



## **CABINET –15TH FEBRUARY 2017**

**SUBJECT: SCRAP METAL DEALERS AND DOG BREEDERS LICENSING FEES 2017/18**

**REPORT BY: CORPORATE DIRECTOR SOCIAL SERVICES**

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### **1. PURPOSE OF REPORT**

- 1.1 To note the review of fees for Scrap Metal Dealers and Dog Breeders licences and to seek approval for a revised fee structure for 2017/18.

### **2. SUMMARY**

- 2.1 The Scrap Metal Dealers Act 2013 was enacted on the 1st of October 2013 and introduced a new licensing system to control site operators and itinerant collectors. Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014 replaced the Breeding of Dogs Act 1973 and came into force on the 30 April 2015.
- 2.2 Both Acts and supporting Regulations are silent upon the issue of the responsibility for exercising the function under the Act. Consequently the provisions of S 9 (D) of the Local Government Act 2000 are triggered and by default the function is exercised by the Executive.
- 2.3 Fees for Scrap Metal Dealer licences were set by Cabinet on the 18th of September 2013 and Dog Breeders on the 25th of January 2016 and have been reviewed with all other Licensing fees for 2017/18.

### **3. LINKS TO STRATEGY**

- 3.1 The annual review of Licensing fees contributes to the following Well-being Goals within the Well-being of Future Generations Act (Wales) 2016:
- A prosperous Wales
  - A resilient Wales
  - A more equal Wales

### **4. THE REPORT**

- 4.1 The authority has a statutory duty to administer certain licences, registrations and permits. The review of fees charged, involves consideration of the cost to the Authority in providing the service. Some fees are set centrally by government, some are free of charge and the remaining are determined locally in order to recover the cost of providing that particular service.

- 4.2 There have been a number of important cases before the High Court regarding the setting of licensing fees and the Local Government Association (LGA) have issued guidance to local authorities, the latest in November 2015. The underlying principle in setting fees is that Councils must not use fees to make a profit or act as an economic deterrent to deter certain business types from operating in an area. Charges must be reasonable and proportionate to the cost of the processes associated with the licensing regime.
- 4.3 The all Wales Licensing Expert Panel devised a fee calculator toolkit that has been approved by the Directors of Public Protection in Wales. In principle the toolkit calculates two elements, which cover the costs to the authority for the provision of the service and the cost of processing and producing a licence. The cost of provision of the service increases proportionally dependant on the period of the licence, whereas the licence processing cost is not affected by the period of the licence. A separate toolkit has been developed for the majority of licences issued and these have been used to establish the fees for 2017/18.
- 4.4 The process indicated that some current fee levels would not meet the cost of providing the service and should be increased, and that in other areas reductions are required. In relation to this report it is recommended that fees for Scrap Metal collectors and Site operators be increased as set out in the table below. It is also proposed that the current Change of Licence fee from Collector to Site be increased from £53 to £112 to reflect the true costs of the process. These licences are issued for a three year period.

<b>Scrap Metal Licences</b>	<b>Current Fee</b>	<b>Proposed Fee</b>
Site Operator 3yr licence	389.00	£436.00
Collector 3yr licence	277.00	£311.00
<b>Variation -</b>		
Change of name, site details	32.00	32.00
Change of site manager	53.00	53.00
Change of type of licence	53.00/32.00	112.00/32.00

- 4.5 The assessment process indicated that fees for Home and Commercial Dog Breeders should be changed as follows.

<b>Dog Breeding Licences</b>	<b>Current Fee</b>	<b>Proposed Fee</b>
Commercial Dog Breeding Establishments	£231.00	£226.00
Home Dog Breeding Establishments	£138.00	£144.00

## **5. WELL-BEING OF FUTURE GENERATIONS**

- 5.1 The Authority has a duty to improve the social, economic, environmental and cultural well-being of Wales. The proposals in this report contribute to the Well-being Goals as set out in Links to Strategy above. They are consistent with the five ways of working as defined within the sustainable development principle in the Act. Prudent management of our resources enables the Authority to sustain these preventative services over the long term. The Authority has a responsibility to our communities to recover true costs and to manage its services efficiently. Any delay in implementing increases in the short term would increase the current

gap between the cost of providing the service and income generated from Licensing Fees and result in even larger increases in future years.

## **6. EQUALITIES IMPLICATIONS**

- 6.1 There are no potential equalities implications of this report and its recommendations on groups or individuals who fall under the category identified in Section 8 of the Council's Strategic Equality Plan . There is no requirement for an Equalities Impact Assessment Questionnaire to be completed for this report. The Council ensures that it treats all individuals who are renewing or making new applications for licenses, with equal respect in line with the Council's Strategic Equality Plan 2016.

## **7. FINANCIAL IMPLICATIONS**

- 7.1 The impact on income from any changes to these two individual functions is low but will contribute to the overall Licensing budget. There is currently only one dog breeder in the borough so the slight reduction in fee will be negligible. The increase in income from the proposed scrap metal fees is estimated at £2,188 but as this relates to three year licences it will be apportioned across the three year period. Additionally as the value of scrap metal has reduced in recent years the number of renewal applications for collectors is also likely to drop.

## **8. PERSONNEL IMPLICATIONS**

- 8.1 There are no personnel implications arising directly from this report.

## **9. CONSULTATIONS**

- 9.1 All responses from consultations have been incorporated in the report

## **10. RECOMMENDATIONS**

- 10.1 That the fee structure set out at paragraphs 4.4 and 4.5 of the Report is approved for implementation from 1/4/2017.

## **11. REASONS FOR THE RECOMMENDATIONS**

- 11.1 In order to comply with statutory guidance and to recover a reasonable level of costs incurred by the Council in administering the licensing functions.

## **12. STATUTORY POWER**

- 12.1 The Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014. Animal Welfare Act 2006. The Scrap Metal Dealers Act 2013. This is an Executive Function.

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Background Papers: None

Appendices: None