

TELFORD & WREKIN COUNCIL

CABINET – 26th JUNE 2014

SCRAP METAL DEALERS ACT 2013

**REPORT OF THE SERVICE DELIVERY MANAGER, PUBLIC
PROTECTION**

LEAD CABINET MEMBER – CLLR RICHARD OVERTON

PART A) – SUMMARY REPORT

1. Summary of Main Proposals

1.1 The Scrap Metal Dealers Act 2013 replaces the previous registration system for scrap metal dealers under the Scrap Metal Dealers Act 1964 and the licensing system for motor salvage operators under the Vehicles (Crime) Act 2001. It is an Executive Function of the Council.

1.2 For the Cabinet to consider delegating authority to officers.

2. RECOMMENDATION

It is recommended that :

2.1 Cabinet delegate authority to Officers as listed on Appendix 1, to carry out compliance and enforcement functions under the Scrap Metal Dealers Act 2013.

3. Summary Impact Assessment

Community Impact	Do these proposals contribute to specific Co-Operative Council priority objective(s)?	
	Yes	Protect and create jobs as a “Business Supporting, Business Winning Council”. Protect and support our vulnerable children and adults
	Will the proposals impact on specific groups of people?	
	No	
Target Completion/Delivery Date	Compliance and enforcement will be a statutory duty of the Council for the duration that the Scrap Metal Dealers Act 2013 is current law. It will be carried out in accordance with Public Protection’s enforcement policy. It is planned to carryout out the first compliance checks on licence holders after 1 st July 2014.	
Financial/Value for Money Impact	Yes	The cost of compliance is included within the current cost of business operations. The licence fee charged to operators includes a contribution towards this cost. However, where enforcement action ensues, this is not rechargeable through the licence fee and costs of enforcement or costs accruing from court action is not funded. Where legal costs are recovered these are credited to the service budget to offset the costs of court action. Therefore, there are no budget issues accruing from approving the recommendations to check compliance with the statutory provisions, but there may be cost pressures which are not budgeted for in future resulting from enforcement action being taken.
Legal Issues	Yes	Details of the relevant legislation are contained in the body of the report. Delegated authority is required to enable officers to carry out compliance and enforcement checks.
Other Impacts, Risks & Opportunities	Yes	A legal challenge by way of Judicial Review should the Council not implement the changes brought about by the Scrap Metal Dealers Act 2013.
Impact on Specific Wards	Yes	This report has Borough wide Implications.

PART B) – ADDITIONAL INFORMATION

4. Information

- 4.1 The Scrap Metal Dealers Act 2013 came into force on 1st October 2013. It was introduced as a Private Members Bill by Richard Ottaway MP in order to tackle scrap metal theft and covers England and Wales.
- 4.2 Local Authorities have responsibility for administration, compliance and enforcement in relation to the Act.
- 4.3 Since the implementation of the Act on 1st October 2013, Telford & Wrekin Council has issued 10 Scrap Metal Site Licences and 27 Scrap Metal Collectors' Licences.
- 4.4 Sections 13-15 of the Act require scrap metal dealers to keep records of metal received and disposed of as well as details of the person it was received from, documents used to verify the name and address of the supplier and the payment made. Records must be recorded in a manner which allows the information and scrap metal to be easily identified by reference to each other (section 15 (1)). Records must be kept for three years (section 15 (3)).
- 4.5 Section 16 of the Act allows local authority officers to enter and inspect licensed sites to ensure compliance of the Act and also to enter premises which are not a licensed site but where there are reasonable grounds for believing that the premises are being used by a scrap metal dealer in the course of a business. Schedule 2 allows local authorities the power to issue Closure Notices for unlicensed sites.
- 4.6 Section 16 also allows local authority officers to request production of and to inspect any scrap metal and/or records kept by a scrap metal dealer.
- 4.7 Now that scrap metal licences have been issued by this Council under this new Act, Public Protection Officers plan to carry out compliance checks. Authorisation is therefore, requested, as outlined in this report above, to be delegated to officers in order that Officers may proceed with compliance and enforcement checks.

5. Impact Assessment – Additional Information

- 5.1 Statutory provisions being implemented only.

6. Previous Minutes

6.1 Cabinet 19th September 2013

7. Background Papers

7.1 Scrap Metal Dealers Act 1964

7.2 Vehicles (Crime) Act 2001

7.3 LGA Guide to the Scrap Metal Dealers Act 2013

Report prepared by Suzanne Fisher, Principal Licensing Officer, Public Protection, Darby House - For further information please telephone 01952-383261 or email suzanne.fisher@telford.gov.uk