

	<p>Licensing Committee 12th July 2021</p>
<p style="text-align: right;">Title</p>	<p>Proposed adoption of Scrap Metal Dealers Policy</p>
<p style="text-align: right;">Report of</p>	<p>Director for Assurance</p>
<p style="text-align: right;">Wards</p>	<p>All</p>
<p style="text-align: right;">Urgent</p>	<p>No</p>
<p style="text-align: right;">Key</p>	<p>Yes</p>
<p style="text-align: right;">Status</p>	<p>Public</p>
<p style="text-align: right;">Enclosures</p>	<p>Appendix 1 – Proposed Draft Scrap Metal Dealers Policy Appendix 2 – Summary of responses to the consultation</p>
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<p>Summary</p>
<p>This report relates to the outcome of the recent consultation in relation to a revised policy to take effect on 1st August 2021.</p>

<p>Recommendations</p>
<p>1. For the proposed policy in Appendix 1 to be approved by the Committee</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 A consultation was undertaken on whether to adopt the Council's draft Scrap Metal licensing policy from 7th May 2021 until 18th June 2021. Information on this consultation can be found in paragraph 5.9. One response was received and can be found in Appendix 2. Amendments have been made to the draft policy as a result of the responses received. This is outlined in Appendix 2.
- 1.6 Following consideration of the responses in Appendix 2 it is recommended that the Licensing Committee adopt that proposed licensing policy.

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 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 The Committee are being asked to adopt the Policy.
- 4.2 If approved, this policy will come into effect on 1st August 2021

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 Insight

- 5.4.1 Not relevant to this report.

5.5 Social Value

- 5.5.1 Not relevant to this report

5.6 Risk Management

5.6.1 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.

5.7 Equalities and Diversity

5.7.1 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.

5.7.2 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.

5.7.3 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.

5.8 Corporate Parenting

5.8.1 Not relevant to this report

5.9 Consultation and Engagement

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

6. BACKGROUND PAPERS

6.1 None

Appendix 1 Proposed Licensing Policy

Appendix 2 Consultation responses

The consultation process started on 7th May 2021 and will conclude on 18th June 2021. The below responses were those that were received during the consultation period.

Consultee	Comments	Response
Cllr Zinkin	I don't understand the disclaimer at the end it does not seem appropriate to a Barnet policy.	Policies do not form a statement of law. They inform the manner and circumstances in which we will apply the law based on our interpretation. If a matter was referred to a court a Judge's decision, if different to our interpretation, would have a binding effect. Therefore, all Policies should carry this caveat.
Cllr Zinkin	Why disclosure Scotland in 4.3	Disclosure has for many years been the best service available for providing Basic Disclosures for individuals in the UK. More recently the Basic Disclosure and Barring Service (DBS) checks were introduced and made available for people working in England and Wales. Amendments will be made to the policy to signpost the new DBS service available to applicants.
Cllr Zinkin	What is the point of 7.3 who is going to police this?	

		The Licensing Authority will be responsible for enforcing this
Cllr Zinkin	I don't understand 'might' in 3.5	In some circumstances it is possible for an individual to hold both a collectors and a site licence and this is explained within the legislation. Due to its complexity it is not practicable or necessary to explain this within the policy.
Cllr Zinkin	As with Trading Standards don't we want to encourage web applications?"	Banet to not have webforms for Scrap Metal Applications at present. We are currently reviewing our online systems and will be looking to modernise the online application systems in due course.