



CABINET

6 December 2023

A meeting of the CABINET will be held on Thursday, 14th December, 2023, 6.00 pm in Town Hall, Market Street, Tamworth

A G E N D A

NON CONFIDENTIAL

- 1 Apologies for Absence**
- 2 Minutes of Previous Meeting** (Pages 5 - 10)
- 3 Declarations of Interest**
To receive any declarations of Members' interests (pecuniary and non-pecuniary) in any matters which are to be considered at this meeting.

When Members are declaring a pecuniary or non-pecuniary interest in respect of which they have dispensation, they should specify the nature of such interest. Members should leave the room if they have a pecuniary or non-pecuniary interest in respect of which they do not have a dispensation.
- 4 Question Time:**
To answer questions from members of the public pursuant to Executive Procedure Rule No. 13
- 5 Matters Referred to the Cabinet in Accordance with the Overview and Scrutiny Procedure Rules**
- 6 Council Tax Base 2024/25** (Pages 11 - 14)
(Report of the Portfolio Holder for Operations and Finance)
- 7 Write Offs 1 April 2023 to 30 September 2023** (Pages 15 - 24)
(Report of the Portfolio Holder for Operations and Finance)
- 8 Review of Temporary Reserves, Retained Funds and Provisions** (Pages 25 - 34)

(Report of the Portfolio Holder for Operations and Finance)

9 Scrap Metal Policy 2024 - 2028 (Pages 35 - 84)
(Report of the Portfolio Holder for Environmental Health and Community Partnerships)

10 Publication of planning monitoring reports (To Follow)
(Report of the Portfolio Holder for Housing and Planning)

11 Exclusion of the Press and Public

To consider excluding the Press and Public from the meeting by passing the following resolution:-

“That in accordance with the provisions of the Local Authorities (Executive Arrangements) (Meeting and Access to Information) (England) Regulations 2012, and Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during the consideration of the following business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act and the public interest in withholding the information outweighs the public interest in disclosing the information to the public”

At the time this agenda is published no representations have been received that this part of the meeting should be open to the public.

12 Homeless Hub & Severe Weather Emergency Protocol Arrangements (To Follow)
(Report of the Portfolio Holder for Housing and Planning)

Yours faithfully



Chief Executive

Access arrangements

If you have any particular access requirements when attending the meeting, please contact Democratic Services on 01827 709267 or e-mail democratic-services@tamworth.gov.uk. We can then endeavour to ensure that any particular requirements you may have are catered for.

Filming of Meetings

The public part of this meeting may be filmed and broadcast. Please refer to the Council's Protocol on Filming, Videoing, Photography and Audio Recording at Council meetings which can be found [here](#) for further information.

If a member of the public is particularly concerned about being filmed, please contact a member of Democratic Services before selecting a seat.

FAQs

For further information about the Council's Committee arrangements please see the FAQ page [here](#)

To Councillors: T Jay, A Cooper, S Smith, P Thompson, M Summers and T Clements.

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MINUTES OF A MEETING OF THE CABINET HELD ON 30th NOVEMBER 2023

PRESENT: Councillor T Jay (Chair), Councillors A Cooper, S Smith, P Thompson, M Summers and T Clements

The following officers were present: Andrew Barratt (Chief Executive), Anica Goodwin (Executive Director Organisation), Rob Barnes (Executive Director Communities), Rebecca Smeathers (Executive Director Finance (S151)), Joanne Goodfellow (Assistant Director Finance), Tina Mustafa (Assistant Director Neighbourhoods), Paul Weston (Assistant Director Assets), Michael Buckland (Head of Revenues), Karen Moss (Head of Active Wellbeing) and Tracey Pointon (Legal Admin & Democratic Services Manager)

79 APOLOGIES FOR ABSENCE

There were no apologies for absence

80 MINUTES OF PREVIOUS MEETING

The minutes of the previous meeting held on 26th October and 9th November were approved as a correct record.

(Moved by Councillor A Cooper and seconded by Councillor M Summers)

81 DECLARATIONS OF INTEREST

There were no Declarations of Interest.

82 QUESTION TIME:

None

83 MATTERS REFERRED TO THE CABINET IN ACCORDANCE WITH THE OVERVIEW AND SCRUTINY PROCEDURE RULES

None

84 DRAFT BASE BUDGET FORECASTS 2024/25 TO 2028/29

Reports of the Leader of the Council to inform Members of the re-priced base budget for 2024/25, base budget forecasts for the period 2024/25 to 2028/29 (the 5 Year Medium Term Planning Period) and the underlying assumptions and to consider the future strategy to address the financial trends.

RESOLVED: That Cabinet

1. Approved the technical adjustments and re-priced base budget figures for 2024/25 and indicative budgets to 2028/29 (as attached at Appendix B, C, D, E, F, G and H);
2. Considered the proposed Policy Changes and Capital Programmes, as detailed within the report;
3. **considered the planned changes to Council Tax and Housing Rent for 2024/25, as detailed within the report; and**
4. **Noted that the Leader's Budget Workshop was due to consider the budget proposals contained within this report on 29th November 2023 in compliance with the Constitution of the Council.**

(Moved by Councillor P Thompson and seconded by Councillor M Summers)

85 NATURE RECOVERY DECLARATION

Report of the Leader of the Council to declare that nature is in crisis and to commit to the recovery of nature across the Borough and wider Staffordshire.

RESOLVED: That Cabinet

Agreed to the Borough Council making a Nature Recovery Declaration, (Appendix 1).

(Moved by Councillor T Clements and seconded by Councillor A Cooper)

86 LOCAL COUNCIL TAX REDUCTION SCHEME 2024/25

Report of the Portfolio Holder for Operations and Finance to recommend that Cabinet and Council approves the implementation of a revised Council Tax Reduction scheme with effect from the 1 April 2024.

RESOLVED: That Cabinet

Approved the introduction of a new income banded/grid scheme for working age applicants with effect from 1 April 2024 to reduce the administrative burden placed on the Council by the introduction of Universal Credit and to increase the overall level of support for the lowest income

families.

(Moved by Councillor M Summers and seconded by Councillor A Cooper)

87 TREASURY MANAGEMENT STRATEGY STATEMENT AND ANNUAL INVESTMENT STRATEGY MID-YEAR REVIEW REPORT 2023/24

Report of the Portfolio Holder for to present to Members the Mid-year Review of the Treasury Management Strategy Statement and Annual Investment Strategy.

RESOLVED: That Council

approved the Treasury Management Strategy Statement and Annual Investment Strategy Mid-year Review Report 2023/24.

(Moved by Councillor P Thompson and seconded by Councillor S Smith)

88 ENVIRONMENTAL CRIME POLICY UPDATE 2023

Report of the Portfolio Holder for Environmental Health and Community Partnerships to consider proposals for amendments to environmental crime fixed penalty levels outlined in the Government ASB Action Plan.

Cabinet asked for regular updates on progress throughout the year. It was agreed that information be added to the Quarterly Performance report that is reported to Scrutiny and Cabinet.

RESOLVED: That Cabinet

1. Considered the proposals for environmental crime outlined in the Government Plan
2. approved proposals (following recommendation from Infrastructure Safety and Growth Scrutiny meeting 21st November 2023) for the increase to maximum fixed penalty levels to £500 (early payment £250) for Tamworth in relation to littering, graffiti, flyposting.
3. approved proposals for the fixed penalty level for fly-tipping to increase to the maximum level of £1000 (early payment £500) in line with the ASB Action Plan
4. approved the introduction of the maximum fixed penalty levels of £600 (following recommendation from Infrastructure Safety and Growth Scrutiny meeting 21st November 2023) for household waste duty of care offences in line with the

ASB Action Plan (early payment £300); and

5. approved delegation to the Portfolio Holder Environmental Health and Community Partnerships to include environmental crime in the review of the Corporate ASB policy by March 2024 and report on wider implications.

(Moved by Councillor M Summers and seconded by Councillor A Cooper)

Cabinet thanked volunteer litter pickers and Street scene for their hard work clearing litter and fly tipping.

89 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED: That members of the press and public be now excluded from the meeting during consideration of the following item on the grounds that the business involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended).

(Moved by Councillor M Summers and seconded by Councillor A Cooper)

90 UPDATE ON COMMERCIAL LEASE

RESOLVED That Cabinet

Approved the recommendations set out in the report.

(Moved by Councillor P Thompson and seconded by Councillor M Summers)

91 ERINGDEN TENANCY SERVICES - RESIDENT SUPPORT

RESOLVED That Cabinet

Approved the recommendations set out in the report.

(Moved by Councillor S Smith and seconded by Councillor T Clements)

92 HOMELESSNESS STATUTORY ON-CALL & OUT OF HOURS ARRANGEMENTS

RESOLVED That Cabinet

Approved the recommendations and agreed a change to recommendation 2

(Moved by Councillor S Smith and seconded by Councillor Paul Thompson)

93 LEISURE STRATEGY UPDATE

RESOLVED: That Cabinet

Approved the recommendations set out in the report.

(Moved by Councillor A Cooper and seconded by Councillor M Summers)

94 SWIMMING SUBSIDY

RESOLVED: That Cabinet

Approved the recommendations set out in the report

(Moved by Councillor A Cooper and seconded by Councillor S Smith)

Leader

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14 December 2023

Report of the Portfolio Holder for Operations and Finance**Council Tax Base 2024/25****Exempt Information**

None

Purpose

To report the Council Tax Base for the Borough Council for 2024/25.

Recommendations

That Tamworth Borough Council resolves its calculation of the Council Tax Base for the year 2024/25 to be 23,479 (2023/24 – 23,376).

Executive Summary

The Borough Council is required to calculate its Council Tax Base for each financial year and notify Staffordshire County Council, The Office of the Police and Crime Commissioner Staffordshire and Staffordshire Commissioner Fire and Rescue Authority by 31 January preceding that financial year.

The Authority is required to approve the Council Tax Base.

The Council Tax Base is the total of the number of domestic properties in the Borough, after making deductions for exempt dwellings and for the granting of reliefs and discounts for disabled occupiers, single occupiers and as appropriate empty properties.

The Tax Base calculation has included an element for the Council Tax Reduction Scheme. The estimated amount of Council Tax Support payable for 2024/25 is converted into the equivalent number of whole properties which are deducted from the total. Local Council Tax Reduction Scheme claims are based on analysis from the current financial year and an estimate in terms of implementing a new Banding Scheme with the figure estimated to be £5.6m.

Options Considered

Not applicable.

Resource Implications

The figure for 2024/25 Council Tax Base is calculated at 23,479 which represents an increase of 103 or 0.4%.

Legal/Risk Implications Background

If the base is not set in the legally required timeframe, it can be calculated by precepting authorities and imposed upon us.

Equalities Implications

Not applicable.

Environment and Sustainability Implications (including climate change)

Not applicable.

Background Information

Under the Local Government Finance Act 1992 as amended the Borough Council is required to calculate its Council Tax Base for each financial year and is required to notify Staffordshire County Council, The Office of the Police and Crime Commissioner Staffordshire and Staffordshire Fire Authority by 31 January preceding that financial year.

In accordance with the Local Authority (Calculation of Council Tax Base) Regulations 1992 as amended, the Tax Base for the year 2024/25 is calculated by applying a formula $A \times B$.

A is the number of properties in each band (expressed as a number of band D equivalents).

B is the Authority's estimate of its collection rate for that year. It is recommended that this should be 98.9%.

Applying the collection rate to A gives a Council Tax Base of 23,479 ($23,740 \times 98.9\%$).

Report Author

Michael Buckland – Head of Revenues & Benefits
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List of Background Papers

Local Government Finance Act 1992
Local Authority (Calculation of Council Tax Base) Regulations 1992
Local Government Finance Act 2012
Local Authority (Calculation of Council Tax Base) (England) Regulations 2012

Appendices

Appendix A – Council Tax Base Calculation 2024/25

Appendix A				
Band		Band D Equivalent Properties	LCTS adjustment	<i>Total</i>
A		5,467.2	-1489.4	3,977.8
B		8,630.1	-871.4	7,758.7
C		5,025.2	-239.0	4,786.2
D		3,776.1	-71.3	3,704.8
E		2,537.0	-35.6	2,501.4
F		811.4	-5.5	805.9
G		201.2	-0.6	200.6
H		5.0	0.0	5.0
Total		26,453.2	-2,712.8	23,740.4
	x 98.90%	26,162.2	-2,683.0	23,479.3
Council Tax Base				23,479

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14 December 2023

Report of the Portfolio Holder for Operations and Finance

Write Offs 1 April 2023 to 30 September 2023

Exempt Information

None

Purpose

That Members endorse the amount of debt written off for the period 1st April 2023 to 30th September 2023.

Recommendations

It is recommended that Members endorse the amount of debt written off for the period of 1st April 2023 to 30th September 2023 – **Appendix A-E**.

Executive Summary

The Assistant Directors and Heads of Service are responsible for the regular review of debts and consider the need for write off and authorise where necessary appropriate write offs in line with the Corporate Credit Policy.

Type	01/04/23 – 30/09/23 £ p
Council Tax	£4,774.81
Business Rates	£1,398.94
Sundry Income	£17,971.55
Housing Benefit Overpayments	£3,174.04
Housing	£30,228.61
Total	£57,547.95

Write offs for the previous financial year 1st April 2022 to 30th September 2022 totalled £70,975.34. Staff continue to concentrate on trying to collect outstanding debt in the current economic climate. It should be noted that the amount of debt written off will differ each quarter based on the age, size and type of debt.

Options Considered

A revised approach to the calculation of Business Rates bad debt has been developed which involves a review of all of the outstanding debts to ascertain whether they are likely to be collectable. This has then been used to determine the balance to apply the usual aged debtor percentage.

Business Rates	01/04/23 – 30/09/23 £ p
Bad Debt provision as per NNDR 3	(£852,209.74)
Amount written off to date	£1,398.94
Amount remaining	(£850,810.80)

Resource Implications

The write offs detailed are subject to approval in line with the Corporate Credit Policy/Financial Regulations and have been provided for under the bad debt provision calculation.

