

REPORT TO: LICENSING COMMITTEE

DATE: 16 SEPTEMBER 2014

TITLE: SCRAP METAL DEALERS ACT 2013 – ENFORCEMENT PROTOCOL

LEAD OFFICER: MICHAEL PITT, ENVIRONMENT AND LICENSING MANAGER (01279) 446114

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RECOMMENDED that Cabinet be recommended to adopt the Scrap Metal Dealers Act 2013 Enforcement Protocol attached at Appendix 1.

BACKGROUND

1. The Scrap Metal Dealers Act 2013 became law in October 2013; the Scrap Metal Dealers Act 1964 is now repealed.
2. The Scrap Metal Dealers Act 2013 made it a requirement for persons dealing wholly or partly in scrap metal to hold either a site or collectors licence issued by their Council.
3. The Act provides greater enforcement powers and powers of entry for both the Council and the police than were hitherto available under the 1964 Act.
4. Licenses are valid for three years, during which time, the Council and the police will be expected to check compliance with the law with licence holders and to ensure that unlicensed dealers are identified and enforcement action taken against them where this is appropriate.
5. The Council and the police have the same enforcement responsibilities under the Act, which range from ensuring that licence holders are compliant with the Act and enforcing against those engaging in scrap metal dealing without a licence.

ISSUES/PROPOSALS

6. In order to avoid situations where compliance or enforcement activity is duplicated or one agency assumes another is taking a lead and no compliance or enforcement takes place, an enforcement protocol has been drawn up between Essex Police and Councils in Essex.

7. Representatives from Councils and the Essex Police formed a working group to examine the legislation to determine the most appropriate way of managing enforcement. The resultant protocol is Appendix 1.
8. As Councils are responsible for processing licence applications and issuing licences, it appeared most appropriate that they be the agency responsible for checking compliance with licences and taking appropriate enforcement action should compliance not be achieved.
9. Where a matter relates to an unlicensed activity, it was deemed appropriate, in some circumstances, for the Police to be the responsible agency to take enforcement action.
10. It has been agreed that Councils and the police will support one another with the enforcement of the Scrap Metal Dealers Act 2013 should the need arise and resources allow.
11. This protocol will be reviewed after the first three-year cycle of scrap metal dealer licensing, or sooner should significant issues be identified.

IMPLICATIONS

Regeneration (includes Sustainability)

None specific

Author: **Graeme Bloomer, Head of Regeneration**

Finance (Includes ICT)

None specific

Author: **Simon Freeman, Head of Finance**

Housing

None specific

Author: **Andrew Murray, Head of Housing**

Community Wellbeing (includes Equalities and Social Inclusion)

A common protocol should assist with efficient enforcement of this legislation which will contribute to delivering a number of Safer Harlow Partnership objectives.

Author: **Michael Pitt Environment and Licensing Manager on behalf of Graham Branchett Chief Operating Officer**

Governance (includes HR)

None specific

Author: **Brian Keane, Interim Head of Governance**