

POLICY AND GUIDELINES FOR THE CONSIDERATION OF SCRAP METAL DEALERS SITE AND COLLECTORS LICENCES

Committee: Licensing Committee

Date: 12th February 2014

Author: Karen See, Principal Environmental Health Officer (Domestic Team)

[N215]

1.0 ISSUE

1.1 To consider and approve the policy and guidelines for the consideration of scrap metal dealers site and collectors licences as set out in Appendix 1 to this report.

2.0 RECOMMENDATION(S)

2.1 That the Licensing Committee approve the policy and guidelines set out in Appendix 1 to this report.

2.2 That the Licensing Committee recommend to Council that they authorise the Monitoring Officer to include the delegations as set out in Appendix 2 to this report within the Licensing Committee Scheme of Delegations to Committee and Officers.

3.0 BACKGROUND/OPTIONS

3.1 The Scrap Metal Dealers Act 2013 ('the Act') received Royal Assent on 28th February 2013 and came into force on 1st October 2013.

3.2 The Act repealed the Scrap Metal Dealers Act 1964 and Part 1 of the Vehicle (Crime) Act 2001, creating a revised regulatory regime for scrap metal recycling and dismantling, bringing together scrap metal dealers and motor salvage operators under one Act.

3.3 Under the new Act Local Authorities remain the principal regulators. However the new Act provides Local Authorities with the power to better regulate these businesses by allowing licences to be refused if an Applicant is deemed to be 'unsuitable' and a power to revoke or vary licences if the Dealer becomes 'unsuitable'.

3.4 The Act sets out the required form and effect of the two different licences and requires the Environment Agency to maintain a public register of scrap metal dealer licences issued in England. It is therefore important that at application stage local authorities are provided with information that is relevant and sufficient for these purposes.

3.5 The Act clearly identifies the details that the authority could consider in determining whether a person is 'suitable', including if the person has been convicted of any relevant offences or subject to any relevant enforcement action. If the Council proposes to refuse an application (or revoke or vary a licence) on the basis of 'unsuitability' the Applicant has the opportunity to make representations. Written or oral representations can be made before a Licensing Sub-Committee, the procedure for which is outlined in a further Agenda report.

4.0 ARGUMENTS/CONCLUSIONS

4.1 Councils must establish appropriate procedures for meeting its obligations under the Scrap Metal Dealers Act 2013. Such procedures help to provide for a transparent and consistent approach to considering applications and determining whether an Applicant/Licence Holder is 'suitable' or not to have a licence.

4.2 Section 3 (1) of the Act requires that the licensing authority has to be satisfied that an applicant is a suitable person to carry on business as a scrap metal dealer. In making this decision East Cambridgeshire District Council will have regard to any relevant information including whether any relevant enforcement action has been taken against the applicant or whether the applicant has been convicted of a relevant offence.

4.3 Appendix A in the Policy Document provides further detail on the information that East Cambridgeshire District Council will take into account as part of the 'suitable person test'.

4.4 Section 4 of the Act provides the licensing authority with the discretion to revoke a licence on particular grounds, including where the local authority is no longer satisfied that the licensee is a suitable person to carry on the business as a scrap metal dealer.

4.5 Section 4 also allows the licensing authority to vary a licence; imposing either one to both of the conditions stated in Section 3 (8) of the Act if a licensee is convicted of a relevant offence.

4.6 At its meeting on 9th October 2013 the Licensing Committee approved the level of fees for the new licensing regime.

4.7 On 17th October 2013 Council approved the recommendation that the Monitoring Officer be authorised to include any contested hearings/revocations under paragraph 3.1 of the Licensing Committees Terms of Reference, as a Sub Committee hearing matter.

4.8 A summary of the delegations and roles, to administer the introduction and regulation of the Scrap Metal Dealers Act 2013, are highlighted in Appendix. It is recommended that the Licensing Committee approves these delegations and recommends to Council that they authorise the Monitoring Officer to

include these delegations within the Licensing Committee Scheme of Delegations to Committee and Officers.

5.0 FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT

5.1 There are no additional financial implications arising from this report.

5.2 An initial Screening Equality Impact Assessment (INRA) has been completed and the findings show the impact of introduction of this policy is not considered to have an adverse impact on any group. Copy attached – refer to Appendix 3.