Legal/Risk Implications Background

Not applicable.

Equalities Implications

Not applicable.

Environment and Sustainability Implications (including climate change)

Not applicable.

Background Information

This forms part of the Council's Corporate Credit Policy and effective management of debt. The Council is committed to ensuring that debt write offs are kept to a minimum by taking all reasonable steps to collect monies due. There will be situations where the debt recovery process fails to recover some or all of the debt and will need to be considered for write off in accordance with the schemes of delegation prescribed in the Corporate Credit Policy.

The Council views such cases very much as exceptions. Before writing off debt, the Council will satisfy itself that all reasonable steps have been taken to collect it and that no further recovery action is possible or practicable. It will take into account the age, size and types of debt together with any factors that it feels are relevant to the individual case.

Debt Write Off

Authorisations are needed to write off debt:

Authority	Account Value
Executive Director/Assistant Director (or authorised delegated officer)	up to £5,000
Executive Director Finance	£5,001 - £10,000
Cabinet	over £10,000

These limits apply to each transaction.

Bad Debt Provision

The level of the provision must be reviewed jointly by the unit and Accountancy on at least a quarterly basis as part of the management performance review, and the table below gives the mandatory calculation. Where the debt is less than 6 months old it will be written back to the service unit.

Debt Outstanding Period	Debt Outstanding Provision (net of VAT) %
Between 6 and 12 months old	50%
Between 12 and 24 months old	75%
Over 24 months old	100%

The financial effects of providing for Bad Debts will be reflected in the Council's accounts at Service Unit level.

Report Author

Michael Buckland – Head of Revenues & Benefits

e-mail michael-buckland@tamworth.gov.uk

List of Background Papers

Corporate Credit Policy - effective management of debt.

Appendices

Appendices A to E give details of write offs completed for Revenues and Benefits Services and Housing for 01 April 2023 to 30 September 2023.

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Appendix A

Summary of Council Tax Write Offs 01/04/2023-30/09/2023

Date of Write Off	Head of Revenues			Assistant Director of Finance	Executive Director of Finance		Remitted	Credit Write Off	Reversed Write Off	Total	No. of Accounts (Write Off Only)	Reason(s)
	(£0.00-£75.00)	(£75.01-£500.00)	(£500.01-£2,000.00)									
Jul 2023									(£66.43)	(£66.43)		Dividend received
Aug 2023									£0.02	£0.02		Small cr bal w/o reversal
Sep 2023									(£1,061.21)	(£1,061.21)		Voluntary arrangement failed
Jul 2023		£1,084.01	£1,327.90							£2,411.91	6	Hardship
Sep 2023	£67.20	£254.32								£321.52	2	Hardship
Q2 Totals	£67.20	£1,338.33	£1,327.90	£0.00	£0.00	£0.00	£0.00	£0.00	(£1,127.62)	£1,605.81	8	
Q1 Totals (B/F)	£0.01	£0.00	£1,920.41	£2,132.85	£0.00	£0.00	£0.00	£0.00	(£884.27)	£3,169.00	3	
Overall Total	£67.21	£1,338.33	£3,248.31	£2,132.85	£0.00	£0.00	£0.00	£0.00	(£2,011.89)	£4,774.81	11	

Appendix B

Summary of NNDR Write Offs 01/04/2023-30/09/2023

Date of Write Off	Head of Revenues			Assistant Director of Finance	Executive Director of Finance	Cabinet	Remitted	Credit Write Off	Reversed Write Off	Total	No. of Accounts (Write Off Only)	Reason(s)
	(£0.00-£75.00)	(£75.01-£500.00)	(£500.01-£2,000.00)									
Q2 Totals	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	0	
Q1 Totals (B/F)	£0.00	£0.00	£1,398.94	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£1,398.94	1	
Overall Total	£0.00	£0.00	£1,398.94	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£1,398.94	1	

No NNDR write offs processed in Q2

Appendix D

Summary of Benefit Overpayment Write Offs 01/04/2023-30/09/2023

Date of Write Off	Head of Benefits				Executive Director of Finance (£2,000.01-£10,000.00)	Cabinet (£10,000.01 and Over)	Reversed Write Off	Total	No. of Accounts	Reason(s)
	(£0.00-£75.00)	(£75.01-£500.00)	(£500.01-£1,000.00)	(£1,000.01-£2,000)						
31/07/2023		£104.57					£104.57	1	Deceased, 2 wks outstanding	
"			£599.06				£599.06	1	Insolvency (IVA)	
"						(£31.15)	(£31.15)		Payment received	
31/08/2023	£0.40						£0.40	1	Small balance	
"		£87.26					£87.26	1	Deceased, 2 wks outstanding	
30/09/2023	£0.90						£0.90	1	Small balance	
"		£282.68					£282.68	1	Deceased	
"		£409.23					£409.23	1	Uneconomic to pursue	
"		£673.81					£673.81	2	Insolvency (IVA)	
"						(£0.90)	(£0.90)		Benefit award	
Q2 Totals	£1.30	£1,557.55	£599.06	£0.00	£0.00	£0.00	(£32.05)	£2,125.86	9	
Q1 Totals (B/F)	£2.47	£1,347.98	£0.00	£0.00	£0.00	£0.00	(£302.27)	£1,048.18	9	
Overall Total	£3.77	£2,905.53	£599.06	£0.00	£0.00	£0.00	(£334.32)	£3,174.04	18	

Appendix E

Summary of Housing Write Offs 01/04/2023-30/09/2023

Date of Write Off	Assistant Director - Neighbourhoods				Executive Director of Finance (£5,000.01-£10,000.00)	Cabinet (£10,000.01 and Over)	Remitted	Credit Write Off	Reversed Write Off (Write On)	Total	No. of Accounts (Write Off Only)	Reason(s)
	(£0.00-£75.00)	(£75.01-£500.00)	(£500.01-£2,000.00)	(£2,000.01-£5,000)								
07/08/2023	£41.98	£1,910.31	£4,050.73							£6,003.02	12	Deceased. No estate or under £250 1 Uneconomical to pursue 13 Over 6 years old Statute Barred
07/08/2023	£0.50									£0.50	1	
07/08/2023	£209.69	£430.95	£4,668.55	£2,166.21						£7,475.40	13	
Q2 Totals	£252.17	£2,341.26	£8,719.28	£2,166.21	£0.00	£0.00	£0.00	£0.00	£0.00	£13,478.92	26	
Q1 Totals (B/F)	£218.85	£1,796.91	£4,864.00	£9,869.93	£0.00	£0.00	£0.00	£0.00	£0.00	£16,749.69	19	
Overall Total	£471.02	£4,138.17	£13,583.28	£12,036.14	£0.00	£0.00	£0.00	£0.00	£0.00	£30,228.61	45	

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CABINET

14th December 2023

REPORT OF THE PORTFOLIO HOLDER FOR OPERATIONS AND FINANCE

TEMPORARY RESERVES, RETAINED FUNDS AND PROVISIONS

EXEMPT INFORMATION

None

PURPOSE

To advise Members of the levels of reserves and to seek approval to re-purpose unspent reserves, following the recent review by CMT and the Executive Director Finance.

RECOMMENDATIONS

Cabinet is asked to

- 1) Approve the transfer of the reserves, as detailed in Appendix A, including £135,910.36 to General Fund Balances and £67,104 to Housing Revenue Account Balances (HRA); and**
- 2) Note the current levels of reserves remaining.**

EXECUTIVE SUMMARY

An updated Reserves Policy Statement was adopted by Cabinet on 16th February 2017 along with approval, given the accelerated timeline for the closure and preparation of the accounts by 31st May each year, that the Executive Director Finance be given delegated authority to approve the use and creation of reserves at each financial year end.

In order to inform and align with the budget process a major review of the levels of reserves takes place annually at the end of September each year. This will identify and release any unspent funds back to balances. The review builds on the review carried out in April, including provision of updated information on the plans for spend of the retained reserves.

The review has now identified unspent reserves in the sum of £135,910.36 for General Fund and £67,104 for Housing Revenue Account.

OPTIONS CONSIDERED

None

RESOURCE IMPLICATIONS

A summary of the current levels of reserves is provided at **Appendix A** which identifies that £203,014.36 can be re-purposed, of which £135,910.36 relates to the General Fund and £67,104 to the HRA.

LEGAL / RISK IMPLICATIONS

None

EQUALITIES IMPLICATIONS

None

ENVIRONMENT AND SUSTAINABILITY IMPLICATIONS (INCLUDING CLIMATE CHANGE)

None

REPORT AUTHOR

If Members would like further information or clarification prior to the meeting please contact Becky Smeathers, Executive Director Finance (tel. 709242) or Jo Goodfellow, Assistant Director Finance (tel. 709241).

APPENDICES

Appendix A – Review of Existing Capital Funds, Retained Funds, Temporary and Other Reserves

CC AC	NARRATIVE	OPENING BALANCE	MOVEMENT IN YEAR	CURRENT BALANCE	AMOUNT TO BE JOURNALLED FOLLOWING REVIEW	UPDATED PROVISIONAL BALANCE 31/03/24	BUDGET MANAGER	REASON FOR RETENTION NOV 2023 REVIEW
	FUTURE CAPITAL EXPENDITURE							
HM4653X0150	HOUSING CAPITAL RESERVE	(5,958,091.42)	0.00	(5,958,091.42)	0.00	(5,958,091.42)		
HM5007X0150	AFFORDABLE HOUSING DEVELOPMENT	(950,797.90)	0.00	(950,797.90)	0.00	(950,797.90)		
PM0600X0150	CAPITAL FUND	(800,669.89)	0.00	(800,669.89)	0.00	(800,669.89)		
	TEMPORARY RESERVES							
HM0882X0151	FIRE SAFETY RE HIGH RISE BUILD	(252,070.00)	46,750.00	(205,320.00)	0.00	(205,320.00)	P Weston	Needed to meet requirements of new legislation including registration of properties and possibly the provision of Personal Emergency Evacuation Plans. Work is still ongoing with Ridge and Partners, and reserve is required to meet costs of documentation and registration, exact sums to be finalised, may not need full amount but should soon be in position to advise.
HM0887X0151	TENANCY MANAGEMENT POLICY REVIEW	(26,850.00)	0.00	(26,850.00)	0.00	(26,850.00)	L Birch	Report on forward plan - spec to commission work rather than deliver with in-house resources and expect cost to be £20k. Should know results of QQ process soon and will then be able to advise of any amt to be offered up
HM0892X0151	HRA PROPERTY VALUATION FOR INSURANCE	(34,660.00)	0.00	(34,660.00)	0.00	(34,660.00)	E Dyer	Required for insurance valuations for HRA properties. To be retained as we are yet to go through the procurement process so there is uncertainty how much this process will cost TBC. Savings if any, will materialise after the procurement process which is likely to take place early 2024.
HM0893X0151	AGENCY STAFF SETTLEMENT FEE	(8,000.00)	3,000.00	(5,000.00)	5,000.00	0.00	S Finnegan	Reserve required for agency fee payable after recruiting member of staff - £5k not required and can be offered up.
HM0894X0151	TEMPORARY STAFF FOR ESTATE MANAGEMENT	(11,500.00)	11,500.00	0.00	0.00	0.00	L Birch	To allow extension of temporary staff required after staff changes within the team. Now released in full.
HM0895X0151	TENANT SATISFACTION NEW BURDEN	(13,821.00)	13,821.00	0.00	0.00	0.00	T Mustafa	New Burdens grant income received in March 2023 - part of regulatory reform mandated tenant satisfaction survey - grant conditions attached, satisfaction survey should be completed by April next year. Reserves released 29/08/23, leaving zero balance.
HM0897X0151	LEGAL ADVICE FOR DISREPAIRS	(11,000.00)	0.00	(11,000.00)	0.00	(11,000.00)	P Weston	There are a number of cases ongoing that could not be accrued for at year-end as the work is not complete and there is no evidence to support the accrual, these costs will however have to be paid and as the expenditure has been incurred in the 2022/23 financial year the reserve will allow for payment to be made from the 22/23 budget without impacting on the 23/24 budgets. Cases are now starting to draw to a conclusion, should be signed off and can pay legal fees soon.
HM0898X0151	PARAPET WALLS	(284,800.00)	0.00	(284,800.00)	0.00	(284,800.00)	M Harper	Reserves required for parapet walls at High Rise Blocks, the Contractor is in a process of putting a quote together. Due to the fact that there will be need for specialised equipment to gain access to carry out the work, it is estimated that the full budget from 2022/23 will be required to cover the cost. Once pricing is confirmed, to be advised how much of the reserve is required and if any can be offered up.

