

DEPARTMENT OF ENVIRONMENT HOUSING AND NEIGHBOURHOODS**ORIGINATING SECTION: PUBLIC PROTECTION SERVICE****REPORT TO: LICENSING COMMITTEE****23:09:13****TITLE : SCRAP METAL DEALERS ACT 2013****1. PURPOSE**

To inform the Committee of impending changes to the regulatory regime for Scrap Metal which will be implemented through the provisions of the Scrap Metal Dealers Act 2013 and the increased duties and powers which it gives to the Council.

2. RECOMMENDATIONS

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

3. KEY ISSUES

The Council currently regulates Scrap metal Dealers (SMD) within its area, under the provisions of the Scrap Metal Dealers Act 1964, and the Vehicle Crime Act 2001 and the Motor Vehicle Salvage Operators Regulations 2002. Under this regime must register with the Council however no fee is payable.

The increases in metal theft driven by the rise in commodity prices have had a wide ranging impact. It has highlighted the ineffectiveness of the current regulation of scrap metal dealers. The Government has therefore felt that reform is needed.

A detailed explanation of the provisions of the Act can be found at Appendix 1.

The main aim of the 2013 Act is to raise standards within the scrap metal industry, by replacing the overlapping regimes for vehicle salvage and scrap metal with one regulatory regime, and by giving the Councils the responsibility for the licensing and enforcement of the Act in conjunction with the police. The 2013 Act will repeal the 1964 Act and sections of the Vehicle Crime Act 2001.

In preparation for the implementation of the new powers and duties the Public Protection Service have been making arrangements for dealing with applications (this has included writing to all existing dealers, informing them that they must reapply for a licence in the "transitional window of the 1st to 15th of October,) see appendix 2.

Each application must include a Basic Criminal Disclosure Certificate supplied by Disclosure Scotland for a fee of £25

A draft policy has also been devised to assist Committee members in making decisions on contentious applications, see appendix 3

Work is currently on-going for setting the 2 licence fees for the site licence and the collector licence.

4. RATIONALE

The main provisions of the 2013 Act are :

- An extended regime to include a wide range of businesses (see paragraph 1 and 2 of Appendix 1

- Amended definition of scrap metal. (see paragraph 3 of Appendix 1
- The introduction of a national register of licences to be held by the Environment Agency, Each Council currently holds individual registers
- The introduction of two types of licences: Site and Collector (see paragraph 4-9 of Appendix 1
- The introduction of a suitability test for applications and licensees (see paragraph 17-19 of Appendix 1
- The introduction of a licence fee to be determined by the each Council (see paragraph 15 of Appendix 1
- The introduction of a power to revoke a licence (see paragraphs 23 to 31 of Appendix 1
- The introduction of entry powers and inspection powers (see paragraphs 59-61 of Appendix 1
- The power to obtain closure notices for unlicensed sites (see paragraph 62 -67 of Appendix 1
- The introduction of increased record keeping requirements (see paragraphs 50 – 58 of Appendix 1
- The introduction of a requirement to display licences (see paragraphs 338 – 40 of Appendix 1
- The continuation of the offence of buying scrap metal for cash and additional offences relating each of the powers and duties contained in the 2013 Act

5. POLICY IMPLICATIONS

The draft policy for dealing with licences will need to be approved by the Executive Member

6. FINANCIAL IMPLICATIONS

The Council will need to set the licence fees, in setting the fees the council must have regard to the guidance issued by the Secretary of State.

7. LEGAL IMPLICATIONS

There are no legal implications of implementing the regulations of the Scrap Metal Act. Provided the correct procedures are followed and authorisations are put in place. Any decisions made by the Council will not fetter the discretion of the Authority to make decisions under the new Policy.

8. RESOURCE IMPLICATIONS

Staff in the licensing section of the Public Protection Service will undertake all the work associated with the implementation of the new Act, it is not envisaged that extra resources will be required

9. CONSULTATIONS

All current licence/permit holders have been consulted; the council also have formed a scrap metal operational group. Members of the group include Public Protection, Environment Services, Planning, Neighbourhood Officers and the Police.

10 . CONTACT OFFICER

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