

EPPING FOREST DISTRICT COUNCIL COUNCIL MINUTES

Committee: Council **Date:** 26 September 2013

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.30 - 8.53 pm

Members Present: Councillors Mrs M Sartin (Chairman), A Boyce (Vice-Chairman), K Angold-Stephens, K Avey, Mrs H Brady, W Breare-Hall, K Chana, T Church, Mrs T Cochrane, L Girling, P Gode, Mrs A Grigg, J Hart, D Jacobs, Mrs S Jones, Ms H Kane, P Keska, J Knapman, Ms Y Knight, L Leonard, Mrs M McEwen, A Mitchell MBE, G Mohindra, R Morgan, S Murray, Mrs C Pond, B Sandler, Ms G Shiell, Mrs P Smith, P Spencer, D Stallan, Ms S Stavrou, Mrs T Thomas, H Ulkun, Mrs L Wagland, G Waller, Ms S Watson, A Watts, C Whitbread, Mrs J H Whitehouse, J M Whitehouse, D Wixley, N Wright and J Wyatt

Apologies: Councillors R Bassett, G Chambers, R Cohen, Mrs R Gadsby, Ms J Hart, Mrs J Lea, A Lion, H Mann, J Markham, J Philip, B Rolfe and Mrs E Webster

Officers Present: G Chipp (Chief Executive), D Macnab (Deputy Chief Executive), C O'Boyle (Director of Corporate Support Services), R Palmer (Director of Finance and ICT), I Willett (Assistant to the Chief Executive), G Lunnun (Assistant Director (Democratic Services)), S G Hill (Senior Democratic Services Officer), J Leither (Democratic Services Assistant) and T Carne (Public Relations and Marketing Officer)

34. WEBCASTING INTRODUCTION

The Assistant to the Chief Executive reminded everyone present that the meeting would be broadcast live to the Internet, and that the Council had adopted a protocol for the webcasting of its meetings.

35. DISTRICT COUNCILLOR COLIN FINN AND FORMER DISTRICT COUNCILLOR DEREK COUSINS

It was with much sadness that the Chairman informed the Council of the deaths of Councillor Colin Finn and former Councillor Derek Cousins.

Members were informed that Colin Finn had represented the Loughton Forest Ward on Epping Forest District Council as a Loughton Residents Association (LRA) Councillor from 2010. He had previously served as a Conservative County Councillor for the Loughton St Johns Division from 2001 to 2005 and for the Loughton South Division from 2005 to 2009.

Derek Cousins was a former District and Parish Councillor who represented the North Weald Basset Ward from 1991 to 1995.

The Council stood for a minute's silence in tribute to the memories of Councillor Colin Finn and former Councillor Derek Cousins.

The Chairman and Councillors M McEwen, K Angold-Stevens, C Whitbread, A Watts and the Chief Executive, G Chipp on behalf of the staff paid tribute to the memory of Colin Finn. Councillor Angold-Stevens read a tribute from Councillor J Markham in his absence. Councillor A Grigg paid tribute to the memory of Derek Cousins.

36. MINUTES

RESOLVED:

That the minutes of the meeting held on 30 July 2013 be taken as read and signed by the Chairman as a correct record.

37. DECLARATIONS OF INTEREST

Pursuant to the Council's Code of Member Contact, Councillor H Kane declared a non pecuniary interest in agenda item 11 (Statutory Statement of Accounts 2012/13 – disposal of assets) by virtue of being the Assistant Finance and Technology Portfolio Holder.

38. ANNOUNCEMENTS

(a) Chairman's Announcements

(i) Events

The Chairman reported on some of the events she had attended since the last meeting of the Council. The Chairman thanked Members for their support at the Afternoon Tea Party hosted at her home by the River Stort in August. Over £800 had been raised for the Chairman's charities.

The Chairman informed the Council that she had been delighted to be invited back to the Bobbingworth Nature Reserve (former landfill site), as this had been a project which she had been closely involved with in the past when she was the Portfolio Holder for the Environment. She advised the Council that there had been many years of planning and work to take this piece of land from being a former landfill site to the nature reserve it had now become. The Chairman added that the nature reserve now had an official recognition as a Queen Elizabeth II Field, as well as receiving an Essex Wildlife Trust Living Landscapes Award. Finally a wooden plaque had been unveiled which officially named the viewing mound as 'Colin's Mound' in recognition of Colin Thompson's (former clerk to Moreton, Bobbingworth and the Lavers Parish Council) for his determination and work to see this piece of land brought back to a use where people near and afar could come and enjoy the countryside.