CC AC	NARRATIVE	OPENING BALANCE	MOVEMENT IN YEAR	CURRENT BALANCE	AMOUNT TO BE JOURNALLED FOLLOWING REVIEW	UPDATED PROVISIONAL BALANCE 31/03/24	BUDGET MANAGER	REASON FOR RETENTION NOV 2023 REVIEW
HM0899X0151	TEMPORARY AGENCY WORKER FOR WARDEN SCHEMES	(5,300.00)	5,300.00	0.00	0.00	0.00	L Birch	Reserve required to fund Agency Worker who will be helping cover member of staff returning to work from long term sick, holiday cover for other Wardens and job share vacancy. Released in full.
PM1578X0151	ICT CYBER SECURITY TRAINING	(7,000.00)	0.00	(7,000.00)	0.00	(7,000.00)	G Youlden	Received from grant payment, currently in progress, the funding will pay for two qualifications and will be spent this year
PM1579X0151	CLIMATE CHANGE	0.00	0.00	0.00	0.00	0.00		
PM1616X0151	PROCUREMENT SUPPORT	(40,492.00)	3,648.00	(36,844.00)	0.00	(36,844.00)	J Goodfellow	To be retained to pay for additional support/temp resource, either casual employee or specialist advice if required, no other funding available.
PM1746X0151	TRAINING	(24,000.00)	0.00	(24,000.00)	0.00	(24,000.00)	J Noble	This is required to fund training in general, not ring-fenced, drawing up plan following PDRs and will be spent as training requested is in excess of current budgetary provision.
PM1781X0151	FLEXI HOMELESS SUPPORT GRANT	(336,735.00)	100,000.00	(236,735.00)	0.00	(236,735.00)	S Finnegan	This is to fund £97,540 per year for Homeless Hub 2 year agreement (approx £200k in total) - released £100k towards the Homeless Hub on 28/09/23. The remaining amount is to offset the cost of B&B which can't be recovered by income as the HB only contribute to the LHA rate and not the full cost of the B&B placement (as per Cabinet report 16/03/2023), to confirm how much can now be released to revenue budgets. There is uncertainty of the HPG grant, therefore these funds are required to cover any future shortfalls to deliver the statutory services. A further £36K committed to Customer services to fund 2nd year of Officer who deals with housing applications.
PM1808X0151	INNOVATIVE GRANTS	(15,000.00)	0.00	(15,000.00)	15,000.00	0.00	J Sands	Locality Deal Funding no longer required - can be offered up
PM1815X0151	CYBER SECURITY IMPROVEMENTS	(5,000.00)	0.00	(5,000.00)	0.00	(5,000.00)	G Youlden	Grant income received to be spent on improving cyber security governance and awareness at senior management level. Currently looking at options and will be spent this year.
PM1834X0151	ACCESSIBLE FUNDING	(10,000.00)	0.00	(10,000.00)	10,000.00	0.00	P Weston	Funding for disability works not currently required as we are now decommissioning Marmion House, and pending completion of FHSF works - can be offered up.
PM1836X0151	PROPERTY INSURANCE VALUATION	(110,000.00)	0.00	(110,000.00)	0.00	(110,000.00)	E Dyer	Required for insurance valuations for properties due to take place in 2023/24 as they have not been updated in recent years as required by the insurers. To be retained as we are yet to go through the procurement process so there is uncertainty how much this process will cost TBC. Savings if any, will materialise after the procurement process which is likely to take place early 2024.
PM1837X0151	REVENUES TEMP STAFF/SUPPORT	(100,000.00)	38,100.00	(61,900.00)	0.00	(61,900.00)	M Buckland	Funding for temporary staff from new burdens government grant, required to cover for staff sickness/provide additional temporary resource to prevent backlogs building up. To move to retained fund.
PM1843X0151	TEMP COMMS ASST POST	(26,500.00)	0.00	(26,500.00)	0.00	(26,500.00)	T Phillips	Apprentice for Comms to be put forward as policy change to utilise this with salaries underspend, to be released to fund from February
PM1856X0151	ENV HEALTH TEMP STAFF	(201,667.00)	168,000.00	(33,667.00)	0.00	(33,667.00)	W Smith	LA Covid-19 Test & Trace Service Support and LA COMF grants for Environmental Health to pay salaries & on costs for 4 staff members till end of March 25. Looking at business case currently with a view to releasing into revenue budgets to fund salaries, must be spent or will need to be returned - required in full

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PM1858X0151	HARDSHIP FUNDING 2020/21	(56,693.75)	0.00	(56,693.75)	0.00	(56,693.75)	M Buckland	Hardship Funding from DWP, plus additional contribution £41.8k from court fees refund. This will be used to support vulnerable residents suffering from hardship due to the current economic climate and after effects of Pandemic during the remainder of 2023/24 and into 2024/25, to be transferred to collection fund.
PM1864X0151	ROUGH SLEEPING INITIATIVE PROJECT	(11,400.00)	0.00	(11,400.00)	0.00	(11,400.00)	S Finnegan	The remaining amount was for Cold weather fund £5k and Protect plus £6.4k (total £11.4k) paid retrospectively. To be spent this year as will cover winter/Christmas period - should be retained fund for SWEP to Heart of Tamworth (Winter relief).
PM1866X0151	FUEL	(20,000.00)	0.00	(20,000.00)	20,000.00	0.00	M Greaves	Contingency for additional contract hire costs or fuel in 2023-24 - agreed can be offered up
PM1870X0151	CASTLE PROFESSIONAL FEES ON CURTAIN WALL	(89,246.44)	25,000.00	(64,246.44)	0.00	(64,246.44)	L Rowe	Underspend in 2021-22 was kept for professional fees associated with capital projects in 22/23. This is due to the delays connected with the curtain wall project which should have been delivered in the last financial year. New cost estimation was so high that the team had to pull back the scope to fit within budget. Work is now in progress. Added underspend under Growth & Regeneration in 2022-23 to fund Castle projects already underway and should be spent by end March.
PM1871X0151	DOMESTIC ABUSE ACT	(6,091.00)	0.00	(6,091.00)	0.00	(6,091.00)	J Sands	Underspend added to ensure refuge services retained in 2023-24. To be released to fund work with SCC
PM1872X0151	LOCALITY DEAL FUNDING	(45,600.36)	2,880.00	(42,720.36)	8,920.36	(33,800.00)	J Sands	Awaiting invoice from SCC for £33.8k for ASB Engagement Officer, remainder can be offered up
PM1874X0151	FHSF LANDSCAPE CONSULTANCY	(11,500.00)	0.00	(11,500.00)	0.00	(11,500.00)	A Miller	Underspend from Growth & Regen budgets to fund additional landscape consultancy work associated with the FHSF (out of scope of original work therefore cannot be paid by FHSF pot). To be released
PM1877X0151	ILLEGAL ENCAMPMENT DEFENCES	(50,000.00)	0.00	(50,000.00)	0.00	(50,000.00)	H Peate	New reserve approved by Cabinet in Jan 2023 to fund defences to assist in deterring illegal encampments. To be retained and to confirm whether some funds should already have been released - £18.5k invoice received
PM1878X0151	VIABILITY OF ANKERSIDE SHOPPING CENTRE	(87,000.00)	87,000.00	0.00	0.00	0.00	P Weston	Reserve required for work undertaken by KMPG & Freeths to produce a report on the viability of the Ankerside Shopping Centre, now released in full.
PM1880X0151	CUSTOMER SERVICE ADMIN SUPPORT	(5,000.00)	0.00	(5,000.00)	5,000.00	0.00	T Pointon	Can be offered up
PM1882X0151	FLY-TIPPING GRANT	(25,375.00)	25,375.00	0.00	0.00	0.00	J Sands	Fly-tipping invention grant 2022-23, released in full
PM1883X0151	PROPERTY FUNDS SHORTFALL	(520,000.00)	0.00	(520,000.00)	0.00	(520,000.00)	J Goodfellow	To offset any fall in property fund valuations. To be combined with PM1798 retained fund.
PM1885X0151	DEVELOPMENT CONSULTANT	(8,000.00)	1,682.00	(6,318.00)	4,000.00	(2,318.00)	G Baker-Adams	Reserve for assistance on larger proposals for design input, £4k to be offered up, rest will be spent on training
PM1886X0151	REFURBISHMENT OF PLAY AREAS	(10,000.00)	0.00	(10,000.00)	0.00	(10,000.00)	M Greaves	Underspend in Public Spaces to use for Play Area (Rainscar) with capital budget, just gone out to tender, funds will be spent
PM1888X0151	WARM SPACES	(4,672.88)	4,672.88	0.00	0.00	0.00	A Ramsel	Underspend from Warm Spaces grant received in 2022-23 to use in 2023-24, and released into Assembly Rooms revenue budget
PM1889X0151	PLEASURE GROUNDS STAFF	(23,630.00)	15,640.00	(7,990.00)	7,990.00	0.00	H Peate	Fund to pay an uplift in salary for staff following Job re-evaluation no longer required and can be offered up
PM1890X0151	HEALTH & SAFETY	(5,000.00)	0.00	(5,000.00)	5,000.00	0.00	H Peate	Reserve to contribute to the H&S of the town hall can be offered up
PM1891X0151	DEV. PLAN LOCAL & STRATEGIC TEMP STAFF	(24,370.00)	24,370.00	0.00	0.00	0.00	R Powell	A business case was approved in September 2022 to create a temporary post to increase staff resources for the delivery of the new local plan, funds released in full.

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PM1893X0151	DEFRA GRANT	(10,047.00)	0.00	(10,047.00)	0.00	(10,047.00)	G Baker-Adams	DEFRA grant received in 2021/22, will be spent.
PM1894X0151	CASTLE BRANDING EXERCISE	(25,000.00)	0.00	(25,000.00)	0.00	(25,000.00)	L Rowe	This reserve is with regard to developing a new identity for the Castle in anticipation of accessing heritage funding. It is felt at the moment that there is no clear vision for the Castle and a confused visitor experience. Reports drafted and to be reviewed.
PM1895X0151	CASTLE STRUCTURE WORK	(21,000.00)	21,000.00	0.00	0.00	0.00	L Rowe	To fund a new conditions survey following discussions with Historic England to access funding - released in full 20/9/23
PM1896X0151	FHSF TIMELAPSE	(11,000.00)	0.00	(11,000.00)	0.00	(11,000.00)	A Miller	Saving in 2022-23 was kept for FHSF Timelapse, to be released as costs for the timelapse photography are being received/paid already.
	RETAINED FUNDS							
HM0859X0156	HSG PROPERTY INSURANCE EXCESS	(123,737.82)	0.00	(123,737.82)	0.00	(123,737.82)	E Dyer	Fund to be retained to meet potential cost of claims as otherwise funding for excess payments will need to be sourced from elsewhere - payments will have to be made. Also covers self-insured claims, which otherwise would have to come from the service area budget. Potential to reduce cap to £100k to be considered wef April 24.
HM0860X0156	HOUSING CONDITION SURVEY	(113,810.00)	0.00	(113,810.00)	0.00	(113,810.00)	P Weston	This budget has typically been placed in reserve and added to each year so as to build up a sufficient fund to enable a detailed stock condition survey to be completed. The budget allocation in any one year is not likely to be sufficient to complete a detailed stock condition survey. Funds required for procurement process now as it is 5 years since this was last done. There is also the potential for more regular updates to be required, possibly annually as per Housing Regulator - £25k annual budget
HM0863X0156	IMPS ORCHARD-FUNDING HOME & TT	(69,040.00)	16,000.00	(53,040.00)	0.00	(53,040.00)	G Youlden	Required for further development of Orchard portal, costs re server refresh and Orchard mobile expected and remaining funds required for Orchard development, Allocations SaaS module and self-appointed repairs, should these go ahead, further information and work is required around the business case before any savings can be offered up.
HM0864X0156	MAINTENANCE & SECURITY UPGRADE	(60,285.00)	0.00	(60,285.00)	0.00	(60,285.00)	L Birch	Required for the digital upgrades across all Schemes plus High Rise Blocks & the Life Line upgrade at Thomas Hardy Court, pot built up to fund upgrades, awaiting guidance re IT and digital switchover, working with Tunstall and details of planned spend to be provided.
HM0896X0156	HOUSING RESPONSIVE REPAIRS	(553,707.59)	0.00	(553,707.59)	0.00	(553,707.59)	P Weston	A large number of jobs were issued prior to 1st April 2023 under the Schedule of Rates arrangement; with effect from 1st April 2023 repairs are delivered using a Price Per Property arrangement. The 2023/24 budget has been set based on the PPP rate and as such there is no spare capacity to pay for works that were issued under the SOR arrangement and that will be invoiced using SOR upon completion. The reserve will ensure that there are sufficient funds available to pay for works issued prior to 1st April from the 2022/23 budget allocation and not impact on the PPP budgets. Still working through accounts being closed down, reserve figure based on worse case scenario, amount required likely to be less as some are rejected. Will be closer to December before finalisation, at which point the amount required can be confirmed.

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PM0905X0156	CASTLE ACCESSION FUND	(656.00)	0.00	(656.00)	0.00	(656.00)	A Miller	The purpose of this fund is to support the castle collections, either by enabling the purchase of equipment to support the storage and care of the collections, or to purchase one-off pieces with relevant provenance to supplement the collections. Any annual underspend from the accessions revenue budget are added to this retained fund each year. Fund capped at £10,000.
PM1005X0156	RISK MANAGEMENT FUNDING (ZM)	(10,000.00)	0.00	(10,000.00)	10,000.00	0.00	E Dyer	Support with embedding risk in TBC and Audit. £10,000 can be released and offered as saving providing no further work is required in this area between now and September 2024 (we have already completed a lot of work this year and training). The fund will need to be topped up from the insurance recharges when work is required from Sept 24 onwards.
PM1015X0156	INSURANCE-THIRD PARTY EXCESS	(137,507.74)	0.00	(137,507.74)	0.00	(137,507.74)	E Dyer	Fund is required at current level as used to pay the excess payments with regard to claims and if not available the funding will need to be sourced from elsewhere as the payments will have to be made. It would also reduce the availability of self-insured claims, and these may have to come from the service area budget. We currently have 21 claims unsettled which could represent a £65K charge this year although unlikely all will be upheld; we also have an invoice to process of £12,473. If capped at £100K this could potentially only leave us with £22,527 which would only fund 4 more claims so we would be looking to top this fund up in 2024/25 at a cost to the service areas. Therefore, we may be best to retain all these reserves until more information is known regarding unsettled claims.
PM1254X0156	4 FUTURE MEMORIAL INSP/MAINT	(50,000.00)	0.00	(50,000.00)	0.00	(50,000.00)	H Peate	Funding for ongoing inspection, testing & maintenance of memorials, capped at £50,000 by previous Cabinet report. Potential for cap to be reduced to £25k and remainder offered up to be confirmed.
PM1287X0156	CAR PARKS MAINTENANCE	(66,729.00)	0.00	(66,729.00)	0.00	(66,729.00)	T Hobbs	In line with Cabinet report, reserve required for new machine maintenance cost for 4 year plan in operation.
PM1288X0156	TREE MAINTENANCE BOROUGH WIDE	(12,755.00)	0.00	(12,755.00)	0.00	(12,755.00)	H Peate	To provide funding for further felling, removal and replanting of trees across the borough as necessary - spend plan to be provided.
PM1518X0156	TOWN CENTRE STRATEGY	(233,867.00)	39,000.00	(194,867.00)	40,000.00	(154,867.00)	T Hobbs	Underspend in 2022-23 placed in reserve for next two years' business plan as per Cabinet report on 17 March 2022. In light of UKSPF and vacant temp post not all funds will be required - confirmed £40k saving due to UKSPF funding.
PM1524X0156	EXTERNAL SUPPORT	(31,505.00)	8,110.00	(23,395.00)	0.00	(23,395.00)	A Wood	As Internal Audit is not hosted as a permanent resource in-house, these funds are required in the event that additional external support is needed eg for a special investigation or specialist audits, particularly during shared service arrangements with Lichfield DC.
PM1579X0156	CLIMATE CHANGE	(72,900.00)	10,480.00	(62,420.00)	0.00	(62,420.00)	A Miller	Required to fund ongoing work around net zero strategy.
PM1587X0156	LSPA LOCALITY WORKING RESERVE	(10,000.00)	5,000.00	(5,000.00)	5,000.00	0.00	K Clancy	£10K underspend retained for Tamworth Advice Centre work in 2023-24. Required to fund outreach work at Heart of Tamworth, there is ongoing need which may not be funded from Homelessness grant, £5k to released re Citizen Advice Outreach at Sacred Heart on 27/09/23, and remaining £5k can be offered up.
PM1633X0156	DWP UC/NEW BURDENS GRANT	(71,011.00)	26,485.00	(44,526.00)	0.00	(44,526.00)	M Buckland	New Burdens Funding received in 2324, retained to fund ongoing annual licence fee costs re IEG 4 system
PM1645X0156	GF PROPERTY INSURANCE EXCESS	(50,000.00)	0.00	(50,000.00)	0.00	(50,000.00)	E Dyer	Prudential accounting for potential liabilities - to be retained, required in particular due to the works going on with FHSF, Flex, Middle Entry, Peel and Castle. Excess is also £50K for the Depot so reserves would be wiped out with one claim. £10K excess for other properties.
PM1646X0156	gf MOTOR INSURANCE EXCESS	(9,420.00)	0.00	(9,420.00)	0.00	(9,420.00)	E Dyer	Prudential accounting for potential liabilities - to be retained as claims have increased during 2023, currently 7 unsettled claims therefore potential excess charge outstanding £3,500.

