



APPENDIX B

AGENDA ITEM: 8

**LICENSING & APPEALS
COMMITTEE:
22 October 2013**

Report of: Assistant Director Community Services

Relevant Managing Director: Managing Director (People and Places)

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SUBJECT: SCRAP METAL DEALERS ACT 2013 – APPROVAL OF LICENCE FEES

Wards affected: Borough wide

1.0 PURPOSE OF REPORT

1.1 To approve the relevant licensing fees as required by the Scrap Metal Dealers Act 2013.

2.0 RECOMMENDATIONS

2.1 That the fees contained in Table 1 in this report are approved with immediate effect.

3.0 BACKGROUND

3.1 Members will recall the report to Council on 17 July 2013 (attached at Appendix B to this report) which outlined the requirements of the Scrap Metal Dealers Act 2013 (the Act). The requested delegations to the Licensing and Appeals Committee were approved by Council, which included the approval of relevant fees under the Act.

3.2 The Act was implemented on 1 October 2013 and will come fully into force on 1 December 2013. However, a transitional period will operate until 15 October 2013 which will allow existing dealers to apply and be issued with a temporary licence until their application is formally determined. If an existing dealer fails to apply by 15 October 2013, the licence will lapse and they will be required to submit a new application and wait for it to be determined before they can trade

legally again. All transitional applications must be determined by 1 December 2013.

4.0 ISSUES

- 4.1 Schedule 1, Paragraph 6 of the Act and the corresponding delegation to the Licensing and Appeals Committee allow a fee to be set for all relevant applications under the Act. In setting these fees, the Authority must have regard to the Home Office guidance, published on 12 August 2013.
- 4.2 Furthermore, the EU Services Directive states that a licence fee can only be used to pay for the cost associated with the licensing process. Therefore, the Authority must ensure that the income from fees does not exceed the costs of providing the service. In addition, the cost of enforcement activity against unlicensed scrap metal dealers cannot be included in the licence fees. Any activity taken against unlicensed operators must be funded through existing resources.
- 4.3 The proposed fees detailed in Table 1 below have been calculated using the information detailed in paragraphs 4.1 and 4.2 of this report. Accordingly, the proposed fee for each category of application under the Act is based on the anticipated costs of providing the service.

Table 1

New and renewal applications (3 year licence)	
Site Licence	£321
- additional named site on Site Licence (per site)	£225
Collectors' Licence	£169
Variation to existing licences	
Site Licence	£90
Collectors' Licence	£76
Inconsequential administrative changes or replacement licence	
Site and Collectors' Licences	£14

5.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

- 5.1 The Act has the potential to impact upon the Community Strategy. The contents of this report have the following links with the Community Strategy: Community Safety (issues A and E); Economy and Employment (issue D).

6.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 6.1 The power to set fees has been passed to individual local authorities, so that any fees levied in each local area is set by reference to the actual costs to each authority. The fees contained in this report include all applicable costs to ensure that the income from application fees meets the costs of providing the service.

- 6.2 Based on current information, there will be 8 Site Licences and 9 Collector's Licences issued in the Borough. The proposed fees contained in this report will be kept under review to ensure the requirements of Home Office guidance and relevant legislation are met.

7.0 RISK ASSESSMENT

- 7.1 The Council has a legal duty to carry out the functions of the Act. Any failure to do so would lead to legal action being taken against the Council with the potential for sanction and/or associated costs. The proposed fees contained in this report are levied at a rate that serves to cover the costs to the Council based on the relevant legislation and available guidance. Accordingly, there is a potential impact upon scrap metal dealers within the Borough and associated operations.

Background Documents

The following background documents (as defined in Section 100D (5) of the Local Government Act 1972) have been relied on to a material extent in preparing this Report.

Home Office: Scrap Metal Dealers Act 2013 - licence fee charges. Issued 12 August 2013.

Home Office: Scrap Metal Dealers Act 2013 - supplementary guidance. Issued 2 October 2013.

Equality Impact Assessment

There is a significant direct impact on members of the public, employees, elected members and / or stakeholders. Therefore an Equality Impact Assessment is required. A formal equality impact assessment is attached as an Appendix to this report, the results of which have been taken into account in the Recommendations contained within this report.

Appendices

- A. Equality Impact Assessment.
- B. Report to Council: 17 July 2013.