

Southend-on-Sea City Council

Report of the Interim Executive Director of Neighbourhoods
and Environment

to

Cabinet

on

8th November 2022

**Agenda
Item No.**

Report prepared by Adam Penn,
Regulatory Services Manager.

Scrap Metal Dealers Act 2013
- Approval of Statement of Licensing Policy
Place Scrutiny Committee
Cabinet Member: Councillor Terry
A Part I Public Agenda Item

1. Purpose of Report

- 1.1 To set out the legal obligations on the Council, acting as Licensing Authority, in respect of the Scrap Metal Licensing policy.
- 1.2 To set out a revised Policy Statement, for approval by Cabinet. (This is contained in **Appendix 1**).

2. Recommendation

- 2.1 **That Cabinet review the final version of the revised Policy and approve it for immediate implementation.**
- 2.2 **That Cabinet approve that the Executive Director of Neighbourhoods and Environment, in consultation with the Cabinet Member for Public Protection, be the delegated authority to make any future amendments to the Scrap Metal Policy**

3. Background

- 3.1 The Scrap Metal Dealers Act 2013 came into effect on 1 October 2013 with transitional arrangements taking effect from 1 September 2013. (Earlier than the commencement date to allow grandfather rights to current licence holders). The Scrap Metal Dealers Act 2013 requires that scrap metal sites and collectors are licensed by the local authority. The legislation was introduced to stem the increase in metal theft at the time.
- 3.2 The Council's current Scrap Metal Licensing Policy was adopted by Cabinet in 2013. Although there is no statutory requirement to undertake reviews of the policy statement, it is generally accepted as being good practice to carry out this exercise from time to time.

- 3.3 There are currently 11 collectors and 7 sites licensed by the Council under this legislation (these licences are in the renewal process at present). As part of the process for granting licences, the Licensing Authority has regard to principles laid out in its policy.
- 3.4 This is the first time the Policy has been reviewed since its introduction. The original intent was to review the Policy earlier to remove the now defunct transitional arrangements, but this was delayed by the Covid-19 pandemic. There are no other major changes to the intent or direction of the Policy, which sets out how the Council seeks to regulate Scrap Metal Dealers and Collectors under its control and provides a framework for consistent decision making.
- 3.5 The changes to the proposed statement of policy document include some general updates and the following matters:
- the removal of the transitional provisions procedure;
 - how the Policy links to the Council's 2050 vision;
 - detail on how the Council's Licencing Team enforce the Act;
 - the correction of one or two typographical errors; and
 - making some of paragraphs clearer to read;
 - some rewording of section 15.1 as a result of the consultation.

4. Other Options

- 4.1 Should the Council not renew the Policy the old, outdated policy will remain in force.
- 4.2 It is not considered that another option exists.

5. Reason for Recommendation

- 5.1 To enable the Council to update and improve the Policy.

6. Corporate Implications

- 6.1 Contribution to the Southend 2050 Road Map

6.1.1 The development of a Licensing Policy establishes how the Council will determine applications therefore supporting the 'Opportunity and Prosperity' ambition.

6.2 Financial Implications

6.2.1 There are no Financial implications associated with this report. There are no additional costs to the Council by adopting this policy

6.3 Legal Implications

6.3.1 There are no Legal implications associated with this report.

6.4 People Implications

6.4.1 There are no People implications associated with this report.

6.5 Property Implications

6.5.1 There are no Property implications associated with this report.

6.6 Consultation

6.6.1 The Consultation on the draft Policy ran for 6 weeks from 8th August 2022, during which time it was advertised on the Councils consultation website page. During that period the page had a total of 40 visits with 23 people downloading and reviewing the Scrap Metal Licensing Policy documents. In addition, the following individuals and organisations were specifically contacted to advise of the consultation:-

- existing licence holders;
- Essex Police;
- British Transport Police;
- Environment Agency;
- Industry Associations;
- All Elected Members of the Council;
- Neighbouring Council's Licensing Teams.

6.6.2 As a result of this, 3 responses were received. These are detailed and analysed at Appendix 2

6.7 Equalities and Diversity Implications

6.7.1 There are no Equality and Diversity implications associated with this report. An Equalities Assessment has been carried out for the final Policy.

6.8 Risk Assessment

6.8.1 The main risk identified is that without a properly reviewed and up to date policy, decisions made by The Licensing Committee (or officers by delegation) would be open to legal challenge caused by the lack of a valid policy.

6.9 Value for Money

6.9.1 The annual licence fees form part of the overall budget for the Council; however, fee levels do not form part of this Policy. The Act requires that fees are set at a level which covers the cost of administering the system without making a profit.

6.10 Community Safety Implications

6.10.1 The objective of the Act was to reduce metal theft. There were 19,044 metal theft offences recorded in England and Wales in the reporting year 2020/21, a small increase on the previous reporting year, but a fall when compared with 2012/13, when there were 61,870. However, it is unclear if the Act or the falling metal price is the key factor in the reduction.

6.11 **Environmental Impact**

6.11.1 A fair licensing regime encourages the recycling of metals which could otherwise go to landfill, and could reduce the risk of fly tipping thus helping the environment.

7. **Background Papers**

7.1 None

8. **Appendices**

8.1 **Appendix 1:** Proposed Statement of Scrap Metal Licensing Policy.

8.2 **Appendix 2:** Overview of consultation responses.