

# Report to Cabinet Member

**Tuesday 11 October 2022**

**Not for Publication**

**[Exempt Information – information relating to any individual]**

<b>Subject:</b>	Scrap Metal Dealers Act 2013, Application for a scrap metal site licence
<b>Director:</b>	Director —Borough Economy— Alice Davey
<b>Contact Officer:</b>	Makhan Singh Gosal Senior Licensing Officer licensing team@sandwell.gov.uk

## 1 Recommendations

- 1.1 For the Cabinet Member to determine an application for the grant of a scrap metal site licence.

## 2 Reasons for Recommendations



This is a new application for the grant of a Scrap Metal Dealers Licence under the Scrap Metal Dealers Act 2013.

The Scrap Metal Dealers Act 2013 states that a Local Authority must not issue a scrap metal licence unless it is satisfied that the applicant is a suitable person to carry on business as a scrap metal dealer.

If a local authority purpose to refuse an application or revoke or vary a licence the authority must give the applicant or licensee a notice which sets out what the authority propose to do and the reasons for it. If the applicant or licensee makes representations the authority must consider the representations. If the applicant or licensee informs the authority that the applicant or licensee wishes to make oral representations, the authority must give the applicant or licensee the opportunity of appearing before, and being heard by, a person appointed by the authority.



### 3 How does this deliver objectives of the Corporate Plan?

	<p>Strong resilient communities</p> <p>Our communities are built on mutual respect and taking care of each other, supported by all the agencies that ensure we feel safe and protected in our homes and local neighbourhoods, all local partners are focused on what really matters in people's lives and communities.</p>
	<p>A strong and inclusive economy</p> <p>Investing in people and jobs. Licensed premises provide employment in the Borough and help to support the Borough's economy.</p> <p>It is the Authority's aim to offer a wide choice of high quality and well managed entertainment and cultural venues within a safe, orderly and attractive environment; valued by those who live here, work here and come to visit. We want to ensure that businesses operate responsibly and safely so that our residents live in decent neighbourhoods and have a good quality of life.</p>

### 4 Context and Key Issues

- 4.1 The Police are objecting to the grant of a site licence in this case.
- 4.2 The Scrap Metal Dealers Act 2013 came into force on 1 October 2013.
- 4.3 Any person carrying on a business involving the buying or selling of scrap metal is required to have a licence.
- 4.4 The Act creates two types of licence; a site licence and a collectors licence. A site licence authorises the licensee to carry on business as a scrap metal dealer at any site within the council's area. A collectors licence authorises the licensee to carry on business as a mobile collector in the Council's area
- 4.5 In determining whether the applicant is a suitable person to hold a licence, the Council may have regard to any information it considers to be relevant including in particular:
  - whether the applicant or site manager has been convicted of any relevant offence;



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

- 4.6 In determining an applicant's suitability the Council must have regard to Guidance issued by the Secretary of State.
- 4.7 The Guidance defines what is meant by a 'relevant offence' and 'relevant Enforcement action'.
- 4.8 The Act also allows the council to consult with other bodies regarding the suitability of an applicant. These include:-
- The Environment Agency;
  - The Police;
  - any other local authority.
- 4.9 A licence, once granted, lasts for a period of 3 years.
- 4.10 The Local Authority has to refer to the Home Office guidance issued 1 October 2013, reviewed May 2014 (Scrap Metal Dealer Act 2013 determine suitability to hold a scrap metal dealers licence).
- 4.11 The Council has no discretion when it comes to imposing conditions on the grant of a scrap metal licence.
- 4.12 If the applicant or any site manager has been convicted of a relevant offence the Council may include in the licence one or both of the following conditions:-
- the dealer must not receive scrap metal except between the hours of 9am and 5pm on any day;
  - 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 it was received.



4.13 An applicant has a right of appeal to the Magistrates Court against the refusal of an application for the grant of a scrap metal licence.

## 5 Implications

<b>Resources:</b>	Any costs to the Council arising from applications will currently be absorbed within existing budgets.
<b>Legal and Governance:</b>	<p>Section 3 (1) of the Scrap Metal Dealers Act 2013 states that a local authority must not issue a scrap metal licence unless it is satisfied that the applicant is a suitable person to carry on business as a scrap metal dealer.</p> <p>Paragraph 7 of schedule 1 to the Scrap Metal Dealers Act 2013 states that if an applicant or licensee informs the authority that the applicant or licensee wishes to make oral representations the authority must give the applicant or licensee the opportunity of appearing before, and being heard by, a person appointed by the authority. The person appointed is the Cabinet Member for Highways and Environment.</p> <p>4.3 In determining the application(s) the Cabinet Member must have regard to Guidance on determining suitability issued by the Secretary of State under Section 3(6) of the Scrap Metal Dealers Act 2013.</p> <p>Article 6 of Part 1 Schedule 1 of the Human Rights Act 1998, states that in determination of a person's civil rights and obligations, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Article 8 states that everyone has the right to respect for his private and family life, his home and his correspondence.</p> <p>Part II, Article 1 of the Act states that every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.</p>



<b>Risk:</b>	Section 3(1) of the Act states that a local authority must not issue a scrap metal licence unless it is satisfied that the applicant is a suitable person to carry on business as a scrap metal dealer.
<b>Equality:</b>	There are no direct implications for equality arising from this decision.
<b>Health and Wellbeing:</b>	There are no direct implications of the proposals on health and wellbeing arising from this decision.
<b>Social Value:</b>	There are no direct implications for social value arising from this decision.
<b>Climate Change:</b>	There are no direct implications for climate change arising from this decision.

## 6 Appendices

- Appendix 1 — New scrap site licence application
- Appendix 2 — West Midlands Police objection
- Appendix 3 – Notice of intention to refuse your application for a scrap metal dealer’s licence
- Appendix 4 — Licensing Enforcement Officer Statements
- Appendix 5 - Applicant’s documentation
- Appendix 6 — Determining suitability to hold a scrap metal dealer’s licence

## 7. Background Papers

Scrap Metal Dealers Act 2013;  
Home Office Guidance on determining suitability to hold a scrap metal licence.