6.0 APPENDICES

- 6.1 Appendix 1 Policy and Guidelines for the Consideration of Scrap Metal Dealers Site and Collectors Licences
Appendix 2 Summary of delegations and roles
Appendix 3 INRA-Initial screening

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer</u>
Scrap Metal Dealers Act 2013	Room S203 The Grange, Ely	Karen See Principal Environmental Health Officer (01353) 616358 E-mail: karen.see@eastcambs.gov.uk
LGA Guide to the Scrap Metal Dealers Act 2013		



**EAST CAMBRIDGESHIRE DISTRICT
COUNCIL**

**STATEMENT OF POLICY AND GUIDELINES
FOR THE CONSIDERATION OF SCRAP
METAL DEALERS SITE AND COLLECTORS
LICENCES**

JANUARY 2014

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- A East Cambridgeshire District Council Scrap Metal Dealers Fees and Charges, October 2013
- B S.I. 2013/2258 - The Scrap Metal Dealers Act 2013 (Prescribed Relevant Offences and Relevant Enforcement Action) Regulations 2013

1. Introduction

- 1.1 The Scrap Metal Dealers Act 2013 received Royal Assent on 28th February 2013. The Act repeals the Scrap Metal Dealers Act 1964 (and linked legislation) and Part 1 of the Vehicles (Crime) Act 2001 creating a new regime under which both the scrap metal recycling and vehicle dismantling industries are regulated. The new scheme is to be run and administered by local authorities, giving them the power to better regulate these industries by allowing them to refuse to grant a licence to 'unsuitable' applicants and the power to revoke licences if the dealer becomes 'unsuitable'.
- 1.2 This document outlines East Cambridgeshire District Council's policy and guidance on the provision of licences under the new scrap metal regime.

2. Definitions

- 2.1 A person carries on a business as a scrap metal dealer if the person:
- a) Wholly or partly buys or sells scrap metal, whether or not the metal is sold in the form in which it was brought, or
 - b) Carries on a business as a motor salvage operator.
- 2.2 Persons selling scrap metal as a surplus material or as a by-product of manufacturing articles is not regarded as a scrap metal dealer.
- 2.3 A motor salvage operator is defined as a business that:
- a) Wholly or in part recovers salvageable parts from motor vehicles for re-use or re-sale and then sells the rest of the vehicle for scrap,
 - b) Wholly or mainly involves buying written-off vehicles and then repairing and selling them off,
 - c) Wholly or mainly buys or sells motor vehicles for the purpose of salvaging parts from them or repairing them and selling them on.
- 2.4 Scrap metal includes:
- a) Any old, waste or discarded metal or metallic material, and
 - b) Any product, article or assembly which is made from or contains metal and is broken, worn out or regarded by its last holder as having reached the end of its useful life.
- 2.5 Scrap metal does not include:
- a) Gold
 - b) Silver
 - c) Any alloy of which 2% or more by weight is attributed to gold or silver.

3. Types of Licence

3.1 In order for anyone to carry on business as a scrap metal dealer they have to have a licence. A licence is valid for 3 years beginning from the date it is issued. A dealer trading without a licence is committing a criminal offence.

3.2 There are two types of licence specified in the Act:

Site Licence – All sites where a licensee carries on business a scrap metal dealer have to be identified and a site manager has to be named for each site. This licence allows the licensee to transport scrap metal to and from those sites from any local authority area.

Collectors licence – This allows the licensee to operate as a collector in the area of East Cambridgeshire District Council. It does not allow the collector to operate in any other local authority area, so a separate licence has to be obtained from each council the collector wishes to operate in. The licence does not authorise the licensee to operate a site, either within or outside of East Cambridgeshire. They would need to apply to the relevant local authority for such a licence.

3.3 A dealer can only hold one type of licence in any one local authority area.

3.4 A copy of a site licence must be displayed in a prominent place in an area accessible to the public at each site identified in the licence.

3.5 A copy of the collectors licence must be displayed on any vehicle that is being used in the course of the dealers business. The licence must be displayed in a manner which enables it to be easily read by a person outside the vehicle.

