee will be £154. Fees will be reviewed after 12 months.

4.3 The Council is not able to include any costs that are not directly associated with the process in determining a licence application, therefore any cost associated with the enforcement of non-licensed operators has not (and cannot) be included in the licensing fees.

5 Staffing Implications

5.1 Whilst there will be additional workload as part of the transitional arrangements, existing staff resources will be able to cope with the expected transitional demand. Initial licensing contact will be dealt with through the Council Information Centre and applications will be determined by officers from the Environmental Quality Team overseen by the Environmental Health Manager.

6 Statutory Considerations

6.1 This forms part of the statutory function of the Borough Council and therefore the Council has a statutory duty to accept and process SMD licence applications.

6.2 Failure to undertake this duty may lead to legal challenge and reputational issues for the Borough Council.

7 Equality Impact Assessments (EIA's)

7.1 A Pre-Screening Equality Impact Assessment has been completed. There is a potential impact on the Gypsy and Traveller Community and this will be mitigated through the use of plain English in application forms and guidance. We will offer help and advice with administration or we will sign post the applicant to existing groups such as the Gypsy, Traveller, Romany Liaison service who could help applicants complete application forms.

8 Risk Management

8.1 There are statutory and reputational issues if the Borough Council does not fulfil this duty.

Background Papers

Scrap Metal Dealers 2013 File

Signed:

Cabinet Member for Environment

Date