

	<p><b>Licensing Committee</b> <b>10<sup>th</sup> February 2021</b></p>
<p><b>Title</b></p>	<p><b>Review of Scrap Metal Dealers Policy</b></p>
<p><b>Report of</b></p>	<p>Director for Assurance</p>
<p><b>Wards</b></p>	<p>All</p>
<p><b>Status</b></p>	<p>Public</p>
<p><b>Enclosures</b></p>	<p><b>Appendix 1 – Proposed Draft Scrap Metal Dealers Policy</b></p>
<p><b>Officer Contact Details</b></p>	<p>Emma Phasey Group Manager <a href="mailto:Emma.phasey@barnet.gov.uk">Emma.phasey@barnet.gov.uk</a></p>
<p><b>Summary</b></p>	
<p>This report seeks approval from Members to consult on a draft policy in relation to licences issued under the Scrap Metal Dealers Act 2013. The current policy was approved in 2015 and the new policy is a review and refresh of the 2015 policy.</p>	
<p><b>Recommendations</b></p>	
<p><b>That the Committee approve the carrying out of a consultation on the Draft Scrap Metal Dealers Policy at Appendix 1.</b></p>	

## **1. WHY THIS REPORT IS NEEDED**

- 1.1 The Scrap Metal Dealers Act 2013 is the legislation which sets out the licensing regime for the scrap metal recycling and vehicle dismantling industries.
- 1.2 The Act provides for two types of Scrap Metal Dealer licences, a 'Site Licence' and a 'Collector's Licence', both of which last for three years.

### **1.2.1 Site Licence**

A site licence is applicable where the licence holder has a physical site(s) that they use to carry on their business as a scrap metal dealer. This licence allows the licence holder to accept scrap metal from any of the sites listed on the licence; and to transport scrap metal to and from the sites listed in the licence.

### **1.2.2 Collector's Licence**

A collector's licence is applicable where the licence holder's business consists of collecting scrap metal, for example by going from door to door asking for scrap. This licence allows the licence holder to collect scrap metal from within the boundaries of the local authority issuing the licence. A separate licence is required from each local authority within whose boundary a person wishes to operate

- 1.3 The current policy for scrap metal licences was adopted by the Council in 2015 therefore a review and refresh of the policy is needed.
- 1.4 The policy has been simplified and refreshed to bring it more in line with the Council's other licensing policies. There have been no significant changes made to the contents.
- 1.5 This report is seeking approval to consult on the draft policy in Appendix 1 for a period of six weeks and report back to the next Licensing Committee.

## **2. REASONS FOR RECOMMENDATIONS**

- 2.1 It is best practice to prepare, consult on and publish a policy which the Council proposes to apply when implementing regulatory regimes. This ensures clarity for traders and other interested parties in the application and enforcement processes.

## **3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

- 3.1 The Committee could consider not consulting on the proposed policy; however this would not accord with good governance, giving interested parties an opportunity to consider the proposed policy and make any representations where they consider that changes might be made before adoption.
- 3.2 The Council could choose not to refresh the policy on Scrap Metal Dealers, however to do so would be contrary to best practice.

## **4. POST DECISION IMPLEMENTATION**

- 4.1 A 6-week consultation will take place in relation to the policy; the results of this will be presented to the Committee at the meeting in July 2021.
- 4.2 The consultation document will be sent to the Police, Environment Agency, councillors and scrap metal businesses known to be operating in London Borough of Barnet. The consultation will also be placed on the London Borough of Barnet's website.

## **5. IMPLICATIONS OF DECISION**

### **5.1 Corporate Priorities and Performance**

- 5.1.1 The policy will support objectives contained within the corporate plan. In particular in relation to a "successful London suburb" by ensuring that only legal, well regulated scrap metal dealing takes place within the borough.

### **5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

- 5.2.1 Administration and enforcement of the Scrap Metal Act will be carried out by the Licensing team within Re, together with support from HB Public Law and from Governance Services.
- 5.2.2 Fees are kept under constant review to ensure that they accurately reflect recovery of costs incurred in administration of the licence process and compliance checks.

### **5.3 Legal and Constitutional References**

- 5.3.1 A good policy ensures that fair and equitable decisions are taken by the London Borough of Barnet.
- 5.3.2 Article 7 – Committees, Forums, Working Groups and Partnerships, of the Council's Constitution states that the Licensing Committee is responsible for, "all policy matters relating to licensing with licencing hearings concerning all licencing matters delegated to sub-committees."

### **5.4 Risk Management**

- 5.4.1 It is important that the London Borough of Barnet adopts a robust and accountable regulatory regime in relation to scrap metal in order to ensure fair trading, prevent crime and to protect consumers.

### **5.5 Equalities and Diversity**

- 5.5.1 The Council has a legal obligation under section 149 of the Equality Act 2010 to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different groups.
- 5.5.2 When considering scrap metal applications, only issues provided for in the Scrap Metal Act and the Council's policy will be taken into account. This will ensure a consistent approach is adopted. Under the terms of the policy, every application will be considered on its own merits.
- 5.5.3 An initial equalities impact assessment has been completed and there is no identified impact on any of the groups with protected characteristics. Therefore, a full impact assessment is not required.

## **5.6 Consultation and Engagement**

- 5.6.1 The consultation document will be sent to the Police, Environment Agency, councillors and scrap metal businesses known to be operating in London Borough of Barnet. The consultation will also be placed on the London Borough of Barnet's website.

## **6. BACKGROUND PAPERS**

- 6.1 None