3.6 A scrap metal dealer who fails to comply with paragraphs 3.4 or 3.5 is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

4. Applications and Notification

4.1 The licence application form will be accepted when all relevant sections of the form have been completed and it is accompanied by a disclosure certificate from Disclosure Scotland and the correct licence application fee set by East Cambridgeshire District Council. Current fee levels can be found at <http://www.eastcambs.gov.uk/sites/default/files/scrap-fees-consultation091013.pdf>, a copy of which is reproduced in Appendix A. It is

important that all the information requested in the application form is provided as it helps the Council to assess the suitability of the applicant to hold a licence. Specific information is also required to be passed to the Environment Agency for inclusion on the National Register of Scrap Metal Dealers (see Section 11).

4.2 Applications for renewal of licences must be received at least 14 days prior to the existing licence expiry date.

4.3 East Cambridgeshire District Council may request, at the time of the application or later, that additional information is provided which it considers is relevant for the purpose of considering the application. Failure to provide such information may result in the application being declined.

4.4 An applicant for a scrap metal licence, or for the renewal or variation of a licence, must notify the authority to which the application was made of any changes which materially affect the accuracy of the information which the applicant has provided in connection with the application.

4.5 A licensee who is not carrying on a business as a scrap metal dealer in the area of the authority which issued the licence must notify the authority of that fact within 28 days of the business ceasing.

4.6 If a licence is issued to a business under a trading name the license must notify the authority which issued the licence of any change to that name within 28 days of the change.

4.7 The Council must notify the Environment Agency within 28 days of:

- a) Any notification given to the Council under section 4.5 or 4.6
- b) Any variation to the licence made by the Council
- c) Any revocation by the Council of a licence.

Regular notifications will ensure that the National Register is kept up to date.

5. Suitability of the Applicant

5.1 The Council must not issue or renew a licence unless it is satisfied that the applicant is a suitable person to carry on a business as a scrap metal dealer.

5.2 In determining whether an applicant is a suitable person the Council may have regard to **any information which it considers to be relevant**, in particular:

- a) Whether the applicant or any site manager has been convicted of any relevant offence;
- b) Whether the applicant or any site manager has been the subject of any relevant enforcement action;
- c) Any previous refusal of an application for the issue or renewal of a scrap metal licence (and the reasons for refusal);
- d) Any previous refusal of an application for a relevant environmental permit or registration (and the reasons for the refusal);
- e) Any previous revocation of a scrap metal licence (and the reasons for the revocation);
- f) Whether the applicant has demonstrated that there will be in place adequate procedures to ensure that the provisions of this Act are complied with.

5.3 In 5.2 the term “site manager” means an individual proposed to be named in the licence as a site manager. A “relevant offence” means an offence which is prescribed for the purposes of this section in regulations made by the Secretary of State and “relevant enforcement action” means enforcement action which is so prescribed.

The Scrap Metal Dealers Act 2013 (Prescribed Relevant Offences and Relevant Enforcement Action) Regulations 2013 (Appendix B) provides a list of the relevant offences and relevant enforcement action that the Council may have regard to in determining suitability of an applicant.

5.4 In determining whether a company is a suitable person to carry on a business as a scrap metal dealer the Council will have regard, in particular, to whether any of the following is a suitable person:

- a) Any director of the company
- b) Any secretary of the company
- c) Any shadow director of the company (that is to say any persons in accordance with those directions or instructions the directors of the company are accustomed to act).

5.5 In determining whether a partnership is a suitable persons to carry on a business as a scrap metal dealer the Council will have regard, in particular, to whether each of the partners is a suitable persons.

5.6 The Council may consult other persons regarding the suitability of an applicant, including in particular:

- a) Any other local authority;
- b) The Environment Agency;
- c) The Natural Resources Body for Wales;
- d) An officer of a police force.

5.7 In assessing an applicant’s suitability the Council can consider any other information it considers relevant including the applicants behaviour in the operation of their business or the details of any relevant convictions that are not spent.

