

Jeremy Browne MP
Minister of State for Crime Prevention
Home Office
2 Marsham Street
London
SW1P 4DF

4 December 2012

Dear Minister,

Local conditions for scrap metal dealers

It was a pleasure to meet you on the 21 November to discuss some of the issues within your area of responsibility that are of interest to local authorities. As you will recall one area we discussed was the Scrap Metal Dealers Bill and the ability of councils to impose local conditions on scrap metal dealer licences.

Local conditions are a standard feature of all licensing regimes, in particular the premises selling alcohol. From a local authority perspective the ability to impose local conditions has three main benefits.

Firstly, being able to impose local conditions improves the effectiveness of the licensing regime in dealing with crime, disorder and community safety issues. Local conditions mean the licence can be tailored to local circumstances. As we discussed at the meeting, following the committee stage of the Bill we consulted our member authorities about what specific local conditions might be included on the face of the bill. We had a wide range of suggestions from councils, with no two being the same due to the different situations faced by councils such as the number of dealers in their area, whether they are predominantly fixed or mobile dealers, the prevalence of metal theft and the sorts of material being stolen.

We understand concerns the industry has about what conditions might be imposed. The Licensing Act 2003 only allows conditions to be imposed that relate to the licensing objectives set out in the legislation, and limiting the conditions that could be imposed on dealers to ones related to reducing metal theft would be a way of addressing concerns on this point.

Secondly, local conditions lead to better regulation. It provides the licensing authority with greater flexibility to respond to applications from the broad

range of dealers currently in existence. Without the ability to impose conditions councils may feel they can only refuse licences where they have concerns about the suitability of the applicant, rather than granting a licence subject to appropriate conditions that address any residual concerns.

The final benefit of local conditions is that their existence helps 'future proof' the legislation by allowing councils to respond to changes in the values of materials and what is stolen, and also the development of new technologies using rarer metals which might impact on how metal thieves and then dealers operate.

The Government has our full support in legislating on this issue and we are very aware of the time constraints on the passage of the bill through both Houses of Parliament, and we would not seek to disrupt this. However, if we could revert to the original drafting which allowed conditions to be applied when the licence is granted, provided these relate to reducing metal theft, then we are sure this would substantially strengthen the licensing regime the Bill introduces.

Yours sincerely,

A handwritten signature in dark ink, reading "Mehboob Khan". The signature is written in a cursive style with a long horizontal stroke at the end.

Cllr Mehboob Khan,
Chair of the LGA's Safer and Stronger Communities Board