

TONBRIDGE & MALLING BOROUGH COUNCIL

LICENSING & APPEALS COMMITTEE

26 March 2024

Report of the Interim Chief Executive

Part 1- Public

Matters for Recommendation to Council

1 FEEDBACK FROM CONSULTATION RESULTS OF THE SCRAP METAL DEALERS POLICY 2024 – 2029

1.1 Background

1.1.1 On the 27 September 2023 Members approved, for consultation purposes, proposed changes to the existing Scrap Metal Dealers 2019 – 2024 policy. This report asks Members to recommend to Council that the amended policy be adopted.

1.1.2 Tonbridge & Malling Borough Council currently has two site licences and seven Mobile Scrap Metal licences.

1.1.3 Metal theft over recent years has had a significant impact on communities, business, and local authorities. Metal thefts has been on the rise which is why the Scrap Metal Dealers Act 2013 was introduced in October 2013 and came into force in December 2013. It was a way to try and combat desecration of churches and historic buildings, inspection covers, and road signage being stolen.

1.1.4 The Act defines a ‘scrap metal dealer’ as a person who carries on the business which consists wholly or in part of the buying and selling of scrap metal, whether the metal is sold in the form it was bought, or carries on a business as a motor salvage operator. This does not include manufacturing operations that sell metal as a by-product of the processes being used in that operations. This includes the business of collection scrap metal, i.e., door to door collectors.

1.1.5 This policy outlines the requirements of the Scrap Metal Dealers Act 2013. This policy aims to give guidance to new applicants, existing licence holders, consultees, and members of the public as to how the Council will administer and enforce the requirements of the Act.

1.2 Consultation

1.2.1 A copy of the Policy on Scrap Metal Dealers 2024 – 2029 is shown at **Annex 1**.

1.2.2 The following process steps that enabled the development of this policy are:

Draft consultation agreed at the Licensing Committee	27 September 2023
Public Consultation	9 October 2023 – 30 November 2023
Licensing Committee agrees the policy and recommends to Full Council for adoption	26 March 2024
Full Council adopt policy	9 April 2024
New Policy comes into force	22 April 2024

1.2.3 The Consultation was made available to the following stakeholders:

- Existence licence holders
- The Chief Officer of Police for Kent and British Transport Police
- the Fire and Rescue authority for Kent
- Tonbridge and Malling Borough Council's Environmental Protection Team
- Environment Agency
- Trading Standards
- Existing licence holders
- Relevant trade associations

1.2.4 Results of consultation

1.2.5 There were no representations received during the consultation period, which is very disappointing, especially receiving no responses back from existing licence holders.

1.3 Legal Implications

1.3.1 The licensing of Scrap Metal Dealers Site or Mobile licences is governed by the Scrap Metal Dealers Act 2013.

1.4 Financial and Value for Money Considerations

1.4.1 There are no statutory fees for Scrap Metal Dealers Site or Mobile licences. The level of fee is therefore at the discretion of the Licensing Authority,

1.4.2 The current fees for a Scrap Metal Site licence is £440 and for a Mobile Collectors Licence is £330.

1.5 Risk Assessment

1.5.1 The introduction of a policy should provide a transparent and consistent basis for decision making. This in turn should reduce the risks of decisions being challenged in the Courts.

1.6 Equality Impact Assessment

1.6.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

1.7 Policy Considerations

1.7.1 Crime & Disorder Reduction and Community

1.8 Recommendations

1.8.1 That the proposed changes to the Scrap Metal Dealers 2024 – 2029 policy, attached as Annex 1, be approved.

Background papers:

Scrap Metal Dealers Act 2013
Guidance for the Scrap Metal Dealers Act 2013,
updated on the 2 March 2023

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