6. Variations

- 6.1 The Council may, on any application, vary the licence by changing the licence from one type to another.
- 6.2 A site licence holder must make an application to vary the licence if there is a change to:
- a) The name of the licensee
 - b) The identity of all the sites in the authority area at which the licensee is authorised to carry on the business
 - c) The name of the site manager of each site.
- 6.3 A Collectors Licence Holder must make an application to vary the licence if there is a change to:
- a) The name of the licensee
- 6.4 The power to amend the name of the licensee does not include the power to transfer the licence from one person to another.
- 6.5 An application to vary the licence:
- a) Is to be made to the Council which issued the licence, and
 - b) Must contain particulars of the changes to be made to the licence
 - c) Must be accompanied by the appropriate variation fee set by East Cambridgeshire District Council. Refer to [www.](#) for current fee levels and Appendix A.
- 6.6 A licensee who fails to notify the Council of any changes specified in sections 6.2 and 6.3 could be committing an offence and would be liable on summary conviction to a fine not exceeding level 3 on the standard scale. A Licensee may have a defence if they can show that they have taken all reasonable steps to avoid committing the offence.
- 6.7 The Council must be satisfied with any variation that the applicant is still a suitable person to hold a licence.

7. Conditions

- 7.1 If the applicant or site manager has been convicted of a relevant offence and the Council deems that it is still appropriate to issue a licence, the Council may then include in the licence one or both of the following conditions:
- a) That the dealer must not receive scrap metal except between 0900 hours and 1700 hours on any day
 - b) That all scrap metal received must be kept in the form in which it is received for a specified period, not exceeding 72 hours, beginning with the time when it is received.
- 7.2 If an existing licence holder or site manager is convicted of a relevant offence the Council may vary the licence by adding one or both of the conditions in 7.1.

- 7.3 If the Council makes the decision to revoke a licence for any of the reasons set out in Section 8 the council can impose one or both of the conditions in 7.1 until the revocation of the licence takes effect.
- 7.4 A variation under 7.2 comes into effect when no appeal (see section 10) is possible in relation to the variation, or when any such appeal is finally determined or withdrawn.
- 7.5 Where the decision is to vary a licence under 7.2 or impose conditions under 7.1 the licensee will be notified. The written decision notice will provide the Council's reason for variation, details of how to appeal the decision and the date on which the variation will take effect.

8. Revocations

- 8.1 The council may revoke a scrap metal licence if:
- a) It is satisfied that the licensee does not carry on business at any of the sites identified in the licence.
 - b) It is satisfied that a site manager named in the licence does not act as a site manager at any of the sites identified in the licence
 - c) It is no longer satisfied that the licensee is a suitable person to carry on business as a scrap metal dealer.
- 8.2 A revocation under this section comes into effect when no appeal (see Section 10- Appeals) is possible in relation to the revocation, or when such an appeal is determined or withdrawn.
- 8.3 Where the decision is to revoke a licence the licensee will be notified. The written decision notice will give reasons for the decision and provide information on the appeals process and from when the revocation is to take effect. Section 7.3 above can apply to revocations.

9. Right to make representations

- 9.1 Where the Council proposes to refuse an application, refuse a renewal, or to revoke, vary or condition a licence, the applicant/licensee will be notified and the reasons for the decision must be included in the notification.
- 9.2 The notification from the Council must also give the applicant or licensee the opportunity to make representations to the Council in respect of the decision to refuse/revoke/vary/condition the licence. East Cambridgeshire District Council requires the applicant/licensee to make known their intention to make representations within 14 days of the council's notification.
- 9.3 If the applicant/licensee chooses not to make any representations or fails to indicate their intentions to the Council within the 14 days, the Council can refuse the application or renew, revoke, condition or vary the licence.
- 9.4 If the applicant/licensee informs the Council that they wish to make representations a further 21 days will be allowed from the date of the licence holders/applicants notification in which to make representations.
- 9.5 If the applicant/licensee makes representations either within the initial 14 days notice period or within the further 21 days (see section 9.4 above) the Council will consider the representations.

- 9.6 If representations are not made to the Council within the extended 21 day notice period the Council may refuse an application or renewal, or revoke or vary or condition a licence.
- 9.7 Representations may be made in writing by the applicant or alternatively the applicant may wish to make representations orally. If the applicant wishes to make oral representations the council will arrange a hearing at the Council offices where the licence holder/applicant will be entitled to be heard by the Licensing Sub Committee. Written representations will be considered by the Licensing Sub Committee.

