





Please leave blank for completion by DS officers

EXECUTIVE DECISION RECORD

A1 Service Area	Regulatory Services
A2 Title	Scrap Metal Dealers Act 2013 – Review of the Statement of Policy and Guidelines for the licensing of Scrap Metal Dealers
A3 Decision Taken By	Deputy Leader
A4 Chief Officer	Please print name: Mark Rizk Please sign name: 
A5 Leader / Deputy Leader	Please print name: <i>B. Peters</i> Please sign name: 
A6 Date of Decision	[<i>5.6.2019</i>]

Confidentiality

A7 Is this Decision confidential by containing exempt information as described in Schedule 12A of the Local Government Act 1972?	No
A7.1 If yes, please state relevant paragraph from Schedule 12A LGA 1972.	Paragraph []

Scrutiny

A8 Which Scrutiny Committee should this decision be submitted to?	(Please tick as appropriate) ✓
Scrutiny (Audit & Value for Money Council Services) Committee	✓
Scrutiny (Economic Growth, Communities and Health) Committee	□

<p>B1 What is the Decision?</p>	<p>To approve the updated Statement of Policy and Guidelines for the licensing of Scrap Metal Dealers in respect of licensing and enforcement activities undertaken by the Council under the Scrap Metal Dealers Act 2013.</p>
<p>B2 What are the reasons for the Decision?</p>	<p>The Scrap Metal Dealers Act 2013 came into force on 1st October 2013. The Act repeals the Scrap Metal Dealers Act 1964 and those parts of the Vehicle (Crime) Act 2001 which deal with Motor Salvage Operators, to create a revised regulatory regime for scrap metal recycling and vehicle dismantling industries.</p> <p>Local authorities will continue to act as the principal regulator but the new Act gives authorities greater powers including the ability to refuse and revoke licences, where a dealer is considered unsuitable. In addition local authorities and Police have been given powers to enter and inspect premises.</p> <p>In order to effectively discharge the Council's duties and obligations a Statement of Policy and Guidelines for the Licensing of Scrap Metal Dealers was approved via EDR in 2013.</p> <p>The document sets out the Council's policy, as relevant local authority, on the regulation of Scrap Metal Dealers for the purposes of the Scrap Metal Dealers Act 2013. The policy proposes how applications will be dealt with and includes a Code of Practice which will apply to those licensed by the authority. The review was necessary to ensure the policy statement was still fit for purpose and to update the references from the Scottish Disclosure Service to the Disclosure and Barring Service.</p>


<p>B3 What are the contributions to Corporate Priorities?</p>	<p>Value for Money – the policy will ensure a consistent and transparent process</p> <p>Promoting Local Economic Growth – applicants will be made aware of the Authorities stance for Scrap Metal Dealers, assisting to ensure a fair trading environment</p> <p>Protecting and Strengthening Communities – the Councils licensing activities are primarily concerned with public protection</p>
<p>B4 What are the Human Rights considerations?</p>	<p>There are no Human Rights issues arising from this decision.</p>

Financial Implications

<p>B5 What are the financial implications?</p>	<p>The review of the policy identified insignificant changes which have no impact on the fees and charges set under EDR 1008/19.</p>
---	--

Revenue	2019/20	2020/21	2021/22
N/A	-	-	-

Capital	2019/20	2020/21	2021/22
N/A	-	-	-

<p>The finance section has been approved by the following member of the Financial Management Unit:</p>	<p>Please print name: ANYA MURRAY</p> <p>Please s </p>
--	--

Policy Framework

B6 Is the Decision wholly in accordance with the Council's policy framework?	Yes
B6.1 If No, does it fall within the urgency provisions (Part 3 of the Constitution)?	NA
B6.2 Has it got the appropriate approvals under those provisions?	Yes/No (please delete as appropriate)
B7 Is the Decision wholly in accordance with the Council's budget?	Yes/No (please delete as appropriate)
B7.1 If No, does it fall within the urgency provisions (Part 3 of the Constitution)?	Yes/No/NA (please delete as appropriate)
B7.2 Has it got the appropriate approvals under those provisions?	Yes/No (please delete as appropriate)


