



Vale of White Horse

District Council

**Local Government Act 2000 and the Local Authorities
(Executive Arrangements) (Access to Information) (England)
Regulations 2000**

RECORD OF DECISION OF CABINET MEMBER OR KEY DECISION OF OFFICER			
1	Name of Decision maker	Roger Cox	
2	Type of Decision (Please <input type="checkbox"/> as appropriate)	Key	Other Yes
3	Date of Decision (This should be the same as the date form signed)	29 November 2013	
4	The Decision	<p><i>To approve the Scrap Metal Licensing Policy and to give delegated authority to the Head of Service for Health and Housing to make minor amendments to the policy.</i></p> <p><i>To approve the fee structures for licensing scrap metal dealers.</i></p>	
5	Reasons for Decision	<p>The Scrap Metal Dealers Act 2013 (SMD) replaces the Scrap Metal Dealers Act of 1964 in December this year. This new licensing regime has been introduced to tackle increasing metal thefts and to introduce better regulation to ensure that disposal routes for stolen metals are reduced/removed.</p> <p>The regime is administered by local authorities and enforced jointly by the police and local authorities. The new Act effectively extends our existing powers relating to motor salvage operators to include scrap metal dealers. We will have powers to refuse licence applications from those not considered to be 'suitable persons' to hold a licence.</p> <p>Vale of White Horse has no registered Motor Salvage Operators and 12 registered Scrap Metal Dealers.</p> <p>Attached documents; Appendix A: Joint Scrap Metal Dealer Policy, Appendix B: Joint Scrap Metal Dealer Licensing Fee</p>	

		Structure.
6	Alternative Options Rejected	None- The council has a statutory duty to provide licences for scrap metal dealers.
7	Resource Implications	None- Existing resources will be used to administer and enforce scrap metal dealer licensing.
8	Legal implications	None
9	Financial implications	<p>Fees will be set as follows and reviewed annually</p> <p>Fixed site - new application - £550 Fixed site - renewal - £500 Mobile collector - New application - £340 Mobile collector - renewal - £290</p> <p>Simple variation - £70 Other variations - £110</p> <p>The fees can be set to recover the cost of administering the licensing regime. Based upon the fees proposed the council could expect to earn approximately £6600 next year from issuing licences to existing SMD s. This revenue stream would repeat every three years.</p>
10	List of Consultees (See guidance below)	<ul style="list-style-type: none"> • Finance • HR • Legal • Diversity and Equality • Press Officer • Senior Management Team
11	Reports and Background Papers Considered	<p>Joint Scrap Metal Dealer Policy Joint Scrap Metal Dealer Licensing Fee Structure</p>
12	Date of receipt of Reports	
13	Declarations of	

	Interests	None
14	Dispensations	None
15	Is this decision confidential and if so, under which Exempt category?	No
16	"Call in" Waived?	No
17	Signature and Date	<p><i>R Cox</i> 29 November 2013</p> <p>Decision maker Dated</p>
18	This form must be physically handed to a member of the Democratic Services Team	<p>Note: The date and time at which this form is received will be recorded by the Head of Democratic Services. The decision will then be published and is subject to "call in".</p> <p><i>[Signature]</i> Date 2-12-13 ... Time 9:05 Head of Democratic Services Date and Time Form Received <i>ff</i></p>
19	Details of Publication on the Web and date of expiry of "Call In" Note: This part of the Form will be completed by Democratic Services	<p>Date of Expiry of "Call In" 9 December 2013</p> <p>Date Published 2 December 2013</p> <p>Date hand delivered ^{emailed} to Chair of Scrutiny 2 December 2013</p>

Scrap Metal Dealers Act 2013

INTRODUCTION

The Scrap Metal Dealers Act 2013 (the Act) repeals the Scrap Metal Dealers Act 1964 and Part 1 of Vehicles (Crime) Act 2001.

This document outlines the policy and procedures adopted by South Oxfordshire District Council and Vale of White Horse District Council in order to carry out its functions under the Act.

The Act establishes a new licensing regime for any individual or business operating as a scrap metal dealer (SMD). Councils are the principle regulator and administrator of the regime, with enforcement powers shared with the Police.