10. Appeals

- 10.1 Appeals against a decision taken by the Council to refuse an application or renewal, revoke a licence or condition or vary a licence are to the Magistrates Court.
- 10.2 The appeal is to be made within 21 days beginning with the day on which notice of the decision to refuse the application or to renew it, to include conditions or to revoke or vary the licence, was given.
- 10.3 The procedure on appeal under this section is to be way of complaint for an order and in accordance with the Magistrates Court Act 1980.
- 10.4 For the purpose of the time limit for making an appeal under this section, the making of the complaint is to be treated as the making of the appeal.
- 10.5 On an appeal under this section, the Magistrates Court may
- a) Confirm, vary or reverse the Council's decision and
 - b) Give such directions as it considers appropriate having regard to the provisions of the Scrap metal Dealers Act 2013.
- 10.6 The Council must comply with any direction given by the Magistrates Court.
- 10.7 The Council need not comply with any such directions
- a) Until the time for making an application under section 111 of the Magistrates Court Act 1980 (application by way of case stated) has passed, or
 - b) If such an application is made, until the application is finally determined or withdrawn.

11. National Register

- 11.1 Information that has been supplied to the Council under the Scrap Metal Dealers Act 2013 and relates to a scrap metal licence or to an application for a licence, can be supplied by the Council to any of the following persons who request it for the purposes relating to the Scrap Metal Dealers Act 2013
- a) Any other local authority
 - b) The Environment Agency
 - c) The Natural Resources Body for Wales
 - d) An officer of the police force
- 11.2 This does not limit any other power the Council has to supply that information.

- 11.3 The Environment Agency must maintain a register of scrap metal licences issued by authorities in England. The registers are open for inspection to the public.
- 11.4 Each entry must have the following information:
- a) The name of the local authority which issued the licence
 - b) The name of the licensee
 - c) Any trading name of the licensee
 - d) If a site licence the address of the site identified in the licence
 - e) The type of licence
 - f) The date on which the licence is due to expire.

Appendix A

East Cambridgeshire District Council - Scrap Metal Dealers Fees and Charges

October 2013

Initial Site licence fee	£300.00
Site licence renewal	£175.00
Initial Collectors licence fee	£200.00
Collectors licence renewal	£140.00
Variation for both licences	£60.00

2013 No. 2258

CRIMINAL LAW

SCRAP METAL DEALERS

The Scrap Metal Dealers Act 2013 (Prescribed Relevant Offences and Relevant Enforcement Action) Regulations 2013

<i>Made</i>	<i>-----</i>	<i>6th September 2013</i>
<i>Laid before Parliament</i>		<i>10th September 2013</i>
<i>Coming into force - -</i>		<i>1st October 2013</i>

The Secretary of State, in exercise of the powers conferred by sections 3(3)(b) and (c) and 20(4) of the Scrap Metal Dealers Act 2013(a) makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Scrap Metal Dealers Act 2013 (Prescribed Relevant Offences and Relevant Enforcement Action) Regulations 2013 and shall come into force on 1st October 2013.

(2) In these Regulations—

“environment-related offence” means an offence which relates to the transportation, shipment or transfer of waste, or to the prevention, minimisation or control of pollution of the air, water or land which may give rise to any harm;

“harm” means:

- (i) harm to the health of human beings or other living organisms;
- (ii) harm to the quality of the environment;
- (iii) offence to the senses of human beings;
- (iv) damage to property; or
- (v) impairment of, or interference with, amenities or other legitimate uses of the

environment.

Relevant offences

2. For the purposes of section 3(3)(b) of the Scrap Metal Dealers Act 2013, “relevant offence” means any offence specified in the Schedule to these Regulations, and includes an offence of—

- (a) attempting or conspiring to commit any offence falling within the Schedule;
 - (b) inciting or aiding, abetting, counselling or procuring the commission of any offence falling within the Schedule, and
-

- (c) an offence under Part 2 of the Serious Crime Act 2007(a) (encouraging or assisting crime) committed in relation to any offence falling within the Schedule.

Relevant enforcement action

3. For the purposes of section 3(3)(c) of the Scrap Metal Dealers Act 2013, a person is the subject of “relevant enforcement action” if—

- (a) the person has been charged with an offence specified in the Schedule to these Regulations, and criminal proceedings in respect of that offence have not yet concluded; or
- (b) an environmental permit granted in respect of the person under the Environmental Permitting (England and Wales) Regulations 2010 (b) has been revoked in whole, or partially revoked, to the extent that the permit no longer authorises the recovery of metal.

