

17 DECEMBER 2013

**REPORT OF THE PORTFOLIO HOLDER FOR ENVIRONMENT & WASTE
MANAGEMENT****SCRAP METAL DEALERS ACT 2013 FEES****EXEMPT INFORMATION**

Nil

PURPOSE

To provide details of proposed Policy, Scheme of Delegation and fee structure applicable to the Scrap Metal Dealers Act 2013.

RECOMMENDATIONS

That Council:

- a) endorse the scheme of delegation, policy, and;
- b) endorse the proposed fee levels.

EXECUTIVE SUMMARY

The Scrap Metal Dealers Act 2013 received Royal Assent on 28th February 2013 and will be phased in between 1st September and 1st December 2013. The Act provides the legislative framework in relation to the licensing of Scrap Metal Dealers. It introduced a revised regulatory regime for the scrap metal dealing and vehicle dismantling industries.

On 22 August 2013, the Portfolio Holder for Environment and Waste Management reported on the interim arrangements for the new regulatory process and this was agreed by Cabinet.

RESOURCE IMPLICATIONS

The fees are a realistic indicator of the cost of administering the legislation and follow best practice in fee-setting in collaboration with the Neighbourhood Authority Working Group (NAWG). This group comprises Staffordshire, Warwickshire; West Midlands Metropolitan and Shropshire Authorities.

The fee levels have been calculated at £421.00 for site licences and £198.00 for collectors' licences and covers a licence period of three years. These figures are in the mid-range of fees submitted to the NAWG.

The Environmental Health and Regulatory Services team will accept and process applications in addition to their current duties. As more details on the overall process are still forthcoming from the Home Office and application numbers are only estimated at this stage, it is not entirely clear what the overall impact will be. Officers will need to monitor the situation over the first six months of implementation to assess whether there are sufficient resources to respond to the new requirements.

LEGAL/RISK IMPLICATIONS BACKGROUND

Under the 'Functions & Responsibilities Regulations', neither the Cabinet nor a

Cabinet Member can make a final decision in relation to the fee levels applied to scrap metal dealers or the delegation of powers under the Act – this is a 'Council function' under the regulations and therefore a final decision must be made by Full Council.

If the Scrap Metal Dealers fee levels are not in place within the required timeframes, Tamworth Borough Council will not be able to perform its function under the Act. The reporting process through Cabinet and Council have been planned to ensure that these are in place at the required time.

SUSTAINABILITY IMPLICATIONS

None – It is considered that the reform of the Scrap Metal Dealers Act will improve the impact on metal theft affecting national transport infrastructure, electricity, telecommunication links and street furniture etc. An efficient and effective licensing regime ensures the Council has an opportunity to monitor and manage activity in this area of trade and provides a framework to set expectations on individuals regarding behaviour and how businesses should operate.

BACKGROUND INFORMATION

The scheme of delegation proposed at **Appendix 1** involves decisions where there is no reason not to approve an application being taken at Officer level in the interest of efficiency and speed of processing. However, where an applicant/licensee has exercised their right to request an oral hearing before a final decision is taken, e.g. in relation to a proposed refusal of a licence, proposed refusal to vary a licence or proposed revocation of a licence, then a decision will be taken by Licensing Committee.

The fee levels have been calculated at £421.00 for site licences and £198.00 for collectors' licences and covers a licence period of three years. These figures are in the mid-range of fees submitted to the NAWG. Since Cabinet considered this issue on 22 August 2013, the Home Office has issued its statutory guidance on fee setting. Officers have followed this guidance. This Guidance was also used in calculating the proposed fee levels for renewals and variations to licences, these fees are shown at **Appendix 2**.

Tamworth Borough Council's Scrap Metal Policy is attached at **Appendix 3**.

REPORT AUTHOR

"If Members would like further information or clarification prior to the meeting please contact Steve Lewis, Head Of Environmental Health. Ext 437"

LIST OF BACKGROUND PAPERS

1. Scrap Metal Dealers Act 2013 - <http://www.legislation.gov.uk/ukpga/2013/10/enacted>
2. The Scrap Metal Dealers Act 2013 (Commencement and Transitional Provisions) Order 2013 (2013/1966)
3. Scrap Metal Dealer Act 2013: Home Office Guidance on Licence Fee Charges

APPENDICES

1. Delegations.
2. Fee Levels.
3. Tamworth Borough Council Scrap Metal Policy.