

**Notes of the Regeneration and Neighbourhoods OSC**

**Task Group – Scrap Metal**

**Monday 9<sup>th</sup> February 2014**

**Present:** Cllrs Surve, K.Foster

**Also Present:** Donna Riding - Principal Licensing Officer, Gary Johnson - Consumer Protection, John Addison & Sonya Palmer

**Apologies:**

The Chair, Cllr Surve welcomed everyone to the 1<sup>st</sup> Scrap Metal task group.

Members were provided with an overview of the local position relating to scrap metal. Donna Riding informed Members that there is a long history of scrap metal collectors in the borough; however, the influx of Roma migrants who are setting up as scrap metal collectors seem to be causing the Council issues around their practices. Complaints of anti social behaviour, noise and vehicles endangering children are all impacting on the enforcement services. Concerns have also been raised by the Police relating to a crime organised triangle.

Donna informed Members that from the 1<sup>st</sup> December 2013 the new Scrap Metal Act came into force. Members were told that previously anyone could register to collect scrap metal, however, in October 2013 anyone who already had a license and new applicants who wanted to buy or sell scrap metal had to apply for a new licence which came into effect in December 2013.

Members were advised that working without a license could result in a fine of up to £5000. Applicants had to provide information relating to waste carrier registrations and planning permissions for sites and for collectors, details of where they will store scrap/disposal, vehicle registration details, insurance, MOT and tax and bank account details.

Donna told Members that the Council must be satisfied that an applicant is a suitable person to hold a licence. All applicants are CRB checked using a basic disclosure. Relevant offences include a wide range of Environment related offences, theft relating to scrap metal or environmental related and fraud relating to scrap metal or environment related. Members were also told that the Council would also take into consideration if an applicant has been charged with a relevant offence and proceedings have not yet concluded or if an environmental permit has been revoked in whole or partially to the extent the permit no longer authorises the recovery of metal.

Members were informed that the Council can refuse to issue a license and to date 10 applicants have been refused. An applicant can appeal the decision if requested. Members noted that 9 applicants have been granted a license through appeal. Applicants who are unsuccessful with their appeal can submit a further appeal to the Magistrates Court within 21 days.

In response to questioning from Members it was advised that the Council do not use an independent appeal panel and legislation states that it should be an executive function. The appeal panel consists of the Executive Member for Environment Cllr Jim Smith and the

Director of Environment Neighbourhoods and Housing Sayyed Osman. Concerns were raised regarding the appeal process and Members felt that the appeal panel should be independent. Donna confirmed to Members that the legislation relating to the appeal process is being looked at. Members requested an update in relation to this in due course.

Members were made aware that prior to the new act coming into force the Council had 150 scrap metal dealers on record and since the new act came into force there are currently 26 licensed scrap metal dealers. Members were told that the criminal record check has prevented a lot of people from applying.

Donna advised Members that some of the scrap metal dealers were challenged on literacy skills; however, a representative within the community agreed to translate for the Roma community as applicants needed to know the legislation to follow to comply with the license conditions. Donna added that 50% of the licence holders are Roma migrants and some are 2<sup>nd</sup> and 3<sup>rd</sup> generation travellers also with literacy issues. It was advised that the Council have since employed interpreters to avoid non-compliance with the license conditions.

Members were provided with a copy of a 'RAG' report highlighting how the Council were monitoring and resolving the issues within the borough. The report highlighted several properties that were currently under observation. Denise confirmed that approximately  $\frac{3}{4}$  of the properties listed on the 'RAG' report were causing problems but that improvements have been made.

In response to questioning from Members Denise confirmed that all the properties listed on the 'RAG' report were rented properties. It was further added that pressure is being placed on both the landlord and the tenant to comply with the requirements of the license as complaints have been received regarding the storage of scrap metal especially in the back yards of these properties.

It was advised that the Council have found the mobile approach productive. Council officers and Police officers have been driving around the borough surveying scrap metal dealers. Members were informed that the Council are looking at advertising licensed scrap metal dealers on the Council's website to enable households to organise a pre-arranged collection. It was highlighted that residents have a duty of care to ensure they give their scrap to a licensed scrap collector.

Members informed Donna that schools within the borough have themed weeks, for example 'environmental week'. It was suggested that when schools have themed weeks, the Council could work closely with them to educate children and parents on scrap metal. Members also suggested that the council work alongside the benefits team in cross checking information to find out whether scrap metal dealers who are not complying with the license conditions are claiming benefits, such as job seekers allowance. Members were advised that this information has been collated in the past but were due a refresh.

Concerns were raised regarding children, especially from the Roma community, not attending school as it is traditional for the boys of the families to help with collecting scrap metal. Donna informed Members that Licensing have been working closely with Education Welfare and to date no children have been found working in Scrap metal.

Concerns were also raised regarding the amount of officer time Scrap metal is taking up for the Council. Members were assured that workloads are being prioritised to accommodate such pressures.

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