The Act provides a requirement to licence anyone operating a scrap metal site, collecting scrap metal door to door across the district and motor salvage operators.

WHO SHOULD APPLY

- 1 Any person who operates a business as a scrap metal dealer in South Oxfordshire District Council or Vale of White Horse District Council areas must apply to the relevant council either for a licence to operate a fixed site or as a mobile collector.

APPLICATIONS

- 2 Applicants must apply for either a site or collectors licence (or apply for a variation) using the prescribed form, enclose a copy of all relevant disclosure certificates and submit the correct fee.

POLICY SMD 1: Incomplete applications

Incomplete licence applications, for example those not accompanied by the correct fee, requested supporting documentation or all relevant disclosure certificate/s may not be processed. The council will return applications that are not processed to the applicant.

- 3 Two types of licence are available; a mobile collector's licence and a site licence.

'Mobile collector' means a person who:

- carries on business as a scrap metal dealer otherwise than at a specified "site", and;
- regularly engages, in the course of that business, in collecting waste materials and old, broken, worn out or defaced articles by means of visits from door to door.

'Site' means any premises used in the course of carrying on business as a scrap metal dealer (whether or not metal is kept there).

Section 2(9) of the Scrap Metal Dealers Act 2013 prevents persons from holding more than one licence from any one council.

FEES

- 4 The council calculates its fees to recover reasonable costs in the processing and consideration of applications. The council will review fees on an annual basis.

POLICY SMD 2: Fee reviews

Application fees will be reviewed every year and will be published on the council's website.

CRIMINAL RECORD CHECKS

- 5 All new and renewal applications must be accompanied by a Basic Disclosure certificate for all partners, directors, shadow directors, the company secretary and any site managers.

POLICY SMD 3: Criminal records disclosure

Applications for licences or variations of licences will not be progressed unless accompanied with a Basic Disclosure Certificate for all partners, directors, shadow directors, company secretary and any site managers, dated within three months of the date of application for a licence. The council will not accept copies.

CONSULTATION

- 6 The council will submit all applications to Thames Valley Police (the Police) for comment prior to making a decision on the suitability of the applicant. Where necessary the council may undertake other consultations or investigations to obtain information about whether the applicant is a 'suitable person' to be licensed as a scrap metal dealer.
- 7 Upon receiving an application form, the council may request further information from the applicant regarding the business, applicant, or any other information felt appropriate to verify and / or determine the application. The council reserves the right, where necessary, to carry out checks to ensure that any information given on the application form is correct and verifiable.

POLICY SMD 4: consultation

The council will refer all applications for licences to the Police for comment before decisions are made on whether or not the applicant is considered a 'suitable person'. The council also reserves the right to consult or solicit information on an applicant or application from any other source it feels appropriate.

- 8 Before making a decision on the suitability or otherwise of an applicant the council will consider all information it considers relevant. If there are no indications that the applicant is not a 'suitable person' and the police and/or other consultees raise no objections, the council will issue the licence within 28 days of the application date.

ISSUING UNCONTESTED LICENCES

POLICY SMD 5: Uncontested applications

Where no relevant offences are disclosed on basic disclosure certificates and the councils, Police or other consultees raise no objections, the licence will be issued within 28 days of the receipt of the application. Licences will be valid for three years.

CONTESTED LICENCES

- 9 Where information is received suggesting that the applicant or site manager may not be a 'suitable person' -either at application stage or upon receipt of information after the licence is issued- the applicant will be given notice of an intention to refuse/review, within 21 days of their application date or date of receipt of information.

POLICY SMD 6: Opportunity to make representations

Where information is received indicating that the applicant or licence holder may not be a 'suitable person', or that conditions should be added to their licence they will be given notice of this in writing within 21 days of the date of application or receipt of information.

- 10 The council will advise all applicants/licensees of their right to make representations in support of their application/ licence.
- 11 The applicant/licensee will have 14 days from the date of notification to make representations in support of their application/licence. If the applicant or licensee does not respond within 14 days, or they indicate that they do not wish to make representations, the council will apply conditions, refuse the application or revoke the licence as per the officer's recommendation.
- 12 If the applicant or licensee indicates that they do wish to make either representations or written comments, a panel of elected members will consider the matter.