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PM1653X0156	TOWN HALL IMPROVEMENTS	(25,350.00)	0.00	(25,350.00)	0.00	(25,350.00)	D Lewis	To be retained to fund ad hoc redecoration, improvements and furniture for Town Hall - no other revenue budgetary funding available. This needs to link in with overall Town Hall project which is likely to be deferred - in the interim redecoration and temporary heating provision will be required from this fund so will need to be retained
PM1695X0156	LEGAL FEES	(17,752.00)	0.00	(17,752.00)	0.00	(17,752.00)	A Goodwin	To be retained to fund any external legal fees over and above shared service arrangement with South Staffs
PM1703X0156	INDIVIDUAL VOTER REGISTRATION	(8,564.00)	0.00	(8,564.00)	0.00	(8,564.00)	B Flanagan	New burdens funding for implementation of Election Act from May - to be retained
PM1717X0156	MAINT. OF A5 BALANCING PONDS	(200,965.45)	0.00	(200,965.45)	0.00	(200,965.45)	H Peate	When the A5 bypass was constructed, a network of 8 balancing ponds and reedbeds were also constructed alongside it to take excess water from the surface of the road and prevent this water being discharged as either groundwater or surface water, and also to reduce the effects of certain pollutants from the carriageway. Over time these balancing ponds which flow from Kettlebrook through to Tamworth centre become 'silted' up and have to be cleansed. A recent survey of the ponds has highlighted the fact that the original commuted sum set aside to maintain these ponds is insufficient and further funding is required in order to support the proposed 10 year maintenance plan. Therefore it is proposed that the surplus revenue from the Highway Maintenance budget be retained to assist in the delivery of this cleansing and maintenance programme. To be retained - capital bids to be developed going forward?
PM1735X0156	BUSINESS RATES COLLECTION	(3,088,294.00)	0.00	(3,088,294.00)	0.00	(3,088,294.00)	J Goodfellow	This is the business rates volatility fund should there be a significant reduction in business rates in year. This has been used for the significant reductions experienced during 20/21 and 21/22 arising from the covid relief schemes. Due to the accounting arrangements for the collection fund the deficit on the collection fund is accounted for in the year after the budget is set. To be retained due to ongoing volatility re business rates and risk of drop in business rates income, and to mitigate the impact of pending business rates reset.
PM1741X0156	SPORTS GRANT	(2,400.00)	0.00	(2,400.00)	0.00	(2,400.00)	H Peate	Required for Tamworth BMX club to draw against for track maintenance - to be retained
PM1775X0156	CONSERVATION GRANTS	(13,200.00)	0.00	(13,200.00)	0.00	(13,200.00)	R Powell	£13,200 is required to pay a number of grants where we received an application and/or enquiries towards the end of 2022/23. Any remaining underspend is required to contribute to the amended conservation grant focussed on shop fronts in the town centre for 2023/24. Grant applications in progress - to be released
PM1776X0156	LOCAL PLAN	(239,549.00)	16,590.00	(222,959.00)	0.00	(222,959.00)	A Miller	The estimated cost of delivering a new local plan for Tamworth is approximately £430,000 (based on legislative process and research of anticipated evidence costs). So far approximately £150,000 has been spent or committed to be spent on the evidence base. Requirements for preparing Local Plan are changing but new guidance not yet issued, uncertain as to whether all of this retained fund will be required at the moment, to be retained for time being pending further clarification.
PM1793X0156	EXPAND BILDING CONT PARTNSHIP	(12,420.00)	0.00	(12,420.00)	0.00	(12,420.00)	A Miller	This is Tamworth's share of the returned earmarked reserve from the Southern Staffs Building Control Partnership, and is required to be retained for future in line with the agreement.
PM1794X0156	PLANNING INVEST FROM FEE INC	(36,190.00)	0.00	(36,190.00)	0.00	(36,190.00)	A Miller	The Government increased nationally set planning fees by 20% on 17th January 2018 on the understanding that the increase would be re-invested into the planning service. This fund was created to make improvements and efficiencies to the service and provide transparency, ringfenced for investment in skills/people - business case to go forward as to options to spend eg temp staff.

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PM1798X0156	PROPERTY FUND INVESTMENT COSTS	(600,000.00)	0.00	(600,000.00)	0.00	(600,000.00)	J Goodfellow	Fund required to cover potential reductions in property fund investment values arising from the current economic situation. To be retained and combined with PM1883 Reserve.
PM1804X0156	FINANCIAL & DEBT ADVICE	(72,850.00)	4,500.00	(68,350.00)	0.00	(68,350.00)	S Finnegan	Contract with TAC - £60k requirement in total over 3 years. £4.5k released re Citizen Advice Outreach at Sacred Heart. It is funded from HPG but since the funding is uncertain we require this to ensure continuity of the Contract
PM1829X0156	HSG GEN FUND WORKS IN DEFAULT	(5,000.00)	0.00	(5,000.00)	5,000.00	0.00	J Sands	Not required and can be offered up
PM1833X0156	BELGRAVE 3G PITCH MAINTENANCE	(75,000.00)	0.00	(75,000.00)	0.00	(75,000.00)	H Peate	Sinking fund required at £25k per year as per agreement with football foundation for maintenance costs. contractual requirement therefore to be retained, update to be provided with regard to timescales
PM1861X0156	MAINTAIN COMM. WOODLAND ON FORMER GOLF COURSE, REDROW SITE	(200,000.00)	0.00	(200,000.00)	0.00	(200,000.00)		The reserve money is necessary to deliver maintenance associated with the community woodland, an important component of the golf course planning approval. The project is delayed as a consequence of ongoing discussions with Redrow over the land levels required to deliver the project.
PM1862X0156	REGENERATION PROJECT PIPELINE	(136,640.94)	0.00	(136,640.94)	0.00	(136,640.94)	A Miller	Approved by Cabinet 17/3/22 to establish fund for regeneration project pipeline, to ensure that business cases can be prepared so that future funding can be bid for.
PM1865X0156	COUNCILLORS PROJECT GRANTS	(10,318.00)	5,000.00	(5,318.00)	0.00	(5,318.00)	J Sands	This fund will be retained (subject to Cabinet approval) for up to 5 years, with underspent grant budget at the end of 22/23, 23/24 and 24/25 also retained (Maximum retention £50,000). The fund will be allocated on applications from individual Councillors as sponsors of the projects (subject to Cabinet approval) to specific projects either on a ward or whole town basis, with the grants being up to £10,000 per project (minimum £5,000), subject to Nominations and Grants Committee approval.
PM1876X0156	FUTURE SPORTS FACILITY DEVELOPMENT	(38,383.00)	0.00	(38,383.00)	0.00	(38,383.00)	H Peate	Related to Belgrave 3G Pitch. Tamworth BC keeps 60% of remaining income after paying 40% to the college and an annual sinking fund PM1833. To confirm if this can be used to fund staff?
PM1879X0156	ENVIRONMENTAL HEALTH TEMP STAFF	(29,500.00)	0.00	(29,500.00)	0.00	(29,500.00)	W Smith	Saving from salary to keep for staff costs incl £21.7k when COMF finishes and £2.8k for Assure system in 2023-24. Funding for staff to be retained as this is required for future years and no other budgetary provision exists, funding for Assure system is required and will be spent shortly.
PM1884X0156	PARTNERSHIP TEMPORARY STAFF	(77,000.00)	0.00	(77,000.00)	0.00	(77,000.00)	J Sands	Salary savings to be retained for Community Cohesion Officer until Feb 25 as per HR business case - £35k required for 2023/24 and £39k for 2024/25. Remaining required for increased Asylum Seeker support and increase of the hours to FT.
PM1887X0156	SHARED PROSPERITY FUND	(26,606.00)	19,097.00	(7,509.00)	0.00	(7,509.00)	T Hobbs	Underspend from SPF to keep for following years, will be released into revenue as spend is in progress
PM1892X0156	COUNCIL TAX CREDIT	(4,271.40)	0.00	(4,271.40)	0.00	(4,271.40)	J Goodfellow	Council tax credits re payments received from MoD on exempt properties- potentially to be repaid and so to be retained
SECTION 106 CAPITAL CONTRIBUTIONS								
PM0600X0178	CAPITAL FUND	(688,355.63)	0.00	(688,355.63)	0.00	(688,355.63)		
COMMUTED SUMS RESERVES								
PM4718X0153	OPEN SPACE MAINTENANCE	(465,462.73)	465,462.73	0.00	0.00	0.00		
PM4719X0153	OPEN SPACE ENHANCEMENT	(1,416,988.44)	1,551,221.00	134,232.56	0.00	134,232.56		
PM4721X0153	LEISURE CENTRE CONTRIB	(179,788.86)	1,385,788.86	1,206,000.00	0.00	1,206,000.00		

CC AC	NARRATIVE	OPENING BALANCE	MOVEMENT IN YEAR	CURRENT BALANCE	AMOUNT TO BE JOURNALLED FOLLOWING REVIEW	UPDATED PROVISIONAL BALANCE 31/03/24	BUDGET MANAGER	REASON FOR RETENTION NOV 2023 REVIEW
PM4723X0153	STORM WATER DRAINAGE MAINT.	(437,011.74)	437,011.74	0.00	0.00	0.00		
PM4724X0153	OPEN SPACE PURCHASE	(122,613.10)	122,613.10	0.00	0.00	0.00		
PM4725X0153	RECREATION/LEISURE FACILITIES	(1,752,026.05)	1,924,535.44	172,509.39	0.00	172,509.39		
PM4726X0153	AGREEMENT MONITORING	(220,371.00)	220,371.00	0.00	0.00	0.00		
PM4727X0153	FOR THIRD PARTY ORGANISATION	0.00	0.00	0.00	0.00	0.00		
PM4730X0153	C I L ADMIN 5%	(22,439.52)	22,439.52	0.00	0.00	0.00	R Powell	
PM4731X0153	C I L COMMUNITY 15%	6,296.00	140,093.40	146,389.40	0.00	146,389.40	R Powell	
PM4732X0153	C I L STRATEGIC 80%	(20,901.00)	801,644.32	780,743.32	0.00	780,743.32	R Powell	
	OTHER RESERVES							
HM0926X0154	HOUSING TRANSFORMATION RESERVE	(62,104.00)	0.00	(62,104.00)	62,104.00	0.00		Fund established for HRA transformation projects - to be offered up as previous requirements have been met via policy change
PM0599X0154	BUILDING REPAIR FUND	(402,529.09)	0.00	(402,529.09)	0.00	(402,529.09)		
PM0926X0154	TRANSFORMATION RESERVE	(1,414,053.00)	140,926.00	(1,273,127.00)	0.00	(1,273,127.00)		Held for Transformation projects associated with Recovery and Reset Programme and / or to fund the MTFs requirement in the Medium Term.
	TOTAL RESERVES	(24,100,113.74)	7,960,107.99	(16,140,005.75)	203,014.36	(15,936,991.39)		

Thursday, 14 December 2023

Report of the Portfolio Holder for Environmental Health and Community Partnerships

Scrap Metal Policy 2024 - 2028

Exempt Information

None

Purpose

To bring before Cabinet the outcome of the approved consultation exercise for the draft scrap metal policy 2024 – 2028. The public consultation exercise concluded on 24th September 2023.

Recommendations

It is recommended that Cabinet consider the draft Scrap Metal Policy 2024 – 2028 as suitable for adoption, subject to the revised code of conduct being incorporated.

Executive Summary

The Council, in its capacity as Licensing Authority, is required to consider applications for Scrap Metal Sites & Collectors. There is currently no policy in force covering the Council area for these activities and it is considered necessary and appropriate for such a policy to be prepared, consulted upon and published in order to ensure that applications for this type of authorisation are considered and determined in a fair, consistent and transparent manner.

The draft policy sets out the legal requirements and application process, along with the Licensing Authority's approach to preventing nuisance to residents and businesses located within the Council area and the enforcement of unlicensed activities.

