



CABINET – 9TH DECEMBER 2015

SUBJECT: POLICY ON THE DETERMINATION OF SUITABILITY TO HOLD A LICENCE UNDER THE SCRAP METAL DEALERS ACT 2013

REPORT BY: CORPORATE DIRECTOR, SOCIAL SERVICES

1. PURPOSE OF REPORT

- 1.1 To seek Cabinet approval for a policy on the determination of suitability to hold a licence under the Scrap Metal Dealers Act 2013.

2. SUMMARY

- 2.1 The Scrap Metal Dealers Act 2013 (“the Act”) was enacted on the 1st of October 2013 and introduced a new licensing system to control site operators and itinerant collectors.
- 2.2 The Act and supporting Regulations are silent upon the issue of the responsibility for exercising the function under the Act. Consequently the provisions of S 9 (D) of the Local Government Act 2000 are triggered and by default the function is exercised by the Executive.
- 2.3 The purpose of this policy is to set out the criteria which the Council will take into account when determining whether or not an applicant or an existing licence holder is suitable to hold a scrap metal dealer’s licence. Cabinet are asked to consider and approve the proposed policy attached at Appendix 1.

3. LINKS TO STRATEGY

- 3.1 Public protection is a statutory duty of the authority and contributes to the Prosperous Caerphilly and Safer Caerphilly Priorities within the Caerphilly Local Service Board single integrated plan, Caerphilly Delivers, and Objective 1 of the Council’s Strategic Equality Plan 2012.

4. THE REPORT

- 4.1 The Scrap Metal Dealers Act 2013 replaced previous registration requirements in respect of scrap metal dealers. The Council is the licensing authority under the Act and is responsible for the issue, renewal, variation and revocation of scrap metal dealer’s licences.
- 4.2 A local authority must determine whether the applicant is a suitable person to carry on a business as a Scrap Metal Dealer and must not issue or renew a licence unless it is satisfied that the applicant is a suitable person to be licensed. Local authorities may have regard to any relevant information in considering suitability, including convictions for relevant offences, previous or impending enforcement action, previous refusal of the applicant or revocation of a licence. A local authority may also require that an applicant provide such other information, as it considers relevant, for the purpose of considering their suitability.

- 4.3 On the 16th of October 2013 Cabinet determined that the majority of applications are dealt with by officers under delegated powers in accordance with the requirements of the Act. Disputed applications and those where applicants have convictions for relevant offences or are considered unsuitable for any other reason are determined by the Head of Public Protection and Head of Legal and Democratic Services or representative in consultation with the relevant Cabinet Member (the “panel”).
- 4.4 The purpose of this policy is to set out the criteria which the Council will take into account when determining whether or not an applicant or an existing licence holder is suitable to hold a scrap metal dealer’s licence. The policy provides guidance to officers, members, licence holders and applicants regarding the relevance and impact of a persons history, previous convictions etc on their suitability.

The aim of the policy is to ensure:

- a person licensed as a scrap metal dealer is a suitable person to carry on such a business;
- the process Caerphilly County Borough Council follow when considering a person’s suitability is transparent, fair and proportionate;
- the protection of the public

The Council will determine each application on its individual merits and will have regard to the policy and where the circumstances demand, may depart from the policy. Full reasons for departure from the policy will be provided in writing. The policy is attached as Appendix 1.

- 4.5 In developing the policy, the Council consulted with existing scrap metal dealers and motor salvage operators, Heddlu Gwent Police, other relevant enforcement bodies, British Transport Police, Natural Resources Wales and Industry Associations.

5. EQUALITIES IMPLICATIONS

- 5.1 The Council ensures that it treats all individuals and organisations who are renewing or making new applications for licenses, with equal respect both when corresponding with those individuals and organisations, and during the licensing approval process. Adopting the policy will increase transparency and openness for everyone involved in the process and will improve consistency of approach and fairness.

6. FINANCIAL IMPLICATIONS

- 6.1 There are no financial implications.

7. PERSONNEL IMPLICATIONS

- 7.1 There are no personnel implications.

8. CONSULTATIONS

- 8.1 This report has been sent to the Consultees listed below and all comments received are reflected in this report.
- 8.2 No responses were received from the consultation exercise.

9. RECOMMENDATIONS

- 9.1 That Cabinet consider the contents of this report and approve the adoption of the policy from the 1st January 2016.

10. REASONS FOR THE RECOMMENDATIONS

- 10.1 To ensure that all relevant persons are aware of the criteria which the Council will take into account when determining whether or not an applicant or an existing licence holder is suitable to hold a scrap metal dealer's licence.
- 10.2 To support consistency in determining applications.

11. STATUTORY POWER

- 11.1 The Scrap Metal Dealers Act 2013. This is an Executive Function.

Author: Jacqui Morgan, Trading Standards, Licensing and Registration Manager
Consultees: Cllr N George, Cabinet Member for Community & Leisure Services
Dave Street, Corporate Director, Social Services
Rob Hartshorn, Head of Public Protection
Gail Williams, Interim Head of Legal Services/Monitoring Officer
Myra McSherry, Licensing Manager
Mike Eedy, Finance Manager
Trish Reardon, Human Resources Manager
David A. Thomas Senior Policy Officer (Equalities and Welsh Language)
Sue Ead, Solicitor

Background Papers:
Cabinet Report Scrap Metal Dealers Act 16th October 2013

Appendices:
Appendix 1: Draft Policy on the Determination of Suitability to Hold a Licence Under the Scrap Metal Dealers Act 2013