The Council noted that the Chairman had also attended the official opening of the four environmentally friendly Straw Bale Houses at High Ongar. She had been invited into one of the houses where the tenant had informed her that the houses were cool in the summer and retained the heat when the weather was cooler. The downside to the opening had been the weather which had demonstrated the weather proofing of the houses due to the heavy rain.

(ii) Floral Display

The Chairman announced that she intended to send the flowers from tonight's meeting to the residential home, Cunningham House, North Weald.

(b) Announcements by the Leader of Council

The Leader advised that he had no announcements to make under this heading.

(c) Announcements by Portfolio Holders**(i) Asset Management and Economic Development Portfolio Holder**

Councillor Grigg advised that there was an amendment to her supplementary report, regarding the release of a restructure covenant on land at 94/94a Lawton Road, Loughton as a decision had not been agreed and the matter would go before Cabinet on the 21 October 2013.

39. PUBLIC QUESTIONS (IF ANY)

The Council noted that there were no public questions for this meeting.

40. QUESTIONS BY MEMBERS UNDER NOTICE

The Chairman reported there were no questions by members under notice to be considered at this meeting.

41. REPORTS FROM THE LEADER AND MEMBERS OF THE CABINET

The Council received written reports from the Asset Management and Economic Development Portfolio Holder, the Environment Portfolio Holder, the Finance and Technology Portfolio Holder, the Housing Portfolio Holder, the Leisure and Wellbeing Portfolio Holder, the Planning Portfolio Holder, the Safer, Greener and Transport Portfolio Holder and the Support Services Portfolio Holder.

The Chairman invited the Leader to provide an oral report and other members of the Cabinet give an oral update of their written reports.

(a) The Leader of the Council

Councillor Whitbread advised that he had attended a meeting on 1 August of the Essex Leaders and Chief Executives. George Keiffer, Vice Chairman of the South East Local Enterprise Partnership had given a presentation on the future of Governance Arrangements and Growth Strategy. The Leader advised the Council that he would continue to ensure the best deal for Epping Forest, from the South East Local Enterprise Partnership.

Councillor Whitbread reported that in mid August he had hosted a visit to the District by Councillor Finch, the new Leader of Essex County Council. Along with many local authorities in the region, the County Council was facing an enormous financial challenge. Its funding issues were compounded by an ageing population, placing increasing pressure on Adult Social Care budgets. In response, the County would be undertaking a transformation programme designed to improve efficiency by adopting a largely commissioning model. In addition, the results of the Community Budget pilot would also be published.

The Leader stated that he believed it was important to co-operate with neighbouring authorities, not only on the Local Plan issues. He added that the Council would continue to do this through the Joint Locality Board with the County Council.

The Leader advised that he had been delighted to attend two openings earlier this month. One had been the official opening of the "Straw Bale" Housing Development at Millfields, High Ongar. He stated that he had been greatly impressed by this innovative scheme and all involved should be applauded.

The second event he had attended had been the official opening of the new Epping St John's Secondary School, undertaken by the Bishop of Chelmsford. He reported that the new building was a first class learning environment with state of the art IT equipment, as well as high quality sports facilities, which he was advised would be made available to the wider community. He said it had been good to see the pupils taking such obvious pride in their new School.

Finally, continuing on the theme of young people, he updated the Council on the progress of the Council's Apprenticeship Scheme, to give local young people a start on a future career. He stated that youth unemployment was of great concern and as well as encouraging other local employers to take on young people, the 9 apprentices taken on by the Council would be trained and given experience in a number of roles. The initial group would comprise of 7 business administration posts and two construction roles, hopefully this would demonstrate the Council's commitment to the future of young people.

(b) Planning Portfolio Holder

The Leader of the Council on behalf of the Planning Portfolio Holder reminded all Councillors to attend the Workshop 4 on the Local Plan to be held on the 5 October 2013 and to register with the Forward Planning Team as soon as possible.

42. QUESTIONS BY MEMBERS WITHOUT NOTICE

(a) Street Lighting Consultation

Councillor Spencer asked what was the District Council's official response to the County Council's Street Lighting consultation and did it mention underground stations and the adjacent areas.

Councillor Waller, Safer, Greener and Transport Portfolio Holder, advised that a letter had been received from County Councillor Rodney Bass which indicated that the areas around the underground stations would continue to be lit. In the District Council's response attention had been drawn to a number of CCTV cameras in the district which were useful during the hours of darkness and required lighting in these areas. Councillor Waller said that overall he did not have any objections to this proposal as in those areas in Essex where lights had been extinguished after midnight the trend in terms of crime and vehicle accidents was comparable with areas that were still lit.

