

WAVERLEY BOROUGH COUNCIL

LICENSING AND REGULATORY COMMITTEE - 16 JULY 2015

Title:

DECISION-MAKING PROTOCOL FOR SCRAP METAL DEALERS LICENSING

[Portfolio Holder: Cllr Simon Thornton]

[Wards Affected: All]

Summary and purpose:

The proposed protocol formalises the decision-making process for Scrap Metal Licence applications and identifies the steps to take where decisions may be contentious. This protocol will need to be ratified as an Executive function.

How this report relates to the Council's Corporate Priorities:

Environment – Licensed sites are subject to periodic inspections and detailed record-keeping

Value for money – the scrap metal licensing regime works to tackle metal theft, an area of crime which has often affected, amongst others, railways, churches and war memorials

Financial Implications:

Income from licensing and regulation should not, as a general rule, generate income for the Council. It is normal practice for administering authorities to cover the costs of providing a licensing and registration service by means of set fees which are periodically reviewed. The current fees for scrap metal licences include an allowance for the decision-making processes.

Legal Implications:

Any decision-making protocol needs to be developed taking into account any relevant government guidance, any other relevant Council policies and by ensuring that any restrictions set by the protocol are capable of being properly justified, otherwise the Council would be susceptible to legal challenge by way of Judicial Review. Any such challenge would be to the High Court and therefore the cost implications would be high.

Introduction

1. There are a small number of businesses in Waverley that deal with scrap metal and they are required to hold a licence. To reduce the potential for metal theft, fraud and money laundering, changes to the licensing, record keeping and payments processes were introduced by the Scrap Metal Dealers Act 2013 and associated Regulations and Guidance.

2. Most applications are straightforward and the Council's Scheme of Delegation provides for Scrap Metal Dealer licences to be determined by the Environmental Health Manager.
3. However, representations may be made by applicants who disagree with certain determinations and the Head of Environmental Services is delegated to consider written and oral representations and to exercise powers to grant/refuse applications and revoke/vary licences following such considerations.
4. The attached document: *Scrap Metal Dealer Licences – Waverley Borough Council Decision-making Protocol (Annexe 1)* makes clear what the process is when determining an application or when dealing with representations.
5. Other Surrey authorities have been contacted to compare relevant procedures but none have, to-date, published a similar document. Examples of current good practice in England & Wales have been reviewed in the preparation of the Waverley protocol.

Conclusion

6. The decision-making protocol reflects good practice and ensures the process in Waverley is fair, reasonable and open to scrutiny.

Recommendation

That the Waverley Borough Council Decision-Making Protocol for Scrap Metal Dealers Licensing be recommended to the Executive for endorsement.

Background Papers

There are no background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to this report.

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