At the meeting of the Licensing Committee held on 22nd June 2023, the committee recommended that Cabinet approve for consultation the draft Scrap Metal Policy 2024 – 2028 and that the draft policy be brought back to the Licensing Committee for consideration together with any comments received. Cabinet approved the draft policy suitable for consultation on the 20th July 2023.

The public consultation exercise was held between the 31st July 2023 and 24th September 2023. A list of those that were consulted is attached at Appendix 3.

Responses to the consultation were received and are attached at Appendix 4 for members consideration.

The responses received are mostly in relation to the code of conduct and members are asked to consider if the code of conduct should be amended or removed from the draft policy.

At the meeting of the Licensing Committee held on the 12th October 2023 the Committee resolved that the Committee recommend to cabinet that they consider the draft scrap metal policy as suitable for adoption subject to the revised code of conduct being incorporated (as attached at Appendix 5)

Options Considered

The Council could choose not to have a policy on scrap metal dealers however to do so would be contrary to best practice and may lead to a lack of clarity on the application of the legislation.

Resource Implications

There are no direct financial implications for Tamworth Borough Council concerning this matter at present. However, if at any time in the future the policy was subject to legal challenge, there could be costs associated with this process which would be met through the licence fee. We currently charge £490 for a Site Licence and £260 for a Collectors Licence.

Legal/Risk Implications Background

The 2013 Act introduced a comprehensive licensing regime for all scrap metal dealers. In accordance with the Act the Council must licence all scrap metal dealers. The Council must determine the suitability of applicants to hold licences. The Council also has the powers to impose conditions on licences, revoke licences and take enforcement action against unlicensed operators.

Whilst there is no statutory requirement for the Council to have a Scrap Metal Dealers Licensing Policy it provides the framework under which Tamworth Borough Council will exercise its powers and duties under the 2013 Act and ensures that fair and equitable decisions are taken by Tamworth Borough Council

Equalities Implications

The Council has a legal obligation under section 149 of the Equality Act 2010 to have due regard to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different groups.

When considering scrap metal applications, only issues provided for in the Scrap Metal Act 2013 and provided for in the Scrap Metal Dealers policy for Tamworth Borough Council will be taken into account. This will ensure a consistent approach is adopted. Under the terms of the policy, every application will be considered on its own merits.

Environment and Sustainability Implications (including climate change)

The Council is committed to tackling climate change and the proposed Policy will assist in ensuring that it contributes appropriately to this ambition.

Background Information

The Scrap Metal Dealers Act 2013 revised the regulatory regime for the scrap metal recycling and vehicle dismantling industries.

The 2013 Act repealed the Scrap Metal Dealers Act 1964 and the Vehicle Crime Act 2001, replacing them with a more robust licensing regime that gives a local authority the powers to refuse the grant of a licence where the applicant is deemed unsuitable; and the powers to revoke a licence should a licence holder become unsuitable.

The 2013 Act aims are to raise the standards across the scrap metal industry and to help achieve this, licensed operators have to keep detailed records of their transactions, and verify the identity of those selling scrap metal to them.

In addition to replacing the Scrap Metal Dealers Act 1964 and the Vehicle and Crime Act 2001, the 2013 Act revised the definition of a 'Scrap Metal Dealer' so as to take into account

the modern way in which people collect and deal in scrap metal. The 2013 Act provides for two types of Scrap Metal Dealer licences. A 'Site Licence' and a 'Collector's Licence' both of which last for three years.

Site Licence

A site licence is applicable where the licence holder has a physical site(s) that they use to carry on their business as a scrap metal dealer. This licence allows the licence holder to accept scrap metal from any of the sites listed on the licence and to transport scrap metal to and from the sites listed on the licence.

Collectors Licence

A collector's licence is applicable where the licence holder's business consists of collecting scrap metal, for example by going from door to door asking for scrap. This licence allows the licence holder to collect scrap metal from within the boundaries of the local authority that a person wishes to operate in.

Tamworth Borough Council have been undertaking this activity in line with legislation since 2013. We currently licence 10 Collectors and 3 Sites. By bringing forward this policy we will be providing a framework and be transparent about how we operate.

Report Author

Sarah Gear – Senior Licensing Officer

List of Background Papers

[Scrap Metal Dealers Act 2013 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

[Scrap Metal Dealers Act 2013: supplementary guidance \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk)

Appendices

Appendix 1 – Draft Scrap Metal Policy 2024 – 2028

Appendix 2 – Impact Assessment form

Appendix 3 – List of Consultees

Appendix 4 – Consultee responses

Appendix 5 – Code of Conduct

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**Tamworth Borough
Council**



**Statement of Policy and Guidelines for
the Licensing of Scrap Metal Dealers**

2024 - 2028

Contents

Section	
1	Introduction
2	Types of Licence
3	Suitability of Applicant
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5	Revocation of Licence/Imposing of Conditions
6	Supply of Information by Authority
7	Register of Licences
8	Notification Requirements
9	Display of Licence
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11	Payment for Scrap Metal
12	Records: Receipt of Metal
13	Records: Disposal of Metal
14	Records: Supplementary
15	Right of Entry & Inspection
16	Closure of Unlicensed Sites
Annex A	Prescribed Relevant Offences and Relevant Enforcement Action
Annex B	Code of Practice for Scrap Metal Dealers

1 INTRODUCTION

1.1 The Policy

- 1.1.1 This document sets out Tamworth Borough Council's policy on the regulation of Scrap Metal Dealers in its capacity as the relevant local authority for the purposes of the Scrap Metal Dealers Act 2013 (and the expressions "Tamworth Borough Council" and "local authority" shall be construed accordingly).

1.2 The Law

- 1.2.1 The Scrap Metal Dealers Act 2013 ("the Act") received Royal Assent on 28 February 2013. The Act repeals the Scrap Metal Dealers Act 1964 (and linked legislation) and Part 1 of Vehicles (Crime) Act 2001 creating a revised regulatory regime for the scrap metal recycling and vehicle dismantling industries.

The Act maintains local authorities as the principal regulator, but replaces the old registration system with a full licensing regime. It grants power to refuse a licence to "unsuitable" applicants and a power to revoke licences if the dealer becomes "unsuitable".

The Act requires a scrap metal dealer to obtain a licence in order to carry on business as a scrap metal dealer.

1.3 Definition of a Scrap Metal Dealer

- 1.3.1 A person carries on business as a scrap metal dealer if:
- (a) They wholly or partly buy or sell scrap metal (whether or not sold in the form it was bought); or
 - (b) They carry on business as a motor salvage operator (see 1.3.3).
- 1.3.2 Ancillary sales - a person selling scrap metal merely as surplus materials or as a by-product of manufacturing articles is NOT regarded as a scrap metal dealer.
- 1.3.3 Motor salvage operation is defined in the Act as a business that consists wholly or mainly of:
- (a) Recovering salvageable parts from motor vehicles for re-use or sale and selling the remainder of the vehicle for scrap

- (b) Buying written-off vehicles, repairing and reselling them
- (c) Buying or selling motor vehicles which are to be the subject of any of the activities mentioned in (a) or (b)
- (d) Wholly or mainly in activities falling within paragraphs (b) and (c)

1.3.4 Scrap metal includes:

- (a) Any old, waste or discarded metal or metallic material, and
- (b) Any product, article or assembly which is made from or contains metal and is broken, worn out or regarded by its last holder as having reached the end of its useful life.

1.3.5 Scrap metal does not include:

- (a) Gold
- (b) Silver
- (c) Any alloy of which 2% or more by weight is attributable to gold or silver

2 TYPES OF LICENCE

2.1 Anyone wishing to operate a business as a scrap metal dealer will require:

- I. A site licence, or
- II. A collector's licence.

The licence is valid for three years and permits the licence holder to operate within the boundaries of Tamworth Borough.

A person may hold more than one licence issued by different local authorities but may not hold more than one licence issued by any one authority.

2.2 SITE LICENCE

2.2.1 The site licence authorises the licensee to carry on business at the site(s) identified in the licence.

2.2.2 The site licence must include:

- (a) Name of the licensee
- (b) Name of the authority
- (c) Identify all the sites in the authority's area at which the licensee is authorised to carry on business

- (d) Name of the site manager of each site
- (e) Date of expiry

2.2.3 The site licence also permits the licence holder to act as a collector.

2.3 COLLECTOR'S LICENCE

2.3.1 The collector's licence authorises the licensee to carry on business as a mobile collector within the authority's area.

2.3.2 The collector's licence must include:

- (a) Name of the licensee
- (b) Name of the authority
- (c) Date of expiry

3 SUITABILITY OF APPLICANT

3.1 The local authority must determine whether an applicant is a suitable person to carry on business as a scrap metal dealer and may not issue a licence unless satisfied that the applicant is suitable.

3.2 In determining this, the authority may have regard to any information which it considers to be relevant, in particular:

- (a) Whether the applicant or site manager has been convicted of any relevant offence;
- (b) Whether the applicant or site manager has been the subject of any relevant enforcement action;
- (c) Any previous refusal of an application for the issue or renewal of a scrap metal licence (and the reasons for the refusal);
- (d) Any previous refusal of an application for a relevant environmental permit or registration (and the reasons for the refusal);
- (e) Any previous revocation of a scrap metal licence (and the reasons for the revocation);
- (f) Whether the applicant has demonstrated that there will be in place adequate procedures to ensure that the provisions of this Act are complied with.

3.3 In this section:

- (a) “Site manager” means an individual proposed to be named in the licence as a site manager
- (b) “Relevant offence” means an offence which is prescribed for the purposes of the Act in regulations made by the Secretary of State
- (c) “Relevant enforcement action” means enforcement action which is so prescribed by regulations.

The Scrap Metal Dealers Act 2013 (Prescribed Relevant Offences and Relevant Enforcement Action) Regulations 2013 at Annex A provides a list of the relevant offences and relevant enforcement action that the council may have regard to when determining the suitability of an applicant.

3.4 In determining whether a company is suitable to carry on business as a scrap metal dealer, a local authority is to have regard, in particular, to whether any of the following is a suitable person:

- (a) Any director of the company
- (b) Any secretary of the company
- (c) Any shadow director of the company (that is to say, any person in accordance with those directions or instructions the directors of the company are accustomed to act)

3.5 In determining whether a partnership is suitable to carry on business as a scrap metal dealer, a local authority is to have regard, in particular, to whether each of the partners is a suitable person.

3.6 The authority must also have regard to any guidance on determining suitability which is issued from time to time by the Secretary of State

3.7 The authority may consult other persons regarding the suitability of an applicant, including in particular:

- (a) Any other local authority;
- (b) The Environment Agency;
- (c) An officer of a police force;

3.8 If the applicant or any site manager has been convicted of a relevant offence, the authority may include in the licence one or both of the following conditions:

- (a) That the dealer must not receive scrap metal except between 9am and 5pm on any day;
- (b) That all scrap metal received must be kept in the form in which it is received Inventoried, marked and In a separate designated area, for a specified period, not exceeding 72 hours, beginning with the time when it is received.

3.9 In assessing an applicant's suitability the council can consider any other information it considers relevant including the applicant's behaviour in the operation of their business or the details of any relevant convictions that may be spent.

Code of Practice

3.10 In relation to all considerations of possible revocation or variation and all applications for grant or renewal of a licence the authority shall consider the suitability of the applicant or licence holder with regard to adherence or otherwise by the licence holder or any other person identified in the licence to the Code of Practice annexed to this policy at Annex B or the applicant's willingness to adhere to the Code of Practice or to any other relevant body or licensing authority's Code of Practice in the case of a first application. Failure to adhere to the Code of Practice shall be considered particularly relevant to the suitability of the applicant or licence holder to hold a licence.

Without prejudice to the above, where an officer of the Council has reason to believe that a licence is not being operated in accordance with the Code of Practice but it is in that officer's opinion reasonable to deal with the cause of complaint by way of a written warning or further written warning then the matter may be dealt with by written warning to the licence holder.

Where a licence holder has received a second written warning from an officer of the Council then the licence holder shall be asked to meet with the appropriate officer of the Council to discuss the reasons for the issue of the previous written warnings and the officer shall warn the licence holder that the licence shall be subject to revocation should there be any repetition of the matter of complaint, on the basis that the licence holder is no longer considered to be suitable to hold a licence.

Where an officer of the Council has reason to believe that there are grounds for issuing a third written warning then the relevant licence holder shall be presumed by the Council to be an unsuitable person to hold a licence, subject to any representation from the licence holder that there may be exceptional circumstances to justify the circumstances of the failure to remedy the cause

of complaint.

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4. APPLICATION PROCEDURE

4.1 Term of Licence

A licence is valid for three years beginning from the day it is issued. A renewal application must be received prior to the licence expiry.

If withdrawn the licence expires at the end of the day of withdrawal.

If refused, the licence expires when no appeal is possible or any such appeal is finally determined or withdrawn.

If renewed, the licence expires at the end of the three year period from the date of the renewal.

4.2 Application

The application form, available from the Licensing Team, should be accompanied by:

- a) Full name of applicant (if an individual), date of birth and usual place of residence
- b) Name and registered number of the applicant (if a company) and registered office
- c) If a partnership – full name of each partner, date of birth and usual place of residence
- d) Proposed trading name
- e) Telephone number and email address (if any) of applicant
- f) Address of any site within any other local authority at which carry on business as a scrap metal dealer or propose to do so
- g) Any relevant environmental permit or registration in relation to the applicant
- h) Details of any other scrap metal licence issued to the applicant within a period of 3 years ending with the date of the application.
- i) Details of the bank account which is proposed to be used in order to comply with section 11
- j) Details of any relevant conviction or enforcement action taken against the applicant.

For site licence, the applicant must also provide:

- a) The address of each site proposed to be identified in the licence (or if renewal, each site identified for which renewal is sought)
- b) The full name, date of birth and usual place of residence of each individual proposed to be named in the licence as a site manager (other than the applicant).
- c) Site manager details to be included for (g) (h) and (j) above

Please note the collectors licence allows a business or individual to operate only within that authority's area, therefore individuals wishing to collect across borders will be required to obtain a collectors licence from the relevant local authority where they wish to collect and sell.