(b) Council Housebuilding Programme

Councillor Murray asked that given over the last 32 years the District had lost approximately 6,500 units of council housing what kind of replacement rate did the Portfolio Holder think there would be over the next 10-20 years.

Councillor Stallan, Housing Portfolio Holder, advised that the Council Housebuilding Programme this Council was proposing was not intended to replace the 6,500 houses that Councillor Murray was referring to which he assumed included properties sold through the Right to Buy scheme. Councillor Stallan said the Council should be proud of the fact that it was starting to build Council houses in the district again. He

said houses would be built on small areas in the district where it had been difficult to rent the garages as identified in a Cabinet report last year. The scheme was for local people who had lived in the district for three years.

(c) Council Housebuilding Programme

Councillor J H Whitehouse referred to the proposal to allow tenants living in two or three bedroom flats to join the Housing Register and bid for houses. She asked how would priority be determined and whether tenants living in houses would be allowed to bid for houses in another part of the District.

Councillor Stallan, Housing Portfolio Holder, advised that the proposal had been introduced to encourage tenants in flats to transfer to houses to free up flats to accommodate homeless applicants and enable non-homeless applicants to bid for houses. Councillor Stallan advised that he would need to consult with Officers regarding the question of priority and whether those tenants already in houses would be able to participate. He added as soon as he had an answer he would publish it in the Council Bulletin.

(d) New Housing Register

Councillor Thomas stated that 1,800 home seekers had registered or were likely to be registered to remain on the Housing Register but there were 1,400 home seekers yet to respond. She said she was aware that officers were contacting these residents and obviously this would take time and she sought an assurance that home seekers would not be removed from the list until their situations had been assessed despite missing the re-registration date.

Councillor Stallan, Housing Portfolio Holder, confirmed that although the deadline for responding had passed, Officers would still be contacting and adding residents eligible to be registered.

(e) North Weald Airfield

Councillor Watson asked the Finance and Technology Portfolio Holder if she would like to comment on the recent accounts that had been filed by the operators of the North Weald Market. She said the accounts showed net liabilities of over £100,000 as of December 2012. She asked what steps had been taken to reduce the risks to which the Council might be exposed and the impact this might have on the reserves.

Councillor Stavrou, Finance and Technology Portfolio Holder, replied that she had not seen the company's accounts that the Councillor had referred to and that she would take advice and submit a full response to the Councillor as soon as possible.

(f) Workshop 4

Councillor Smith asked the Leader of the Council, on behalf of the Planning Portfolio Holder, if he would announce the venue for the Workshop 4 training which would be held on 5 October 2013.

Councillor Whitbread, Leader of the Council advised that the venue was Epping Hall.

(g) Recycling Credits

Councillor Leonard asked the Environment Portfolio Holder why it took so long for Essex County Council (ECC) to refund recycling credits to the District Council and

could he ask officers to find the reasons for it. He added that the credits should be in the District Council's bank account and not that of ECC.

Councillor Breare-Hall, Environment Portfolio Holder, informed the Councillor that he had a meeting arranged with representatives of ECC to discuss the Inter-Authority Agreement regarding receiving credits from ECC and would be entering into a discussion regarding the future of those arrangements. He would report back on the outcome of the meeting.

(h) Potential Parking Site near Epping Underground Station

Councillor Avey asked about leasing a site near to Epping Underground Station to serve as a car park to help clear the streets of Epping around the underground station of commuters' vehicles. He asked why this proposed site could not be cleared and converted into a car park by Christmas. Councillor Avey added that the double yellow lines on the streets near to Epping Underground Station needed renewing and revising to meet the new situation.

Councillor Waller, Safer, Greener and Transport Portfolio Holder, advised that the Director of Environment and Street Scene had met with the owner of the site and an assessment was being made. There were considerable obstacles to the conversion of this site being:

- demolition works;
- a new vehicle access would be required;
- the ground was considered likely to be contaminated with asbestos; and
- the owner of the site would like to maximise the value of his asset.

Councillor Waller added that a full assessment of the site would be needed to see whether use of the site as a car park was feasible in terms of finance.

(i) Reduction of the Non-Domestic Rating List

Councillor Mohindra asked what strategies were in place to deal with the reduction of the non-domestic rating list values.

