

**SLOUGH BOROUGH COUNCIL**

**REPORT TO:** Licensing Committee **DATE:** 30<sup>th</sup> September 2013

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**WARD(S):** All

**PART I**

**FOR DECISION**

**SUPPLEMENTARY REPORT - THE SCRAP METAL DEALERS ACT 2013**

1. **Purpose of Report**

Since publication of the report attached at agenda item 4, new guidance has been provided regarding inspections of premises and fee setting. Members are requested to consider and approve the resulting amended proposed fees for the Scrap Metal Dealers Act 2013 set out at paragraph 5.4 of this report (detailed within the revised Appendix A. These supersede those proposed fees set out within the report first published at agenda item 4.

2. **Recommendation(s)**

The Committee is request to:

- a) Approve the amended proposed fees for all new Scrap Metal Licences as set out at paragraph 5.4.

3. **Community Strategy Priorities –**

- **Being Safe, Feeling Safe**
- **A Cleaner, Greener place to Live, Work and Play**
- **Prosperity for All**

4. **Other Implications**

(a) **Financial**

There will be financial implications as there will be additional resources required to implement and run the licensing regime. The Act empowers Licensing Authorities to set their own fees to cover full cost recovery stemming from the administration and compliance with the new regime. In doing so the Council

must have regard to any guidance and regulations issued by the Secretary of State.

### Risk Management

Recommendation	Risk/Threat/Opportunity	Mitigation(s)
As detailed in Point 2.	By not approving the recommendations the Council will be unable to carry out its duties and functions under the Act in an effective and efficient manner	In approving the recommendations the Council will ensure that full cost recovery is in place and that all functions will be dealt with in compliance with the Act

### (b) Human Rights Act and Other Legal Implications

Section 1 and Schedule 1 Parts I & II of The Human Rights Act 1998, apply:

- Article 1 – Every person is entitled to the peaceful enjoyment of his or her possessions including the possession of licence and shall not be deprived of the possession except in the public interest
- Article 6 – That in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

### (c) Equalities Impact Assessment

An Equalities Impact Assessment has not be conducted as this is primary legislation and applies nationally and there are no implications locally as enforcement work in respect of scrap metal dealers will be carried out consistently on the basis of risk for all premises and operators across the Borough.

## **5. Supporting Information**

- 5.1 Since the original report being prepared further guidance has been provided by the British Transport Police and the Institute of Licensing regarding inspections and fee setting.
- 5.2 The three main areas identified are that:
- a) Licensed Scrap Metal Collectors cannot store any scrap metal at any premises including their residential premises.
  - c) If Scrap Metal Collectors do store scrap metal at any premises, they must apply for and be granted a Site Licence.
  - b) The Police and authorised officers of a local authority have no power under the Scrap Metal Dealers Act 2013 to enter any residential premises.
  - d) Power of entry to unlicensed premises, where it is believed the occupier is carrying on business as a scrap metal dealer can only be made on application

to a Justice of the Peace for a warrant.

- 5.3 Therefore the fees for Scrap Metal Collectors have been amended to reflect the fact that there is no necessity to conduct inspections at any premises occupied by a Scrap Metal Collector and this area has been removed from the fee application processes.
- 5.4 **Appendix A** of this report shows the amended fee breakdown, which in summary are as follows:

New Site Licence Application	£465.00p
Site Licence Renewal Application	£330.00p
Site Licence Variation Application	£202.50p
New Collectors Licence Application	£285.00p
Collectors Licence Renewal Application	£210.00p
Collectors Licence Variation Application	£135.00p

- 5.5 As outlined in the original report the proposed fees are likely to differ from the initial grant of a licence through to the renewal of the licence three years later, and the fees will need to be re-assessed on a regular basis and adjusted accordingly to reflect actual costs.
- 5.6 Again as outlined in the original report the fees have also taken into consideration the point arising from *Hemming v Westminster City Council* that the fees cannot be used to pay for enforcement against unlicensed dealers, to cover the cost of issuing closure notices to unlicensed dealers or applying for closure notices from the magistrates court.

## **6. Comments of Other Committees**

An information report was put before the Licensing Committee on 18<sup>th</sup> July 2013, with a resolution - That the report be noted and that an update report be submitted once the associated regulations have been published and the commencement order is known.

## **7. Conclusion**

The Committee is request to consider and approve the amended proposed fees for the Scrap Metal Dealers Act 2013

## **8. Appendices Attached**

'A' - Breakdown of fees setting

## **9. Background Papers**

The Scrap Metal Dealers Act 1964

Legal Aid Sentencing and Punishment of Offenders Act 2012

The Scrap Metal Dealers Act 2013 (Prescribed Relevant Offences and Relevant Enforcement Action) Regulations 2013

The Scrap Metal Dealers Act 2013 (Prescribed Documents and Information for Verification of Name and Address) Regulations 2013

**New Scrap Metal Licence Application**

<b>Application Procedures</b>	<b>Time</b>	<b>Service hourly rate</b>	<b>Cost</b>
Pre-application discussion	0.50	£30.00	£15.00
Check application form	0.50	£30.00	£15.00
Consultation (Police, TS, other LA's etc)	2.00	£30.00	£60.00
Pre-inspection preparation	1.00	£30.00	£30.00
Application inspection visit	4.00	£30.00	£120.00
Outstanding information chase	0.50	£30.00	£15.00
Create record on Lalpac	0.25	£30.00	£7.50
Process payment	0.25	£30.00	£7.50
Lalpac amendments	1.00	£30.00	£30.00
Applicant suitable - Grant or refer to LSC	0.50	£30.00	£15.00
Issue licence and printing	0.25	£30.00	£7.50
Postage	0.25	£30.00	£7.50
Information to Environment Agency	0.50	£30.00	£15.00
Sub total	11.5		£345.00

