

## MID SUFFOLK DISTRICT COUNCIL

<b>TO:</b> Mid Suffolk Cabinet	<b>REPORT NUMBER:</b> <b>MCa/23/53</b>
<b>FROM:</b> Cllr Tim Weller, Cabinet Member for Environment, Culture and Wellbeing	<b>DATE OF MEETING:</b> 14/05/2024
<b>OFFICER:</b> Mark Emms, Director of Operations	<b>KEY DECISION REF NO.</b> CAB454

### APPROVAL OF SCRAP METAL POLICY

#### 1. PURPOSE OF REPORT

- 1.1 To set out the new Scrap Metal Policy for approval by Cabinet.

#### 2. OPTIONS CONSIDERED

- 2.1 That the Cabinet review the final version of the revised Policy and approve it for immediate implementation.
- 2.2 Not to implement the policy, however, to do so would be contrary to best practice and may lead to a lack of clarity on the application of the legislation.

#### 3. RECOMMENDATIONS

- 3.1 It is recommended that Cabinet adopt the draft Scrap Metal Policy 2024 to 2029. Appendix (a).

#### REASON FOR DECISION

The adoption of a policy supports the council's commitment to transparency, fairness and openness when determining applications and ensuring compliance with relevant legislation.

This policy will provide a framework for the process of licensing, auditing and enforcement of scrap metal dealers and collectors and ensure that the process is robust and fit for purpose.

#### 4. KEY INFORMATION

- 4.1 In accordance with the Scrap Metal Dealers Act 2013 (SMDA), Mid Suffolk District Council, in its role as Licensing Authority, has been responsible for licensing scrap metal dealers as defined within the Act.
- 4.2 Whilst there is no statutory requirement for a policy under the legislation, it is now considered appropriate to produce a single policy for both Babergh and Mid Suffolk District Councils which sets out a clear and consistent framework for the council's approach to scrap metal licensing.
- 4.3 The draft policy was presented to the Licensing and Regulatory (L&R) Committee on the 8<sup>th</sup> December 2023.

- 4.4 The L&R Committee approved the policy for consultation and deemed the policy approved to proceed to Cabinet if there were no representations or objections.
- 4.5 On receipt of a representation the following amendments were made to the policy:
- Pg 6, 3.2 - Replaced the wording for skip hire requirements with the exact wording from the Scrap Metal Government Guidance for clarification.
  - Pg 8, 4.4 - Added in a link to the scrap metal guidance issued by the Secretary of State on determining suitability.
  - Pg 14, 12.3 - Added that the Council will consult with Suffolk Constabulary and Environmental Protection. (This has always been undertaken but is now clarified in the Policy)
  - Pg 21, 17.3 - Added a section in relation to complaints to clarify the process.
- 4.6 These amendments are minor and were approved by the Chair of the L&R committee to proceed to Cabinet.
- 4.7 The policy will be reviewed as legislative changes occur and updated accordingly, ensuring it is fit for purpose. A formal review will be carried out at least every five years.

## **5. LINKS TO OUR PLAN FOR MID SUFFOLK**

- 5.1 Supporting local businesses.
- 5.2 Providing high quality council services that are easy to access when needed and that can be relied on.
- 5.3 Continuing to listen to, and work in partnership with, all citizens of Mid Suffolk.
- 5.4 Working closely and cooperatively with others.
- 5.5 Enabling and empowering citizens to be active in their communities.
- 5.6 Working to achieve net zero carbon emissions as a Council and across the whole district.

## **6. FINANCIAL IMPLICATIONS**

- 6.1 The fees are set on a cost recovery basis with the approval of the Licensing & Regulatory Committee. The council is committed to reviewing fees including those for Scrap Metal Licensing on an annual basis as part of the budget-setting process.

## **7. LEGAL IMPLICATIONS**

- 7.1 The policy ensures consistency and proportionality of approach, and it is considered that the Council would be far less likely to be open to legal challenge where a policy is adopted which clearly sets out how applications will be considered, reasons for refusal and our approach to enforcement.

## 8. RISK MANAGEMENT

8.1 Key risks are set out below:

Key Risk Description	Likelihood 1-4	Impact 1-4	Key Mitigation Measures	Risk Register and Reference*
Legal Challenge and poor decision making framework	2	1	Policy ensures consistency and proportionality of approach, and it is considered that the Council would be far less likely to be open to legal challenge where a policy is adopted which clearly sets out how applications will be considered, reasons for refusal and out approach to enforcement. Consultation complete and benchmarked against other local authorities.	OPR Protection 016

*\*Name of risk register where risk is currently documented and being actively managed and its reference number*

## 9. CONSULTATIONS

9.1 The draft policy has undergone consultation.

## 10. EQUALITY ANALYSIS

10.1 Equality Impact Assessment (EIA) is not required. An Equality Impact Assessment Initial Screening Form was completed which concluded that there was no need to produce a full EIA.

## 11. ENVIRONMENTAL IMPLICATIONS

11.1 There are no environmental implications.

## 12. APPENDICES

Title	Location
(a) Draft Scrap Metal Policy	Appendix (a)

## 13. BACKGROUND DOCUMENTS

13.1 Scrap Metal Dealers Act 2013 - [Scrap Metal Dealers Act 2013 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

13.2 Scrap Metal Dealers Act 2013 (Prescribed Documents and Information for Verification of Name and Address) Regulations 2013 - [The Scrap Metal Dealers Act 2013 \(Prescribed Documents and Information for Verification of Name and Address\) Regulations 2013 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

- 13.3 Scrap Metal Dealers Act 2013 (Prescribed Relevant Offences and Relevant Enforcement Action) Regulations 2013 - [The Scrap Metal Dealers Act 2013 \(Prescribed Relevant Offences and Relevant Enforcement Action\) Regulations 2013 \(legislation.gov.uk\)](#)
- 13.4 Scrap Metal Dealers Act 2013 (Commencement and Transitional Provisions) Order 2013 - [The Scrap Metal Dealers Act 2013 \(Commencement and Transitional Provisions\) Order 2013 \(legislation.gov.uk\)](#)
- 13.5 Scrap Metal Dealers Act 2013: Determining suitability to hold a scrap metal dealer's licence - [Determining suitability to hold a scrap metal dealer's licence - GOV.UK \(www.gov.uk\)](#)
- 13.6 Scrap Metal Dealers Act 2013: Supplementary Guidance - [Scrap Metal Dealers Act 2013: supplementary guidance - GOV.UK \(www.gov.uk\)](#)

## **REPORT AUTHORS**

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