All applicants are required to provide a basic disclosure of criminal convictions with the application. This can be applied for through Disclosure Scotland at <https://www.gov.uk/government/organisations/disclosure-and-barring-service> . Further information about other ways to apply can be obtained by calling Disclosure and Barring Service on 03000 200 190.

Certified copies of the disclosure certificate will be sufficient to allow for the fact that applicants who wish to apply in other authorities. To certify a document applicants should ask a professional person such as: a bank or building society official, councillor, dentist, police officer, solicitor or teacher. Persons related to the applicant, living at the same address or in a relationship with the applicant are not permitted persons to certify the disclosure certificate. In order to certify a certificate the applicant should take the photocopied document and the original to the professional person and ask the person to certify the copy by:

- Writing 'certified to be a true copy of the original seen by me' on the document
- Signing and dating it
- Printing their name under the signature
- Adding their occupation, address and telephone number.

Licensing authorities must carry out certain checks on applications from individuals, companies and any type of partnership to make sure they are aware of their tax responsibilities - if a new applicant - or have completed a tax check (for renewal applicants).

If you're an individual, company or any type of partnership you must complete a tax check if you're:

- renewing a licence
- applying for the same type of licence you previously held, that ceased to be valid less than a year ago
- applying for the same type of licence you already hold with another licensing authority

You can [complete this tax check here](#). You will get a tax share code which you'll need to give us as part of your application. We'll use this code to receive confirmation from HMRC that you've completed the tax check. We will not have access to information about your tax affairs.

You will not need to complete a tax check if you have:

- never held a licence of the same type before
- had a licence of the same type that ceased to be valid a year or more before making this application

However you must still make yourself aware of the tax obligations by using the following website addresses. You will be required to confirm this awareness to us when making your application

4.3 Variation of Licence

A licence may be varied from one type to the other. A variation application must be made to reflect changes to:

- Site licence – the name of licensee, the sites, site manager
- Collector's licence – name of licensee

The variation can amend the name of the licensee but cannot transfer the licence to another person.

Application is to be made to the issuing authority and contain particulars of the changes to be made to the licence.

4.4 Renewal

When a licence is renewed the three year validity period commences on the day of receipt. Should a renewal application be withdrawn, the licence expires at the end of the day on which the application is withdrawn.

Where a renewal application has been refused – the licence expires when no appeal has been made under paragraph 2 of Schedule 1 of the Act or any

such appeal has resulted in confirmation of the refusal.

4.5 Further Information

The Council may request (at the time of application or later) that additional information is provided, as may be considered relevant for the purpose of considering the application.

Failure to provide such information may result in the application being declined.

4.6 Fee

The application must be accompanied by the fee set by the Council, under guidance from the Secretary of State with the approval of the Treasury.

4.7 Right to Make Representations

If the Council proposes to refuse an application or to revoke/vary a licence a notice shall be issued to the applicant/licensee setting out what the authority proposes to do and the reasons for this. The notice shall also state that within the period specified the applicant/licensee can either:

- a) Make representations about the proposal, or
- b) Inform the authority that the applicant/licensee wishes to do so.

The period specified in the notice shall be not less than 14 days beginning with the date on which the notice is given to the applicant/licensee. Within this time the applicant/licensee must notify the Council whether the applicant / licensee wishes to make representations. Should this period expire and the applicant/licensee has not made representations or informed the authority of their wish to do so the authority may refuse the application, or revoke or vary the licence.

If, within the period specified, the applicant/licensee informs the authority that they wish to make representations, the authority shall allow a reasonable period to make representations and may refuse the application or revoke or vary the licence if they fail to make representations within that period.

If the applicant/licensee notifies the authority that they wish to make oral representations, the authority shall give them the opportunity of appearing before, and being heard by a panel of two Council Officers selected from the Assistant Director – Growth & Regeneration, Head of Environmental Health, Senior Licensing Officer along with a legal advisor.

4.8 Notice of Decision

If the application is refused, or the licence is revoked or varied, notice shall be given to the applicant/licensee setting out the decision and the reasons for it. The notice shall also state that the applicant/licensee may appeal against the decision, the time within which the appeal may be brought (21 days beginning with the day on which notice of the decision was given) and, if revoked or varied, the date on which the revocation or variation is to take effect.

4.9 Appeals

An applicant may appeal to a magistrates' court against the refusal of an application or a variation. The licensee may appeal to a magistrates' court against the inclusion in a licence of a condition under Section 3(8) of the Act or the revocation or variation of a licence.

An appeal must be made within 21 days beginning on the day the notice to refuse the application, to include the condition or to revoke or vary the licence under section 4 was given.

On appeal, the magistrates' court may confirm, vary or reverse the authority's decision, and give such directions as it considers appropriate having regard to the provisions of the Act.

The authority must comply with any directions given by the magistrates' court. Although the authority need not comply with such directions until the time for making an application under section 111 of the Magistrates' Courts Act 1980 has passed or if such an application is made, until the application is finally determined or withdrawn.

5 REVOCATION OF LICENCE/IMPOSITION OF CONDITIONS

- 5.1 The authority may revoke a scrap metal licence if it is satisfied that the licensee does not carry on the business of scrap metal dealing at any of the sites identified in the licence.
- 5.2 The authority may revoke a licence if it is satisfied that a site manager named in the licence does not act as site manager at any of the sites identified in the licence.
- 5.3 The authority may revoke a licence if it is no longer satisfied that the licensee is a suitable person to carry on business as a scrap metal dealer and the authority shall have particular regard to any "relevant offences" and "relevant enforcement action" and to those matters contained in paragraphs 3.10 of this policy.

- 5.4 If the licensee or any site manager named in a licence is convicted of a relevant offence, the authority may vary the licence by adding one or both of the conditions set out in paragraph 3.8.
- 5.6 A revocation or variation comes into effect when no appeal under paragraph 16.9 is possible in relation to the revocation or variation, or when any such appeal is finally determined or withdrawn.
- 5.7 If the authority considers that the licence should not continue in force without conditions, it may by notice provide:
- (a) That, until a revocation comes into effect, the licence is subject to one or both of the conditions set out in paragraph 3.8, or
 - (b) That a variation under this paragraph comes into effect immediately.
- 5.8 All licences issued by the Council pursuant to the Act remain the physical property of the Council and must be returned to the Council as required on expiry or revocation of the relevant licence or copy licence. Action may be taken for the recovery of any licence not returned as required by the Council and any such action may be taken into account in relation to any future application for a licence.
- 5.9 All reference in this policy to copy licences shall be construed as original copies officially endorsed and issued by the Council as the licensing authority.

6. SUPPLY OF INFORMATION BY AUTHORITY

- 6.1 This section applies to information which has been supplied to a local authority under this Act and relates to a scrap metal licence or to an application for or relating to a licence.
- 6.2 The local authority must supply any such information to any of the following persons who request it for purposes relating to this Act:
- (a) Any other local authority;
 - (b) The Environment Agency;
 - (c) An officer of a police force.
- 6.3 This section does not limit any other power the authority has to supply that information.

7. REGISTER OF LICENCES

- 7.1 The Environment Agency maintains a register of scrap metal licences issued by authorities in England and each entry must record:

- (a) The name of the authority which issued the licence
- (b) The name of the licensee
- (c) Any trading name of the licensee
- (d) The address of the site identified in the licence
- (e) The type of licence, and
- (f) The date on which the licence is due to expire

7.2 The registers are to open for inspection to the public

8. NOTIFICATION REQUIREMENTS

8.1 An applicant for a scrap metal licence, or for the renewal or variation of a licence, must notify the authority to which the application was made of any changes which materially affect the accuracy of the information which the applicant has provided in connection with the application.

8.2 A licensee who is not carrying on business as a scrap metal dealer in the area of the authority which issued the licence must notify the authority within 28 days.

8.3 If a licence is issued to a business under a trading name the licensee must notify the authority which issued the licence of any change to that name within 28 days.

8.4 The authority must notify the Environment Agency, of –

- (a) any notification given to the authority under paragraph 8.2 or 8.3
- (b) any variation made by the authority under paragraph 16.3 (variation of type of licence or matters set out in licence), and
- (c) any revocation by the authority of a licence

8.5 Notification under paragraph 8.4 must be given within 28 days of the notification, variation or revocation in question.

9. DISPLAY OF LICENCE

9.1 A copy of a site licence must be displayed at each site identified in the licence. The copy must be displayed in a prominent place in an area accessible to the public.

9.2 A copy of a collector's licence must be displayed on any vehicle that is being used in the course of the dealer's business. This must be displayed in a

manner which enables it easily to be read by a person outside the vehicle.

10. VERIFICATION OF SUPPLIER'S IDENTITY

- 10.1 Prior to receiving scrap metal the scrap metal dealer must verify the person's full name and address by reference to documents, data or other information obtained from a reliable and independent source.

Should verification not be gained then each of the following are guilty of an offence:

- (a) The scrap metal dealer
- (b) If metal is received at the site, the site manager
- (c) Any person who, under arrangements made by a person within subparagraph (a) or (b), has responsibility for verifying the name and address.

11. PAYMENT FOR SCRAP METAL

- 11.1 A scrap metal dealer must only pay for scrap metal by either:

- (a) A cheque (which is not transferrable under Section 81A Bills of Exchange Act 1882); or
- (b) Electronic transfer of funds (authorised by a credit, debit card or otherwise)

Payment includes paying in kind – with goods or services.

12. RECORDS: RECEIPT OF METAL

- 12.1 If any metal is received in the course of the dealer's business the dealer must record the following information:

- (a) Description of the metal, including its type (types if mixed), form, condition, weight and any marks identifying previous owners or other distinguishing features
- (b) Date and time of receipt
- (c) The registration mark of the vehicle delivered by
- (d) Full name and address of person delivering it
- (e) Full name of the person making payment on behalf of the dealer

- 12.2 The dealer must keep a copy of any documents used to verify the name and address of the person delivering the metal.

- 12.3 If payment is made via cheque, the dealer must retain a copy of the cheque.
- 12.4 If payment is made via electronic transfer, the dealer must keep a receipt identifying the transfer, or (if no receipt identifying the transfer) record particulars identifying the transfer.

13. RECORDS: DISPOSAL OF METAL

- 13.1 The Act regards the metal to be disposed of:
- (a) Whether or not in the same form it was purchased,
 - (b) Whether or not the disposal is to another person
 - (c) Whether or not the metal is despatched from a site
- 13.2 Where the disposal is in the course of business under a site licence, the following must be recorded:
- (a) Description of the metal, including its type (or types if mixed), form and weight
 - (b) Date and time of disposal
 - (c) If to another person, their full name and address
 - (d) If payment is received for the metal (by sale or exchange) the price or other consideration received
- 13.3 If disposal is in the course of business under a collector's licence, the dealer must record the following information:
- (a) The date and time of the disposal
 - (b) If to another person, their full name and address

14. RECORDS: SUPPLEMENTARY

- 14.1 The information in paragraphs 11 and 12 must be recorded in a manner which allows the information and the scrap metal to which it relates to be readily identified by reference to each other.
- 14.2 The records mentioned in paragraph 11 must be marked so as to identify the scrap metal to which they relate.
- 14.3 Records must be kept for a period of 3 years beginning with the day on which the metal is received or (as may be the case) disposed of.
- 14.4 If a scrap metal dealer fails to fulfil a requirement under paragraph 11 or 12 or this paragraph each of the following is guilty of an offence by way of section

15 of the Act:

- (a) The scrap metal dealer
- (b) If the metal is received at or (as the case may be) despatched from a site, the site manager
- (c) Any person who, under arrangements made by a person within paragraph (a) or (b) has responsibility for fulfilling the requirement.

14.5 It is a defence for a person within who is charged with an offence under section 15 of the Act to prove that the person:

- (a) Made arrangements to ensure that the requirement was fulfilled, and
- (b) Took all reasonable steps to ensure that those arrangements were complied with

15. RIGHT OF ENTRY & INSPECTION

15.1 A constable or an officer of the Council may enter and inspect a licensed site at any reasonable time on notice to the site manager.

15.2 A constable or an officer of the Council may enter and inspect a licensed site at any reasonable time, otherwise than on notice to the site manager, if

- (a) Reasonable attempts to give notice have been made and failed, or
- (b) Entry to the site is reasonably required for the purpose of ascertaining whether the provisions of this Act are being complied with or investigating offences under it and (in either case) the giving of the notice would defeat that purpose.

15.3 Paragraphs 14.1 and 14.2 do not apply to residential premises.

15.4 A constable or an officer of the Council is not entitled to use force to enter premises in the exercise of the powers identified in paragraphs 15.1 and 15.2.

15.5 A justice of the peace may issue a warrant authorising entry in accordance with section 16 of the Act to any premises within paragraph 15.6 if the justice is satisfied by information on oath that there are reasonable grounds for believing that entry to the premises is reasonably required for the purpose of:

- (a) Securing compliance with the provisions of the Act, or
- (b) Ascertaining whether those provisions are being complied with

- 15.6 Premises are within this paragraph if
- (a) The premises are a licensed site, or
 - (b) The premises are not a licensed site but there are reasonable grounds for believing that the premises are being used by a scrap metal dealer in the course of business.
- 15.8 A constable or an officer of the Council may, if necessary, use reasonable force in the exercise of the powers under a warrant under section 16 of the Act.
- 15.9 A constable or an officer of the Council may:
- (a) Require production of, and inspect, any scrap metal kept at any premises mentioned in paragraphs 14.1 or 14.2 or in a warrant under section 16.
 - (b) Require production of, and inspect, any records kept in accordance with section 13 or 14 of the Act and any other records relating to payment for scrap metal
 - (c) Take copies of or extracts from any such records.
- 15.10 Officers of the Council will undertake where reasonable and practicable to give a notice of their powers and your rights on entry to any site licensed pursuant to the Act and the licence holder, site managers and other operatives should note that officers may use recording to assist them in their duties whilst on site.

16. CLOSURE OF UNLICENSED SITES

16.1 Interpretation

A person with an interest in premises is the owner, leaseholder or occupier of the premises.

16.2 Closure Notice

These are not applicable if the premises are residential premises.