Equalities Implications

<p>B8 What are the Equalities implications: There are no adverse impacts and no mitigation measures are required. This is primary legislation and applies nationally and there are no implications locally as enforcement work in respect of scrap metal will be carried out consistently on the basis of risk</p>
<p>B8.1 Positive (Opportunities/Benefits):</p> <p>The relevant Home Office Guidance has been considered in formulating the policy and guidelines.</p> <p>That by reviewing and adopting the proposed draft policy the Council is able to demonstrate their licensing process transparently in the event of any challenge from a licensee or applicant.</p> <p>That by adopting the proposed Policy and Guidelines the Council is able to continue to demonstrate their approach to the licensing of Scrap Metal Dealers..</p>
<p>B8.2 Negative (Threats):</p> <p>By not adopting the proposed policy we not be demonstrating transparency.</p>
<p>B8.3 The subject of this decision is not a policy, strategy, function or service that is new or being revised. An equality impact assessment is [not required.</p>
<p>B8.4 [The equality impact assessment identified the following actions to be carried out:] N/A</p>

Risk Assessment

B9 What are the Risk Assessment implications: N/A
B9.1 Positive (Opportunities/Benefits):
B9.2 Negative (Threats):
B9.3 [The risks are referred to in the Risk Register numbered [].] [The risks do not need to be entered in the Risk Register.] Any financial implications to mitigate against these risks are considered above.

Legal Considerations

B10 What are the Legal Considerations:	
B10.1 There are no significant legal issues arising from this decision	
This section has been approved by the following member of the Legal Team:	Please print name: ANGELIA WAKEFIELD
	Please sign name: 

Sustainability Implications

B11 What are the Sustainability implications: N/A
B11.1 The proposal [would/would not] result in an overall positive effect in terms of sustainability (including climate change and change adaptation measures). The positive/negative impacts are set out below (please refer to guidance notes).
B11.2 Positive (Opportunities/Benefits):
B11.3 Negative (Threats):

Health & Safety Implications

B12 What are the Health & Safety implications: N/A
B12.1 [A Risk Assessment has been carried out and entered into Harriet for all significant hazards and risks.] [A Risk Assessment has not been carried out and entered into Harriet for all significant hazards and risks because there are no significant hazards or risks arising from this decision.]
B12.2 [The significant hazards and risks have been identified in the Harriett Risk Assessment numbered []. Any financial implications to mitigate against these hazards and risks are considered above.]
B12.3 [Control measures and an action plan have been identified for any significant hazards and risks identified in the risk assessment. The positive/negative impacts are set out below]
B12.3.1 Positive (Benefits)
B12.3.2 Negative (Threats)

Key Decision

B13 Is this a Key Decision?	No
<p>Note: A Key Executive Decision is one where:</p> <ol style="list-style-type: none"> 1. REVENUE – Any contract or proposal with an annual payment or saving of more than £100,000 2. CAPITAL – Any capital project with a value in excess of £150,000 3. A decision which significantly affects communities living or working in an area comprising two or more wards. 	
<p>B13.1 If this is a Key Decision, is this an urgent decision such that a delay caused by use of the Call-in Procedure would <u>seriously</u> prejudice the public interest?</p>	<p>Yes/No/NA (<i>please delete as appropriate</i>)</p>
<p>B13.2 If yes, has the Mayor or in his/her absence the Deputy Mayor or in his/her absence the Chair of the relevant Scrutiny Committee agreed that the decision will be exempt from Call-in?</p>	<p>Yes/No/NA (<i>please delete as appropriate</i>)</p>

NOTE: If this decision is subject to the Call-in Procedure it will come into force, and may then be implemented, on the expiry of 3 working days after publication – unless 10 Members of the Council call in the decision.

Please send the original signed document to andrea.davies@eaststaffsbc.gov.uk