

BABERGH DISTRICT COUNCIL

TO: Licensing & Regulatory Committee	REPORT NUMBER: BLR/23/2
FROM: Licensing Team	DATE OF MEETING: 15 December 2023
OFFICER: Kate Pearsall, Licensing Team Leader Tracy Howard, Corporate Manager for Public Protection	KEY DECISION REF NO. N/A

REVIEW OF SCRAP METAL DEALERS LICENSING POLICY 2023

1. PURPOSE OF REPORT

- 1.1 To provide Members with information and guidance on a new draft Scrap Metal Dealers Licensing Policy attached at Appendix (a).
- 1.2 To seek Members approval of the draft policy for public consultation.

2. OPTIONS CONSIDERED

- 2.1 To continue the licensing regime as it is currently, without the benefit of a policy as there is no statutory requirement to have one.
- 2.2 This option is not recommended as a policy provides an opportunity for the council to set out its approach, providing clarity for applicants, licence holders and other affected parties.

3. RECOMMENDATIONS

- 3.1 That the Licensing and Regulatory Committee agree the draft policy for the purposes of consultation.
- 3.2 That the Licensing and Regulatory Committee agree a consultation period of 6 weeks with licence holders and key stakeholders.
- 3.3 That the Licensing and Regulatory Committee deem the policy approved to proceed to Cabinet if there are no representations, or objections made against the draft policy.

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), Babergh District Council, in its role as Licensing Authority, is 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 adoption of policy supports the council's commitment to transparency, fairness and openness when determining applications and ensuring compliance with the relevant legislation.
- 4.4 The Act and associated guidance issued by the Home Office sets out the principles that the Council must apply when exercising its powers and duties under the Act.
- 4.5 The draft policy sets out how the council proposes to exercise these powers and duties.
- 4.6 The SMDA makes it clear that the council must not issue or renew a licence unless they are satisfied that the applicant is a suitable person to carry on a business as a scrap metal dealer. The draft policy provides an opportunity to outline matters which the council will take into consideration when determining if someone is suitable to hold a licence.
- 4.7 The draft policy also gives the council an opportunity to set out how it will implement the Local Government Association's recommendations for good practice in relation to scrap metal licensing, such as carrying out compliance visits, partnership working with other agencies and intelligence sharing.
- 4.8 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 CORPORATE PLAN

- 5.1 Economy and environment – supporting the needs of businesses and attracting new businesses by providing clarity on the council's approach to the licensing of scrap metal.
- 5.2 Strong and healthy communities – the policy is a key component in tackling metal theft and so contributes to overall community safety.

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 Reputation	2	2	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	Public Protection Operational Risk Register for Service Planning 2023/24 Reference 016

9. CONSULTATIONS

- 9.1 Should the Committee approve the draft policy for consultation, a period of six weeks is proposed for consultation. Appendix (b) lists the consultees. The draft policy will also be available on the council's website. Hard copies will be available on request.

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 Policy	Attached
(b) List of Consultees	Attached

13. BACKGROUND DOCUMENTS

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

14. REPORT AUTHORS

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