

## **Briefing Note - Scrap Metal Dealers Act (2013)**

### **1. Purpose of Briefing Note**

- 1.1 The purpose of this briefing note is to provide an update to the Licensing Committee on the current situation with regard to the Scrap Metal Dealers Act (2013).

### **2. Introduction**

- 2.1 From 1 October 2013 the Scrap Metal Dealers Act (2013) passed the statutory responsibility to manage and administer the licensing of scrap metal dealers to local authorities.
- 2.2 Every scrap metal dealer is now required to have a licence and operating without one is a criminal offence. Under the legislation the definition of scrap metal dealers is extended so it now includes motor salvage operators. Councils are now able to refuse to grant a licence where the applicant is judged not to be a suitable person to operate as a scrap metal dealer.
- 2.3 Environment Services assumed the statutory responsibility for this Act from 1 October 2013. A total of 84 licence applications have been received to date. A summary update is detailed in the table at Figure 1 & 2 below:

#### **Scrap Metal Sites (as of 16 May 2014)**

Action	Qty	Remarks
Licences Granted	35	Suitable Person/Business, all criteria met.
Licences Processed (Pending)	3	Awaiting Waste Carrier Licence or Environmental Permit or Basic Disclosure (DBS).
Licences Approved (awaiting payment)	2	Licence not issued until payment received.

Figure 1

#### **Scrap Metal Collectors (as of 16 May 2014)**

Action	Qty	Remarks
Licences Granted	27	Suitable Person/Business, all criteria met.
Licences Processed (Pending)	2	Awaiting Waste Carrier Licence or Environmental Permit or Basic Disclosure (DBS) or Police Check.
Licences Approved (awaiting payment)	1	Licence not issued until payment received.
Licences Refused (Appealed & Upheld)	2	Considered not suitable to hold a licence based on relevant unspent convictions.
Licences Refused (Appealed and Granted)	2	Granted on appeal.
Licences Refused (No Appeal)	2	
Licence Applications withdrawn	8	

Figure 2

2.4 The application and licensing function continues as the council receives applications in line with the requirements of the Act.

### **3. Ongoing Education and Enforcement**

3.1 Requirements detailed within the Act sets the council with ongoing enforcement responsibilities to ensure those issued with licences comply as an ongoing obligation. In addition to the requirements, the council will also provide education and advice to licence holders which ensures they continue to be meeting their duty under the Act.

3.2 The enforcement team who are responsible for the compliance of measures contained in the Act are also taking a proactive approach to any illegal activity associated with any site or collector who may be trading without a licence.

3.3 The enforcement team within Environment Services continue to conduct joint partnership operations with Wiltshire Police. Recent Operations in 2014 (Operation Tornado and Operation Rogue Trader) have seen enforcement officers work hand in hand with the Police to conduct 'Stop and Search' activities. These operations enable officers to make use of Police powers to apprehend illegal collectors and by using its own powers, enforce against anyone who may be conducting scrap metal work without a licence or illegally transporting waste under the Environmental Protection Act (1990).

3.4 This proactive approach has led to the initiation of an investigation of an illegal act conducted by one of the applicants whose licence was refused by the council.

### **4. Summary**

4.1 Since the introduction of the Scrap Metal Dealers Act (2013), officers from Environment Services have conducted an exemplary standard of work to ensure that those in the scrap metal business continue to trade and meet their legal obligations. This includes licence processing, assessing suitability, departmental liaison (internal and external) checks and ongoing education and enforcement.

4.2 Environment Services will continue to meet its statutory obligations under the Act and forge further partnerships to ensure all businesses trade legally as scrap metal dealers.

4.3 The Licensing Committee are requested to note this update.

**Prepared by Peter White, Enforcement Manager, Environment Services. Tel: 01380 826333  
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