

Regulatory Committee report



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SCRAP METAL DEALERS AND COLLECTORS POLICY REVIEW

Report author **Joseph Mannix**
Licensing Officer (Practitioner)
Joseph.mannix@milton-keynes.gov.uk

Exempt / confidential / not for publication	No
Council Plan reference	Not in Council Plan
Wards affected	All wards

Executive Summary

The Scrap Metal Dealers and Collectors Policy is reviewed every three years. There have been legislative changes requiring amendments to the policy and some elements have also been suggested for change through both consultation and officer experience in working within the current policy.

The draft policy was put out to consultation on 20 September 2022 and ran for four weeks, concluding on 18 October 2022. Consultees included all current licence holders, all relevant authorities including Thames Valley Police, British Transport Police the Environment Agency, Trading Standards and all Ward Members and Parish Councils. There is no legislative framework advising who should be consulted but The British Metal Recycling Association, who are the relevant trade body for scrap metal trading, were also consulted. No objections or comments to the policy were received.

All suggested changes, and reasons for, have been indicated in **Annex A** and a summary of changes has been included in **Annex B**. If the final draft policy is adopted, then the policy will be formally advertised as adopted.

1. Recommendations

1.1 That the Committee either:

- (a) endorse the recommended changes in full for adoption by the Executive in due course;

- (b) endorse the recommended changes in part and refuse specific changes for adoption by the Executive in due course; or
- (c) resolve that further work be undertaken and a further report be provided in due course with a revised policy.

2. Why is the Decision Needed?

- 2.1 Milton Keynes City Council (MKCC) aims to review its policy to promote best practice and encourage compliance from those that are licensed by them.
- 2.2 The existing policy has been reviewed against the Home Office Guidance, and collaboratively reviewed by a number of officers to ensure good working practices are embedded in the policy.
- 2.3 There have been a number of changes to both Home Office guidance and legislation since the last policy review. As a result of this, the policy requires multiple amendments and additions to provide clarity or indicate best practice measures. The most significant changes include:
- The inclusion of a restriction on door to door collections under the authorisation of a scrap metal site licence.
 - The inclusion of best practice measures for collectors.
 - The inclusion of on paper / online traders, that do not physically touch or store scrap in person.
 - The inclusion of measures for Motor Salvage Operators, that buy and sell vehicles for scrap.
- 2.4 The provisions of the policy show how the Council will use its powers under the relevant legislation and apply various tests within those enactments. A robust policy is good evidence of a fair and transparent process should decisions made by the Council be appealed.

3. Implications of the Decision

Financial	Y	Human rights, equalities, diversity	Y
Legal	Y	Policies or Council Plan	Y
Communication	Y	Procurement	N
Energy Efficiency	N	Workforce	N

(a) Financial Implications

The financial implications to this review are primarily in staffing costs, though these costs will be recovered from the licence fees paid by those that MKCC licence. Some of these costs would be offset by the subscription of new motor salvage operators and on-paper or online scrap metal traders.

(b) Legal Implications

There is no legislative requirement to maintain a Scrap Metal Policy. A robust Policy bridges the gap between legislation and guidance. There are a number of inclusions that could render traders operating in Milton Keynes non-compliant. As such, these traders could potentially be subject to enforcement action.

(c) Communication

There will be a requirement for communications to go out to both the general public and licensees if the policy is adopted. However, this would be through existing communication channels.

(d) Human Rights, Equalities and Diversities

The impact of the policy will be limited to Scrap Metal Dealers and Collectors and will not affect any other policies.

(e) Equality Impact

The Council has conducted an equality impact assessment and concluded that the only issue the adoption will present is that there may be a requirement to provide translated copies on a case by case basis.

List of Annexes

Annex A Proposed Scrap Metal Dealers and Collectors Policy

Annex B Summary of Changes

List of Background Papers

Home Office Scrap Metal Dealers Act 2013: Supplementary Guidance

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/265871/SMDA_supplementary_guidance.pdf

Home Office Employer's guide to right to work checks

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1071247/Employer_s_Guide_to_Right_to_Work_Checks_PDF_.pdf