A constable or the local authority must be satisfied that the premises are being used by a scrap metal dealer in the course of business and that the premises are not a licensed site.

In such circumstances a “closure notice” may be issued by a constable or local authority which states they are satisfied of the above, the reasons for that, that the constable or local authority may apply to the court for a closure

order and the notice shall specify the steps which may be taken to ensure that the alleged use of the premises ceases.

The notice shall be given to the person who appears to be the site manager of the premises and any person who appears to be a director, manager or other officer of the business in question. The notice may also be given to any person who has an interest in the premises.

The notice shall be given to a person who occupies another part of any building or structure of which the premises form part and the constable or local authority believes at the time of giving the notice, that the person's access to that other part would be impeded if a closure order were made in respect of the premises.

16.3 Cancellation of Closure Notice

A "cancellation notice" issued by a constable of local authority may cancel a closure notice. This takes effect when it is given to any one of the persons to whom the closure notice was given. This must also be given to any other person to whom the closure notice was given.

16.4 Application for Closure Order

When a closure notice has been given, a constable or the local authority shall make a complaint to a justice of the peace for a closure order. This may not be made less than 7 days after the date on which the closure notice was given or more than 6 months after that date.

A complaint under this paragraph may not be made if the constable or authority is satisfied that the premises are not (or are no longer) being used by a scrap metal dealer in the course of business and there is no reasonable likelihood that the premises will be so used in the future.

16.5 Closure Order

A closure order requires that a premises be closed immediately to the public and remain closed until a constable or the local authority makes a termination of closure order by certificate, the use of the premises by a scrap metal dealer in the course of business be discontinued immediately and that any defendant pay into court such sum as the court determines and that the sum will not be released by the court to that person until the other requirements of the order are met.

The closure order may include a condition relating to the admission of persons into the premises, the access by persons to another part of any building or other structure of which the premises form part.

A closure order may include such provision as the court considers appropriate for dealing with the consequences if the order should cease to have effect.

As soon as practicable after the closure order is made, the complainant must fix a copy of it in a conspicuous position on the premises in respect of which it was made.

A sum ordered to be paid into court under a closure order is to be paid to the designated officer for the court.

16.6 Termination of Closure Order by Certificate

Once a closure order has been made and a constable or the local authority is satisfied that the need for the order has ceased a certificate may be issued.

This ceases the closure order and any sum paid into a court is to be released by the court to the defendant.

As soon as is practicable after making a certificate, a constable or local authority must give a copy to any person against whom the closure order was made, give a copy to the designated officer for the court which made the order and fix a copy of it in a conspicuous position on the premises in respect of which the order was made.

A copy of the certificate must be given to any person who requests one.

16.7 Discharge of Closure Order by Court

A closure order may be discharged by complaint to a justice of the peace. This can be done by any person to whom the relevant closure notice was given or any person who has an interest in the premises but to whom the closure notice was not given.

The court will make a discharge order if it is satisfied that there is no longer a need for the closure order. The justice may issue a summons directed to a constable as the justice considers appropriate or the local authority, requiring that person appear before the magistrates' court to answer to the complaint.

If a summons is issued, notice of the date, time and place at which the complaint will be heard must be given to all persons to whom the closure notice was given (other than the complainant).

16.8 Appeal in relation to Closure Orders

Appeal may be made to the Crown Court against:

- a) A closure order

- b) A decision not to make a closure order
- c) A discharge order
- d) A decision not to make a discharge order

The appeal must be made before the end of 21 days beginning with the day on which the order or decision in question was made.

An appeal under (a) or (b) may be made by any person to whom the relevant closure notice was given or any person who has an interest in the premises but to whom the closure notice was not given.

An appeal under (b) or (c) may be made by a constable or the local authority.

6.9 Enforcement of Closure Order

A person is guilty of an offence, if without reasonable excuse they permit premises to be open in contravention of a closure order, or fail to comply with, or do an act in contravention of a closure order.

If the closure order has been made, a constable or a person authorised by the local authority may (if necessary using reasonable force) enter the premises at any reasonable time, and having entered the premises, do anything reasonably necessary for the purpose of securing compliance with the order.

If the owner, occupier or other person in charge of the premises requires the officer to produce evidence of identity or evidence of authority to exercise powers, the officer must produce that evidence.

Annex A

CRIMINAL LAW SCRAP METAL DEALERS

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

Citation, commencement and interpretation

1. (1) These regulations may be cited as the Scrap Metal Dealers Act 2013 (Prescribed Relevant Offences and Relevant Enforcement Action) Regulations 2013 and shall come into force on 1st October 2013.

(2) In these Regulations –

“environment –related offence” means an offence which relates to the transportation, shipment or transfer of waste, or to the prevention, minimisation or control of pollution of the air, water or land which may give rise to any harm:

“harm” means:

- (i) Harm to the health of human beings or other living organisms;
- (ii) Harm to the quality of the environment;
- (iii) Offence to the senses of human beings;
- (iv) Damage to property; or
- (v) Impairment of, or interference with, amenities or other legitimate uses of the environment.

Relevant offences

2. For the purposes of section 3(3)(b) of the Scrap metal Dealers Act 2013, “relevant offence” means any offence specified in the Schedule to these Regulations, and includes an offence of –
 - a. Attempting or conspiring to commit any offence falling within the Schedule;
 - b. Inciting or aiding, abetting, counselling or procuring the commission of any offence falling within the Schedule, and

- c. An offence under Part 2 of the Serious Crime Act 2007 (a) (encouraging or assisting crime) committed in relation to any offence falling within the Schedule.

Relevant enforcement action

- 3. For the purposes of section 3(3)(c) of the Scrap Metal dealers Act 2013, a person is the subject of “relevant enforcement action” if –
 - a. The person has been charged with an offence specified in the Schedule to these Regulations, and the criminal proceedings in respect of that offence have not yet concluded; or
 - b. An environment permit granted in respect of the person under the Environmental Permitting (England and Wales) Regulations 2010 (b) has been revoked in whole, or partially revoked, to the extent that the permit no longer authorises the recovery of metal.

SCHEDULE

PART 1

Primary Legislation

- a) An offence under section 1, 5 or 7 of the Control of Pollution (Amendment) Act 1989
- b) An offence under section 170 or 170B of the Customs and Excise Management Act 1979, where the specific offence concerned relates to scrap metal
- c) An offence under section 110 of the Environment Act 1990
- d) An offence under sections 33, 34 or 34B of the environmental Protection Act 1990
- e) An offence under section 9 of the Food and Environmental Protection Act 1985
- f) An offence under section 1 of the Fraud Act 2006, where the specific offence concerned relates to scrap metal, or is an environment-related offence
- g) An offence under section 146 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012
- h) An offence under sections 327, 328 or 330 to 332 of the Proceeds of Crime Act 2002
- i) Any offence under the Scrap Metal Dealers Act 1964

- j) Any offence under the Scrap Metal Dealers Act 2013
- k) An offence under sections 1, 8, 9, 11, 17, 18, 22 or 25 of the Theft Act 1968, where the specific offence concerned relates to scrap metal, or is an environment-related offence
- l) Any offence under Part 1 of the Vehicles (Crime) Act 2001
- m) An offence under sections 85, 202 or 206 of the Water resources Act 1991

PART 1

Secondary Legislation

- a) An offence under regulation 38 of the Environmental Permitting (England and Wales) Regulations 2007
- b) An offence under regulation 38 of the Environmental Permitting (England and Wales) Regulations 2010
- c) Any offence under the Hazardous Waste (England and Wales) Regulations 2005
- d) Any offence under the Hazardous Waste (Wales) Regulations 2005
- e) An offence under regulation 17(1) of the Landfill (England and Wales) Regulations 2002
- f) Any offence under the Pollution Prevention and Control (England and Wales) Regulations 2000
- g) Any offence under the Producer Responsibility (Packaging Waste) Regulations 2007
- h) Any offence under the Transfrontier Shipment of Waste Regulations 1994
- i) Any offence under the Transfrontier Shipment of Waste Regulations 2007
- j) Any offence under the Waste (Electrical and Electronic Equipment) Regulations 2006
- k) An offence under regulation 42 of the Waste (England and Wales) Regulations 2011

Annex B Code of Practice for Scrap Metal Dealers.

All scrap metal dealers and merchants signing up to this Code agree to abide by the following requirements:

- a) All reasonable steps will be taken to ensure stolen metals are not bought.
- b) Metals will only be accepted from those whose ID has been/can be verified as required by the Scrap Metal Dealers Act 2013
- c) No payment shall be made to any person other than the person as identified on the scrap metal collector's licence displayed on the vehicle where metals are produced by a licensed scrap metal collector.
- d) Staff must be trained in administrative processes and all paperwork should be relevant and kept up-to-date.
- e) Dealers will co-operate with police and local authorities by allowing access and inspection when requested.
- f) No blackened copper wire that has obviously had its insulation removed should be bought.
- g) Metals will not be accepted from customers on foot.
- h) Metal will not be accepted from customers arriving in taxis or private hire vehicles.
- i) Dealers will display prominent signage at their premises stating that "We report suspected metal thieves to the Police".
- j) In order to comply with the Act's requirements concerning record keeping and identification no metals shall be received without at a minimum taking and retaining a digital photograph(s) of the scrap metal load as presented, cross-referenced with the appropriate waste transfer note.
- k) Dealers shall have available and actively use UV torches for detecting forensically marked metals.
- l) Suspicious persons will be reported to the local police force for the area concerned.
- m) Suspicious transactions will be reported to the local police force for the area concerned.
- n) Dealers will work towards adopting into an electronic 'alert' notification scheme for early notification of stolen metals.
- o) All scrap metal dealers agree to work towards installing police approved CCTV systems upon commencement of trading and automatic number plate recognition cameras within 12 months from the commencement of trading at site entrances and/or weighbridges. (Where such systems have been installed posters advertising the fact will clearly be displayed on the premises).
- p) Scrap metal collectors will not cause nuisance or unreasonable disturbance to

residents in the locality.

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Community Impact Assessment

Part 1 – Details		
What Policy/ Procedure/ Strategy/Project/Service is being assessed?	Scrap Metal Dealers Policy	
Date Conducted	8/6/23	
Name of Lead Officer and Service Area	Sarah Gear Environmental Health	
Commissioning Team (if applicable)		
Director Responsible for project/service area	Anna Miller Environmental Health	
Who are the main stakeholders	Staffordshire Police	
Describe what consultation has been undertaken. Who was involved and what was the outcome	Consultation will be with existing licence holders, Staffordshire Police, Community Safety officers, residents, businesses, Members, and Community Boards.	
Outline the wider research that has taken place (E.G. commissioners, partners, other providers etc)	N/A	
What are you assessing? Indicate with an 'x' which applies	A decision to review or change a service	<input type="checkbox"/>
	A Strategy/Policy/Procedure	<input checked="" type="checkbox"/> x
	A function, service or project	<input type="checkbox"/>
What kind of assessment is it? Indicate with an 'x' which applies	New	<input checked="" type="checkbox"/> x
	Existing	<input type="checkbox"/>
	Being reviewed	<input type="checkbox"/>

	Being reviewed as a result of budget constraints / End of Contract	<input type="checkbox"/>
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Part 2 – Summary of Assessment

Give a summary of your proposal and set out the aims/ objectives/ purposes/ and outcomes of the area you are impact assessing.

The Council could choose not to have a policy on scrap metal dealers however to do so would be contrary to best practice and may lead to a lack of clarity on the application of the legislation.

Who will be affected and how?

Scrap Metal Dealers – formalises what we already do but ensures expectations on licence holder and theirs of the authority are aligned.

Are there any other functions, policies or services linked to this impact assessment?

Yes No

If you answered 'Yes', please indicate what they are?

Part 3 – Impact on the Community

Thinking about each of the Areas below, does or could the Policy function, or service have a direct impact on them?

Impact Area	Yes	No	Reason (provide brief explanation)
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Gender Reassignment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Marriage & Civil Partnership	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Pregnancy & Maternity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Religion or belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Sex	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Gypsy/Travelling Community	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Those with Caring/Dependent responsibilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Those having an offending past	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Legislation dictates offences that must be considered before granting a licence
Children	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Vulnerable Adults	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Families	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Those who are homeless	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Those on low income	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Those with Drug or Alcohol problems	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Those with Mental Health issues	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Those with Physical Health issues	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Other (Please Detail)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

N/A This policy applies to all applying for a scrap metal dealers licence and has no bearing on any impact areas other than offending past.

Part 4 – Risk Assessment

From evidence given from previous question, please detail what measures or changes will be put in place to mitigate adverse implications

Impact Area	Details of the Impact	Action to reduce risk
<i>Eg: Families</i>	<i>Families no longer supported which may lead to a reduced standard of living & subsequent health issues</i>	<i>Signposting to other services. Look to external funding opportunities.</i>
Those having an offending past	If a relevant offence is held they will not be granted a licence	Advice provided as to when they would be able to apply for a licence.

Part 5 - Action Plan and Review

Detail in the plan below, actions that you have identified in your CIA, which will eliminate discrimination, advance equality of opportunity and/or foster good relations.

If you are unable to eliminate or reduce negative impact on any of the impact areas, you should explain why

Impact (positive or negative) identified	Action	Person(s) responsible	Target date	Required outcome
	Outcomes and Actions entered onto Covalent			

Date of Review (If applicable)

Draft Scrap Metal Policy

List Of Consultees

All licensed Collectors & Site's

All Borough councillors

Environment Agency

Trading Standards

Licensing Police

Local Police

National Crime Agency

Representative from National Grid

Independent Consultant

Fire Service

Tamworth Borough Council Environmental Health

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Hi Sarah,

I have attached a copy of the document with my comments. As I said I'm looking at this from my position as the NICRP and BTP subject matter expert on the SMDA 2013 and metal crime.

I completely understand why you are looking at introducing a code of conduct. I think the challenge is what you can achieve within the boundaries of the SMDA 2013 in its current format. I'm working on the Act with the Home Office, Environment agency and LGA, but as it stands any changes that would result in the introduction of a code of conduct that would be enforceable (which set requirements outside the scope of the act) require a change to primary legislation and that's not really an option currently.

