

**MINUTES OF THE REGULATORY COMMITTEE
TUESDAY, 24 SEPTEMBER 2013**

Councillors Beacham, Brabazon, Browne, Demirci (Chair), Mallett, McNamara, Reid, Reith, Rice, Scott, Solomon and Strang

Apologies Councillor Basu

MINUTE NO.	SUBJECT/DECISION	ACTION BY
REG105.	<p>APOLOGIES FOR ABSENCE</p> <p>Apologies were received from Cllr Basu.</p>	
REG106.	<p>SCRAP METAL DEALERS ACT 2013- FEE SETTING AND DELEGATION OF FUNCTIONS</p> <p>The Committee considered a report outlining the implications for the Council of the new Scrap Metal Dealers Act 2013. The legislation required local authorities to implement new, more stringent licensing regimes for the scrap metal sector, primarily through the administration of licences covering scrap metal sites and scrap metal collectors. The Committee noted the context to the new introduction of the legislation of the increased level of metal thefts observed nationally and the subsequent need for greater regulation of the sector. Currently, scrap metal dealers within the borough were only required to register with the Council.</p> <p>Officers outlined a proposed Council process for the implementation and administration of a new licence system, including decision making arrangements under delegated powers and through the Regulatory and Licensing Committees as appropriate. A fee system to cover the cost to the Council of administering the new regime was set out. The Council was required to be in a position to accept new licence applications from 1 October.</p> <p>In response to a question from the Committee regarding the basis for the fee setting proposed, officers confirmed that an hourly costing exercise had been undertaken based on officer, legal and Committee costs in administering the new regime. The London Licensing Manager's Forum had also held a session to look at the approach to fee setting across boroughs. Although a general consensus had not been reached, proposed scrap collectors licence fee levels were relatively consistent across the board but with some variance observed in site licence fees between boroughs. Home Office guidance and relevant case law had also been considered in determining fee levels, particularly the restrictions in place requiring fees not to exceed the costs of administering the scheme. The Committee noted that associated enforcement costs incurred by the Licensing Team and Neighbourhood Action Teams would need to be met from existing resources and would constitute an additional budgetary pressure.</p>	

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In response to a query regarding the process for future review of the fees set, it was confirmed that the levels would start to be revisited from March, with a view to aligning within the annual review of Council fees and charges.

The Committee expressed some concern as to whether the officer delegation proposed was set at the correct level. Officers confirmed that delegation to the Regulatory Services Manager was inline with the scheme of delegation contained within the Constitution and comparable to other regimes within the Council including for Licensing Committee. It was however agreed that officers would revisit this prior to the report progressing to Full Council, with a brief update provided at the next Regulatory Committee on 22 October.

Members emphasised the importance of clear criteria being established, in the interests of transparency, to guide the determination of those applications under the regime that would progress to consideration at Licensing Committee, with Members particularly expressing the view that applications relating to larger scrap metal sites should come before Licensing Committee. The Committee requested that a full list of licences awarded under the regime be published on the Council's website to ensure transparency and assist in identifying any proliferation of dealers in certain ward.

The Committee discussed the difficulty in capturing and regulating sole operator scrap metal collectors under the new regime. It was advised that information on the new regime had been sent out to all the current dealers known to the Council, including translation into the most common community languages. The Police were also referring collectors to the Council. Officers also identified that sole collectors were less likely to be able to meet the new, more stringent licence conditions which would impact on their ability to continue their livelihood.

The Committee also asked officers to look into the feasibility of making the granting of scrap metal site licences for new premises conditional on the applicant obtaining full planning permission for the site.

RESOLVED

- That the requirements of the Scrap Metal Dealers Act 2013 and the proposed arrangements for its operation by the Council, including decision making by Regulatory Committee and the Licensing Sub Committees and, subject to Full Council agreement, officer delegation, be noted.
- That the proposed new licensing fees contained within the report be agreed.

REG107. DATES OF FUTURE MEETINGS

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	Noted.	
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CLLR ALI DEMIRCI

Chair