**Compliance Officer Visit**

Pre-inspection visit preparation	1.00	£30.00	£30.00
One hour annual visit per year	2.00	£30.00	£60.00
Update Lalpac	1.00	£30.00	£30.00
Sub Total	4.00		£120.00

<b>Total Cost</b>			<b>£465.00</b>
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## Renewal Scrap Metal Licence Application

Application Procedures	Time	Service hourly rate	Cost
Check application form	0.50	£30.00	£15.00
Consultation (Police, TS, other LA's etc)	1.00	£30.00	£30.00
Pre-inspection preparation	1.00	£30.00	£30.00
Application inspection visit	2.00	£30.00	£60.00
Outstanding information chase	0.50	£30.00	£15.00
Create record on Lalpac	0.25	£30.00	£7.50
Process payment	0.25	£30.00	£7.50
Lalpac amendments	0.50	£30.00	£15.00
Applicant suitable - Grant or refer to LSC	0.50	£30.00	£15.00
Issue licence and printing	0.25	£30.00	£7.50
Postage	0.25	£30.00	£7.50
Information to Environment Agency	0.50	£30.00	£15.00
<b>Sub total</b>	<b>7.5</b>		<b>£225.00</b>

## Compliance Officer Visit

Pre-inspection visit preparation	1.00	£30.00	£30.00
One hour annual visit per year	2.00	£30.00	£60.00
Update Lalpac	0.50	£30.00	£15.00
<b>Sub Total</b>	<b>3.50</b>		<b>£105.00</b>

<b>Total Cost</b>	<b>£330.00</b>
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## Variation Scrap Metal Licence Application

Application Procedures	Time	Service hourly rate	Cost
Pre-application discussion	0.25	£30.00	£7.50
Check application form	0.50	£30.00	£15.00
Consultation (Police, TS, other LA's etc)	1.00	£30.00	£30.00
Application inspection visit	2.00	£30.00	£60.00
Outstanding information chase	0.50	£30.00	£15.00
Create record on Lalpac	0.25	£30.00	£7.50
Process payment	0.25	£30.00	£7.50
Lalpac amendments	0.50	£30.00	£15.00
Applicant suitable - Grant or refer to LSC	0.50	£30.00	£15.00
Issue licence and printing	0.25	£30.00	£7.50
Postage	0.25	£30.00	£7.50
Information to Environment Agency	0.50	£30.00	£15.00
<b>Sub total</b>	<b>6.75</b>		<b>£202.50</b>

## New Scrap Metal Collectors Licence Application

Application Procedures	Time	Service hourly rate	Cost
Pre-application discussion	0.50	£30.00	£15.00
Check application form	0.50	£30.00	£15.00
Consultation (Police, TS, other LA's etc)	2.00	£30.00	£60.00
Outstanding information chase	0.50	£30.00	£15.00
Create record on Lalpac	0.25	£30.00	£7.50
Process payment	0.25	£30.00	£7.50
Lalpac amendments	1.00	£30.00	£30.00
Applicant suitable - Grant or refer to LSC	0.50	£30.00	£15.00
Issue licence and printing	0.25	£30.00	£7.50
Postage	0.25	£30.00	£7.50
Information to Environment Agency	0.50	£30.00	£15.00
<b>Sub total</b>	<b>6.5</b>		<b>£195.00</b>

### Compliance Checks

Annual Compliance Checks	2.00	£30.00	£60.00
Update Lalpac	1.00	£30.00	£30.00
<b>Sub Total</b>	<b>3.00</b>		<b>£90.00</b>

<b>Total Cost</b>	<b>£285.00</b>
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## Renewal Scrap Metal Collectors Licence Application

Application Procedures	Time	Service hourly rate	Cost
Check application form	0.50	£30.00	£15.00
Consultation (Police, TS, other LA's etc)	1.00	£30.00	£30.00
Outstanding information chase	0.50	£30.00	£15.00
Create record on Lalpac	0.25	£30.00	£7.50
Process payment	0.25	£30.00	£7.50
Lalpac amendments	0.50	£30.00	£15.00
Applicant suitable - Grant or refer to LSC	0.50	£30.00	£15.00
Issue licence and printing	0.25	£30.00	£7.50
Postage	0.25	£30.00	£7.50
Information to Environment Agency	0.50	£30.00	£15.00
<b>Sub total</b>	<b>4.5</b>		<b>£135.00</b>

### Compliance Checks

Compliance check	2.00	£30.00	£60.00
Update Lalpac	0.50	£30.00	£15.00
<b>Sub Total</b>	<b>2.50</b>		<b>£75.00</b>

<b>Total Cost</b>	<b>£210.00</b>
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## Variation Scrap Metal Collectors Licence Application

Application Procedures	Time	Service hourly rate	Cost
Check application form	0.50	£30.00	£15.00
Consultation (Police, TS, other LA's etc)	1.00	£30.00	£30.00
Outstanding information chase	0.50	£30.00	£15.00
Create record on Lalpac	0.25	£30.00	£7.50
Process payment	0.25	£30.00	£7.50
Lalpac amendments	0.50	£30.00	£15.00
Applicant suitable - Grant or refer to LSC	0.50	£30.00	£15.00
Issue licence and printing	0.25	£30.00	£7.50
Postage	0.25	£30.00	£7.50
Information to Environment Agency	0.50	£30.00	£15.00
<b>Sub total</b>	<b>4.5</b>		<b>£135.00</b>