If you would like to discuss my comments in more detail, please feel for to contact me.

Kind Regards

Rob Edwards

Robin Edwards BA (Hons)
Director
Onis

Code of Practice

- 1.1 In relation to all considerations of possible revocation or variation and all applications for grant or renewal of a licence the authority shall consider the suitability of the applicant or licence holder with regard to adherence or otherwise by the licence holder or any other person identified in the licence to the Code of Practice annexed to this policy at Annex B or the applicant's willingness to adhere to the Code of Practice or to any other relevant body or licensing authority's Code of Practice in the case of a first application. Failure to adhere to the Code of Practice shall be considered particularly relevant to the suitability of the applicant or licence holder to hold a licence. **I don't see how you can do this, there is no mention of this within the SMDA 2013 or the supplementary guidance, so it outside the scope of the legislation and would not be legally binding..**

Without prejudice to the above, where an officer of the Council has reason to believe that a licence is not being operated in accordance with the Code of Practice but it is in that officer's opinion reasonable to deal

with the cause of complaint by way of a written warning or further written warning then the matter may be dealt with by written warning to the licence holder. You can give a warning, but I'm afraid there again is no mention in the SMDA 2013 about codes of conduct. It will have no impact on the license and the SMD could chose to ignore it and there is nothing legally you could do about it.

Where a licence holder has received a second written warning from an officer of the Council then the licence holder shall be asked to meet with the appropriate officer of the Council to discuss the reasons for the issue of the previous written warnings and the officer shall warn the licence holder that the licence shall be subject to revocation should there be any repetition of the matter of complaint, on the basis that the licence holder is no longer considered to be suitable to hold a licence. There is no legal requirement for any SMD to comply with a code of conduct as they are voluntary in nature and are based on consent. If the SMD decides not to comply with a code of conduct, there is no power to revoke the license contained within the SMDA and this would require a change to the primary legislation.

Where an officer of the Council has reason to believe that there are grounds for issuing a third written warning then the relevant licence holder shall be presumed by the Council to be an unsuitable person to hold a licence, subject to any representation from the licence holder that there may be exceptional circumstances to justify the circumstances of the failure to remedy the cause of complaint. I refer to the above comments. There is no legal requirement for any SMD to comply with a code of conduct as they are voluntary in nature and are based on consent. If an SMD decides not to comply with a code of conduct, there is no power to revoke the license contained within the SMDA and this would require a change to the primary legislation. This could end up in a costly litigation case if one was brought by an SMD that had their license revoked.

Addition - Unacceptable methods of payment

Payment instruments which do not come within the methods above (non-transferable cheque or electronic transfer), or near cash alternatives are not acceptable. This includes the use of postal orders, foreign currency, electronic vouchers, virtual currencies, mobile phone airtime credits, retailer or supermarket gift cards and vouchers. Single, non-reloadable pre-paid debit cards and reloadable debit cards which are anonymous in nature and require only simplified due diligence under the Money Laundering Regulations are unacceptable.

6. RECORDS: RECEIPT OF METAL

6.1 Records must be kept for three years. (Worth adding it here as well?)

Annex B Code of Practice for Scrap Metal Dealers.

All scrap metal dealers and merchants signing up to this Code agree to abide by the following requirements:

- a) All reasonable steps will be taken to ensure stolen metals are not bought. This is a criminal offence, and the requirements of the SMDA require everyone who sells metal to comply with the Act. An offence of knowingly buying stolen metal could see the individual prosecuted for handling stolen goods... I don't see the point of this.
- b) Metals will only be accepted from those whose ID has been/can be verified as required by the Scrap Metal Dealers Act 2013 This is a legal requirement and is not necessary. A failure to comply with the ID requirements is an offence that could result in prosecution, fine and potential revocation of their license.
- c) No payment shall be made to any person other than the person as identified on the scrap metal collector's licence displayed on the vehicle where metals are produced by a licensed scrap metal collector. You can't ask this as its not covered by the act. There is no legal requirement for an SMD to check if the seller has a license or a permit to sell the material. This would require amendments to primary legislation so you can't specify this as a condition, unless it is voluntary, but a failure to comply would not allow any action to be taken in relation to the license.
- d) Staff must be trained in administrative processes and all paperwork should be relevant and kept up-to-date. There are minimum requirements set out in the SMDA, so I don't see the point of including this. Each SMD will use a different system, with some being paper and others being computerized. A failure to comply with the requirements of the SMDA could result in prosecution, and a fine.
- e) Dealers will co-operate with police and local authorities by allowing access and inspection when requested. The SMDA (section 16) Right to enter and inspect covers this. Any addition to this would require a change to primary legislation, without it you can't specify this in a code of conduct, it would be illegal and could result in civil litigation.
- f) No blackened copper wire that has obviously had its insulation removed should be bought. Although this is a good point, blackened copper can be and is a product of demolition and other processes where cable is burned. It may be helpful to 'ask' if further information could be sought from the seller in

terms of its provenance. However, there is no legal basis for including this.

- g) Metals will not be accepted from customers on foot. I'm afraid you can't request this as it is somewhat discriminatory, and again not covered by the Act. If the seller and SMD are compliant with the requirements of the SMDA and there are no concerns about the source of the metal (covered in previous comments I have added) then I see no way of preventing this.
- h) Metal will not be accepted from customers arriving in taxis or private hire vehicles. As above.
- i) Dealers will display prominent signage at their premises stating that "We report suspected metal thieves to the Police". You can ask them to do this, but there needs to be an understanding that SMDA's may face repercussions from the seller that could put the individual or site at risk. I would be inclined to reword this to 'We do not buy suspected stolen metal or support crime, and work closely with the local police to reduce crime'.
- j) In order to comply with the Act's requirements concerning record keeping and identification no metals shall be received without at a minimum taking and retaining a digital photograph(s) of the scrap metal load as presented, cross-referenced with the appropriate waste transfer note. This isn't going to be possible, particularly with the larger sites and isn't a requirement of the SMDA. This would require a change to primary legislation to make it enforceable.
- k) Dealers shall have available and actively use UV torches for detecting forensically marked metals. You can only ask them to check and if they don't, there isn't a great deal you can do, you certainly couldn't use it to revoke a license.
- l) Suspicious persons will be reported to the local police force for the area concerned. As per my comments above. You can ask them to do this, but there needs to be an understanding that the SMDA may face repercussions from the seller that could put the individual, or site at risk. I would be inclined to reword this to 'We do not buy crime, and work closely with the local police to reduce crime'.
- m) Suspicious transactions will be reported to the local police force for the area concerned. What is a suspicious transaction? This is too ambiguous and serves no purpose.
- n) Dealers will work towards adopting into an electronic 'alert' notification scheme for early notification of stolen metals. This isn't something that can be introduced by SMD's and needs to be centrally led by potentially the British Metals Recycling association (which they already do). However, they only represent less than half of all SMD's so I don't see how this could be progressed.
- o) All scrap metal dealers agree to work towards installing police approved CCTV systems upon commencement of trading and automatic number plate

recognition cameras within 12 months from the commencement of trading at site entrances and/or weighbridges. (Where such systems have been installed posters advertising the fact will clearly be displayed on the premises). Again, this could only be voluntary, and are you suggesting they could only use the police Secured by Design approved CCTV. This could cause a number of issues in terms of who can or cannot supply CCTV systems and there may be some very unhappy companies who could act for being excluded from providing equipment.

- p) Scrap metal collectors will not cause nuisance or unreasonable disturbance to residents in the locality. Not sure exactly what you are trying to achieve here... There are several other pieces of legislation that would cover this.

In conclusion, I fully appreciate the benefits of a code of conduct, however, they can only ever be voluntary so you cannot make them a condition of licensing unless the Act is changed and specifies this. Having set up and rolled out a code of conduct (Operation Tornado) I fully appreciate the benefits it can have. However, it would be unrealistic for each local authority to introduce its own code of conduct as it would make trading extremely difficult, particularly for those who operate across multiple areas. In addition, a code of conduct cannot require an SMD to do anything that is not covered in the legislation and to demand that as a licensing requirement could result in unnecessary litigation against the Local authority.

My advice would be to look at reinforcing the requirements of the SMDA 2013 and potentially offering training (the NICRP can help you with that) to scrap metal dealers and conducting regular and detailed inspections. The SMDA 2013 isn't perfect, and we are looking at ways to improve it (I recently led a group that made changes to the Supplementary Guidance that was published in January this year). I would avoid going beyond the requirements of the legislation by trying to impose requirements that are not covered by the act as SMD's will just ignore them and there will be very little if anything you can do about it.

I'm happy to discuss my comments in more detail if required.

Robin Edwards

NICRP/BTP

Good afternoon,

As requested here are the comments we wish to make on the proposed Scrap Metal Policy

During review of the document there are discrepancies such as the contents page not holding the correct page numbers for relevant information but also some more concerning statements.

Annex B Code of Practice for Scrap Metal Dealers.

- a) (f) No blackened copper wire that has obviously had its insulation removed should be bought. **Customers clearly have the opportunity to strip wire to improve their revenue payment.**
- b) (g) Metals will not be accepted from customers on foot. **Local residents may take this option for ease and to reduce their carbon footprint.**
- c) (h) Metal will not be accepted from customers arriving in taxis or private hire vehicles. **This would be unusual as some hire companies would not want to load dirty items such as scrap, but not all people have access to their own vehicle and would this also implicate rented vans or even a friend giving a lift?**
- d) (i) Dealers will display prominent signage at their premises stating that "We report suspected metal thieves to the Police". **We have not found evidence of any other authority requiring this and as licensed site would report concerns to Police as good practice anyway.**
- e) (k) Dealers shall have available and actively use UV torches for detecting forensically marked metals. **Unachievable on a working site.**
- f) (n) Dealers will work towards adopting into an electronic 'alert' notification scheme for early notification of stolen metals. **Surely this relates to good practice of informing appropriate authorities.**
- (g) (o) All scrap metal dealers agree to work towards installing police approved CCTV systems upon commencement of trading and automatic number plate recognition cameras within 12 months from the commencement of trading at site entrances and/or weighbridges. (Where such systems have been installed posters advertising the fact will clearly be displayed on the premises). **CCTV is clearly necessary in most businesses for insurance purposes and requires ICO regulations for use to be followed, number plate recognition is unachievable and who would monitor this and be responsible for it not working or breaking down?**

These are the statements that we find unachievable and against the legislation it is supposed to be supporting.

We have been in correspondence with British Metal Recycling Association who agree with our findings and have reportedly already been in touch with yourselves.

I have checked the live consultation again today and find it currently remains unchanged.

We look forward to hearing from you in due course in connection with this matter.

Kind Regards

Fiona

Compliance Manager



Offering - ZERO Waste to Landfill !

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From: Varley, Phil <phil.varley@environment-agency.gov.uk>
Sent: Friday, August 4, 2023 12:28 PM
To: Public Protection <Public-Protection@tamworth.gov.uk>
Subject: Scrap metal Policy consultation

Hello,

I would like to contribute to the consultation on the Scrap Metal Policy from an Environment Agency perspective. (Please can you advise how formal this response should be, if it is for a public consultation I may need to review the content more formally.)

Please can you include the point that anyone who is applying for a Collectors licence is required to be registered as an 'Upper Tier' Waste Carrier. This reference number will look like CBDUXXXXX and costs £154 for 3 years, rather than CBDL which is free to register.

The CBDU registration should be in the same legal entity name as the SMDA licence, and should be a prerequisite of granting of the collectors licence.

With regard to the Site licence, again, the proof of authorisation of the ability to handle waste metal should be a prerequisite of granting of the site licence. (eg, an environmental permit or relevant exemption.)

I note that your application form alludes to the other authorisations, but I'm not sure this is conclusively picked up in your policy wording.

Please give me a call if you need to discuss further.

Kind regards,

Phil Varley
Waste Regulatory Specialist
(East Team) West Midlands Area
Contact | Phone: 02030 252837

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Code of Practice

- 1.1 Tamworth Borough Council is keen to encourage and support Scrap Metal sites to secure high standards and compliance with the legislation. Tamworth Borough Council has therefore produced a voluntary code of practice (Annex B) and encourages all Scrap Metal Site's to have regard to and adhere to this code where possible.

Annex B

Voluntary Code of Practice for Scrap Metal Dealers.

All scrap metal site's are encouraged to adopt this Code and agree to abide by the following requirements:

- a) All reasonable steps will be taken to ensure stolen metals are not bought in accordance with the Scrap Metal Dealers Act 2013
- b) Metals will only be accepted from those whose ID has been/can be verified as required by the Scrap Metal Dealers Act 2013
- c) That no payment shall be made to any person other than the person as identified on the scrap metal collector's licence displayed on the vehicle where metals are produced by a licensed scrap metal collector.
- d) Staff must be trained in administrative processes and all paperwork should be relevant and kept up-to-date in accordance with the Scrap Metal Dealers Act 2003
- e) Dealers will co-operate with police and local authorities by allowing access and inspection when requested in accordance with the Scrap Metal Dealers Act 2003
- f) No blackened copper wire that has obviously had its insulation removed should be bought.
- g) Dealers shall display prominent signage at their premises stating that "We do not buy suspected stolen metal or support crime and work closely with the local police to reduce crime".
- h) No metals shall be received without at a minimum taking and retaining a digital photograph(s) of the scrap metal load as presented, cross-referenced with the appropriate waste transfer note.
- i) Dealers shall have available and actively use UV torches for detecting forensically marked metals.
- j) Suspicious persons will be reported by the Site to the local police force for the area concerned.
- k) Dealers will work towards adopting into an electronic 'alert' notification scheme for early notification of stolen metals.

- l) All scrap metal dealers agree to work towards installing police approved CCTV systems upon commencement of trading and automatic number plate recognition cameras within 12 months from the commencement of trading at site entrances and/or weighbridges. (Where such systems have been installed posters advertising the fact will clearly be displayed on the premises).
- m) Scrap metal collectors will not cause nuisance or unreasonable disturbance to residents in the locality.