Home Office

Damian Green

6th September 2013

Minister of State

SCHEDULE

Regulation 2

PART 1

Primary Legislation

- a) An offence under section 1, 5, or 7 of the Control of Pollution (Amendment) Act 1989(c)
- b) An offence under section 170 or 170B of the Customs and Excise Management Act 1979(d), where the specific offence concerned relates to scrap metal
- c) An offence under section 110 of the Environment Act 1995(e)
- d) An offence under sections 33, 34 or 34B of the Environmental Protection Act 1990(f)
- e) An offence under section 9 of the Food and Environment Protection Act 1985(g)
- f) An offence under section 1 of the Fraud Act 2006(h), where the specific offence concerned relates to scrap metal, or is an environment-related offence
- g) An offence under section 146 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012(i)
- h) An offence under sections 327, 328 or 330 to 332 of the Proceeds of Crime Act 2002(j)
- i) Any offence under the Scrap Metal Dealers Act 1964(k)

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- (a) 2007 c.27.
 - (b) S.I. 2010/675. Environmental permits can be granted under regulation 13, and revoked under regulation 22.
 - (c) 1989 c.14.
 - (d) 1979 c.2. Section 170B was inserted by the Finance (No 2) Act 1992 (c.48), section 3, Schedule 2, paragraph 8.
 - (e) 1995 c.25.
 - (f) 1990 c.43. Section 34B was inserted, in relation to England and Wales, by the Clean Neighbourhood and Environment Act 2005(c.16), section 46.
 - (g) 1985 c.48.
 - (h) 2006 c.35.
 - (i) 2012 c.10. Section 146 is to be repealed by section 19(1)(f) of the Scrap Metal Dealers Act 2013, which has not yet been commenced.

 - (j) 2002 c.29.
 - (k) 1964 c.69. This Act is to be repealed by section 19(1)(a) of the Scrap Metal Dealers Act 2013, which has not yet been commenced.

- (j) Any offence under the Scrap Metal Dealers Act 2013
- (k) An offence under sections 1, 8,9,10, 11, 17, 18, 22 or 25 of the Theft Act 1968(a), where the specific offence concerned relates to scrap metal, or is an environment-related offence
- (l) Any offence under Part 1 of the Vehicles (Crime) Act 2001(b)
- (m) An offence under sections 85, 202, or 206 of the Water Resources Act 1991(c).

PART 2

Secondary Legislation

- a) An offence under regulation 38 of the Environmental Permitting (England and Wales) Regulations 2007(d)
- b) An offence under regulation 38 of the Environmental Permitting (England and Wales) Regulations 2010(e)
- c) Any offence under the Hazardous Waste (England and Wales) Regulations 2005(f)
- d) Any offence under the Hazardous Waste (Wales) Regulations 2005(g)
- e) An offence under regulation 17(1) of the Landfill (England and Wales) Regulations 2002(h)
- f) Any offence under the Pollution Prevention and Control (England and Wales) Regulations 2000(i)
- g) Any offence under the Producer Responsibility (Packaging Waste) Regulations 2007(j)
- h) Any offence under the Transfrontier Shipment of Waste Regulations 1994(k)
- i) Any offence under the Transfrontier Shipment of Waste Regulations 2007(l)
- j) Any offence under the Waste (Electrical and Electronic Equipment) Regulations 2006(m)
- k) An offence under regulation 42 of the Waste (England and Wales) Regulations 2011(n).

- (a) 1968 c.60
 - (b) 2001 c.3 Part 1 of this Act is to be repealed by section 19(1)(d)(i) of the Scrap Metal Dealers Act 2013, which has not yet been commenced
 - (c) 1991 c.57. Section 85 was repealed by SI 2010/675 regulation 107 and Schedule 26, Part 1 paragraph 8(2)(a)
 - (d) S.I. 2007/3538. Regulation 38 was revoked by S.I. 2010/675, regulation 108(1) and Schedule 27
 - (e) S.I. 2010/675
 - (f) S.I. 2005/894
 - (g) S.I.2005/1806
 - (h) S.I. 2002/1559. These Regulations were revoked by S.I. 2007/3538, regulation 74(1) and Schedule 22
 - (i) S.I.2002/1973. These Regulations were revoked by S.I. 2007/3538, regulation 74(1) and Schedule 22
 - (j) S.I 2007/871
 - (k) S.I. 1994/1137. These Regulations were revoked by S.I. 2007/1711, regulation 60(1)(a) and (2)
 - (l) S.I. 2007/1711
 - (m) S.I. 2006/3289
 - (n) S.I. 2011/988
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(This note is not part of the Regulations)

