



CABINET - 18TH FEBRUARY 2015

SUBJECT: SCRAP METAL DEALERS LICENSING FEES 2015/16

REPORT BY: CORPORATE DIRECTOR OF SOCIAL SERVICES

1. PURPOSE OF REPORT

- 1.1 To note the review of fees for Scrap Metal Dealers licences and to seek approval for a revised fee structure for 2015/16

2. SUMMARY

- 2.1 The Scrap Metal Dealers Act 2013 ("the Act") was enacted on the 1st of October 2013 and introduced a new licensing system to control site operators and itinerant collectors.
- 2.2.1 The Act 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.
- 2.2.2 Fees for Scrap Metal Dealer licences were set by Cabinet on the 18th of September 2013 and are due for review.

3. LINKS TO STRATEGY

- 3.1 Public protection is a statutory duty of the authority and contributes to the Prosperous Caerphilly and Safer Caerphilly Priorities within the Caerphilly Local Service Board single integrated plan, Caerphilly Delivers, and Objective 1 of the Council's Strategic Equality Plan 2012.

4. THE REPORT

- 4.1 The Act, which came into force on the 1st of October 2013 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 which provide if an Act is silent on this issue then by default the function will be exercised by the Executive.
- 4.2 It was anticipated that further Regulations would be implemented making it a Local Choice function, in other words a function that can be exercised by the Council or the Executive. Ideally this regime should be administered in the same way as the other licensing functions of the Authority, a Council function delegated to the Licensing Committee. To date such regulations have not been implemented so the function remains the responsibility of the Executive.

- 4.3 The Act requires that each local authority set fees on a cost recovery basis for each category of Scrap Metal Dealer licences. Cabinet set current fees on the 18th of September 2013.
- 4.4 Local Authorities must have due regard to the guidance on fee setting issued by the Secretary of State in July 2013. The guidance states that the costs of a licence should reflect the time spent assessing and administering applications, processing them, having experienced licensing officers review them, storing them, consulting on the suitability of an applicant, reviewing relevant offences, the decision on whether to issue a licence, as well as the cost of issuing licences in a format that can be displayed. Consulting the local authority's enforcement records in order to determine the suitability of the applicant is chargeable within the licence fee costs, as are costs associated with contested licence applications.
- 4.5 Registering authorities should review fees regularly to check whether they remain appropriate. Existing fees have been reviewed in line with the guidance and the following levels are proposed in order to cover the cost of providing the function. The increase is mainly due to the review of on costs and incorporation into the hourly rates applied of officers involved in the process. The licences are for a three-year period.

Scrap Metal Licences	Current Fee	Proposed Fee
Site Operator 3yr licence	354.00	389.00
Collector 3yr licence	249.00	277.00
Variation -		
Change of name, site details	28.00	32.00
Change of site manager	47.00	53.00
Change of type of licence	47/28	53/32

5. EQUALITIES IMPLICATIONS

- 5.1 An Equalities Impact Assessment on Locally set Licensing Fees has been completed as part of the Medium Term Financial Planning process and is available on request.

6. FINANCIAL IMPLICATIONS

- 6.1 The new fee if agreed will only apply to new applications. The majority of the trade applied for licences on implementation in 2013, which last for three years. Numbers of new applications or variations are expected to be low. The proposed fees will enable the authority to recover the costs associated with issuing the licences.

7. PERSONNEL IMPLICATIONS

- 7.1 None.

8. CONSULTATIONS

- 8.1 This report has been sent to the Consultees listed below and all comments received are reflected in this report.

9. RECOMMENDATIONS

- 9.1 That Cabinet consider the contents of this report and approve the fee structure set out at paragraph 4.5 of the report.

10. REASONS FOR THE RECOMMENDATIONS

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

11. STATUTORY POWER

- 11.1 The Scrap Metal Dealers Act 2013. This is an Executive Function.

Author: Jacqui Morgan, Trading Standards, Licensing and Registration Manager
Consultees: Cllr Dave Poole, Cabinet Member for Community & Leisure Services
Dave Street, Director of Social Services
Rob Hartshorn, Head of Public Protection
Myra McSherry, Licensing Manager
Mike Eedy, Finance Manager
Gail Williams, Interim Head of Legal Services and Monitoring Officer
Sian Phillips, Personnel Manager
David A. Thomas, Senior Policy Officer (Equalities and Welsh Language)

Background Papers:
Cabinet Report Scrap Metal Dealers Act 18th September 2013
Scrap Metal Dealers Act 2013 Fees Guidance