POLICY SMD 7: No representations made

Where an applicant or licensee does not respond or indicates that they do not wish to make representations in support of their application or licence, within 14 days of being notified, conditions will be added, licences refused or revoked as per the officer recommendation. The council will write to the licensee advising them of the decision, or enclosing the licence with conditions, within five working days.

- 13** When the council receives representations, or a request to speak at a hearing we will arrange hearings to consider them within 28 days of the end of the 14-day representation period. The council will notify all applicants of the hearing date, time and venue not less than 7 days before the hearing date.

POLICY SMD 8: Representations made – notification of hearing

Where an applicant or licensee indicates that they wish to make representations in support of their application or licence, where possible, the councils will hold a hearing within 28 days of the end of the 14-day representation period. The council will advise applicants or licensees of their hearing date and time not less than seven days before it is held.

CONSIDERATION OF CONTESTED APPLICATIONS

- 14** The council will consider contested applications at a specially convened panel of members, consisting of not less than three councillors (the panel).
- 15** The panel will consider each application on its own merits, taking into account any information it feels is relevant.
- 16** Council officers will present a report to the panel; setting out the circumstances of the application and asking the panel to consider whatever matters it feels are relevant, including the written or verbal representations of the applicant.

POLICY SMD 9: Hearings for contested applications

A panel of not less than three councillors will hear any representations it feels are necessary, including representations made by the applicant/licensee, in informing their decision.

- 17 The council will write to applicants within five working days of the close of the hearing to advise of the decision. Those applications refused or to which conditions are appended will also be advised of their right to appeal to a Magistrates Court within 21 days.

POLICY SMD 10: Notification of elected member decisions

Decisions on whether a licence application is granted with no conditions, granted with conditions, or is refused will be sent to the applicant within five working days of the hearing.

ISSUING LICENCES FOLLOWING HEARINGS

- 18 The council will issue licences granted by the panel of elected members within 10 working days of the publication of the decision.

POLICY SMD 11: Issuing of licences following hearings.

Licences granted by the panel of elected members will be issued within 10 working days of the publication of the panel's decision.

VARIATIONS

- 19 Under paragraph 3(1) of Schedule one of the Act, scrap metal dealers can apply to vary their licence from a collectors to a site licence or vice versa. It is

not possible to transfer licences from one person or company to another using a variation.

POLICY SMD 12: Variation applications

Applications to change the type of licence will be considered in the same way as new licence applications. They must contain all the requested information and be accompanied by the correct fee. The date of expiry on the amended licence will be the same as the original licence.

VARIATIONS TO PARTICULARS OF A LICENCE

- 20** Where the council receives applications requesting the variation of the particulars of a licence, as detailed in paragraph 3(2) of Schedule one of the Act, the correct fee must be submitted with the application.
- 21** In the case of a change of site manager, a Basic Disclosure Certificate dated within three months of the date of the application for any new managers must also be submitted.

POLICY SMD 13: Original documentation

Applications to vary the particulars of a licence must be accompanied by the correct original supporting documentation.

Basic Disclosure Certificates dated within three months of the date of application for variation must be submitted for any new partners, directors, shadow directors, company secretaries and site managers.

REVIEW OF LICENSES

- 22** If, during the period between the issue of a licence and its expiry, the council becomes aware that the holder of a licence (a company or persons within the company) or any site managers may not be 'suitable persons' to hold a licence, it may seek to review the licence, recommend the imposition of conditions or revocation.

POLICY SMD 14: Review of licences

Where the council becomes aware that the holder of a licence or any site manager(s) may no longer be 'suitable persons' to hold a scrap metal dealers licence, the council may review their licence.

- 23** The council will inform licensees that the council intends to review their licence and give them an opportunity to make written or verbal representations to a panel of elected members in support of their licence, as per Policy SMD9

POLICY SMD15: Policies for licence reviews

Policies SMD 6 to SMD 12 will apply for dealing with licence reviews initiated by the councils.

End of policy