These Regulations prescribe relevant offences and relevant enforcement action for the purposes of section 3(3)(b) and (c) of the Scrap Metal Dealers Act 2013. Pursuant to section 3(2) of that Act, where a local authority is processing an application for a scrap metal licence and is evaluating whether the applicant is a suitable person to carry on business as a scrap metal dealer, the local authority may have regard to whether the applicant or any site manager has been convicted of a relevant offence, or has been the subject of any relevant enforcement action.

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Appendix 2

Summary of delegations and roles

Function	Licensing Committee	Licensing Sub-Committee	Officers-Head of Environmental Services
Approval of policy in relation to the Scrap Metal Dealers Act 2013	<input checked="" type="checkbox"/>		
Setting of fees and charges in relation to the Scrap Metal Dealers Licences	<input checked="" type="checkbox"/>		
Power to licence (first grant, renewal and application to vary) where the applicant is a suitable person and no information (as required under Section 3 (2) of the Act) is received to indicate otherwise.			<input checked="" type="checkbox"/>
Power to licence (first grant, renewal and application to vary) where information (as required under Section 3 (2) of the Act) is received to indicate 'unsuitability'.		To determine applications where the applicant has indicated s/he is taking advantage of the opportunity for a hearing under Section 7 of Schedule 1 of the Act, or where conditions are proposed by officers.	To grant a licence and to refuse a licence in circumstances where the applicant has not expressed the wish to make representations within the specified time period after a notice has been served under Section 7 of Schedule 1, stating the licensing authority proposes to refuse the application.
Power to revoke or vary a licence under Section 4 where the reason for revocation or variation is not related to applicant suitability.			<input checked="" type="checkbox"/>

Power to revoke or vary a licence under Section 4 where the reason for revocation or variation is related to applicant suitability.		<input checked="" type="checkbox"/>	
Power to issue a Closure Notice of an unlicensed site and cancellation of a Closure Notice under Sections 2 and 3 of Schedule 2 of the Act			<input checked="" type="checkbox"/>
Application to a Justice of the Peace for a Closure Order under Sections 4 and 5 of Schedule 2 of the Act			<input checked="" type="checkbox"/>
Termination of a Closure Order by certificate			<input checked="" type="checkbox"/>
Power to instigate criminal proceedings under the Act			Head of Legal Services

Impact and Needs/Requirements Assessment (INRA)

Initial Screening

Initial screening needs to take place for all new/revised Council policies. 'Policy' needs to be understood broadly to include all Council policies, strategies, services, functions, activities and decisions. This stage must be completed at the earliest opportunity to determine whether it is necessary to undertake an INRA for this activity.

Name of Policy:	Statement of policy and guidelines for the consideration of scrap metal dealers site and collectors licences
Lead Officer (responsible for assessment):	Karen See
Department:	Environmental Services
Others Involved in the Assessment (i.e. peer review, external challenge):	Liz Knox Head of Environmental Services
Date Initial Screening Completed:	28.1.14

- (a) **What is the policy trying to achieve?** i.e. What is the aim/purpose of the policy? Is it affected by external drivers for change? What outcomes do we want to achieve from the policy? How will the policy be put into practice?

New legislation has been introduced in the form of the Scrap Metal Dealers Act 2013. This policy will be used by applicants for scrap metal dealer licences, Members who may be responsible for making judgements on an applicant's 'suitability' to hold a licence, and officers, who will be responsible for ensuring the licensing scheme is administered and regulated. It is necessary to ensure consistency and transparency regarding the local authorities' requirements and judgements with respect to this new licensing regime.

- (b) **Who are its main beneficiaries?** i.e. who will be affected by the policy?

Scrap metal dealers, Members, Officers

- (c) **Is this assessment informed by any information or background data?** i.e. consultations, complaints, applications received, allocations/take-up, satisfaction rates, performance indicators, access audits, census data, benchmarking, workforce profile etc.

No