Councillor Stavrou, Finance and Technology Portfolio Holder, advised that it was a concern to the Council and the whole of the District Council's income streams were being looked at. She advised that responses were being made to three government consultations at present but the Government keep revising its intentions and it was not yet known exactly how much money would be received. She stated that the growth aspect for the Council was very important and would be given the attention it deserved.

(j) Silver Sunday

Councillor J H Whitehouse informed the Council of an event called Silver Sunday, started in 2012 by Westminster City Council. She informed the Council that this was an annual event and would begin on 6 October 2013 and last for one month. She explained that the idea was to reach out to older people, particularly those who were socially isolated. She asked if the Community Development team would be able to hold an event to sponsor Silver Sunday on behalf of this Council.

Councillor Whitbread, Leader of the Council advised that he had heard of Silver Sunday and informed the Councillor that he would look into the possibility of the

Council being involved to highlight this event. He stated that the Council had a very active area of staffing in these events.

(k) Citizens Advice Bureau

Councillor Murray stated that many Members in the south of the district were concerned regarding the news of the long term plan of the District's Citizens Advice Bureau (CAB) to centralise within Epping and run satellite services to the south of the district. He asked the Leader of the Council if he was aware of the proposal and if he considered it satisfactory provision for the essential services that the CAB offered.

Councillor Murray stated that in his view a satellite service run from an Epping central office to an area, for example the former Chigwell Urban District, could not be regarded as acceptable by this Council.

Councillor Whitbread, Leader of the Council, agreed that it was a concern as the CAB was important to this district as there would always be people that needed the help and support of the CAB. He pointed out that the council currently contributed £113,000 per year to the CAB which was more than most other councils. He advised that he was aware of office issues for the CAB as they had to move out of their premises in Epping so that it could be redeveloped.

The Leader advised the Council that there would be an opportunity at the next Overview and Scrutiny meeting to ask questions directly to representatives of the CAB. He advised that Members should be fully aware of how much support the Council had given to the CAB.

43. MOTIONS

(a) Whipps Cross University Hospital

Moved by Councillor Murray and Seconded by Councillor Gode

"This Council notes:

- (1) that the Care Quality Commission carried out unannounced inspections at the Whipps Cross University Hospital in May and June;
- (2) that as a result of these inspections:
 - (a) the hospital failed to meet national regulations in the three areas of cleanliness and infection control, safety and availability and suitability of equipment and support to staff;
 - (b) the hospital was found to be failing to meet 10 out of the 16 national standards of quality and safety;
 - (c) the Barts Health NHS Trust has been instructed by the Care Quality Commission to make urgent improvements to protect patients at the Whipps Cross University Hospital; and

This Council resolves to:

- (1) enquire of the Trust why this situation was allowed to develop;
- (2) seek clear assurances from the Trust that steps have been taken and will

continue to be taken to rectify these findings; and

(3) seek the strongest possible assurances from the Trust that all future patient care at the Whipps Cross University Hospital will reach the standards required by both the Care Quality Commission and patients and their families”.

Motion as first moved ADOPTED

RESOLVED:

That this Council notes:

(1) that the Care Quality Commission carried out unannounced inspections at the Whipps Cross University Hospital in May and June;

(2) that as a result of these inspections:

(a) the hospital failed to meet national regulations in the three areas of cleanliness and infection control, safety and availability and suitability of equipment and support to staff;

(b) the hospital was found to be failing to meet 10 out of the 16 national standards of quality and safety;

(c) the Barts Health NHS Trust has been instructed by the Care Quality Commission to make urgent improvements to protect patients at the Whipps Cross University Hospital; and

That this Council resolves to:

(1) enquire of the Trust why this situation was allowed to develop;

(2) seek clear assurances from the Trust that steps have been taken and will continue to be taken to rectify these findings; and

(3) seek the strongest possible assurances from the Trust that all future patient care at the Whipps Cross University Hospital will reach the standards required by both the Care Quality Commission and patients and their families.

44. STATUTORY STATEMENT OF ACCOUNTS 2012/13

Mover: Councillor Watts, Chairman of the Audit and Governance Committee

Councillor Watts submitted a report which had been considered by the Audit and Governance Committee. He advised that in order to allow members time to consider the Statutory Statement of Accounts they had been issued with the Council agenda prior to the completion of the external audit and to consideration of the accounts by the Audit and Governance Committee. He drew attention to the Members' Allowances on page 195 and the updated page which had been tabled. Councillor Watts advised that the external auditors had concluded that they were satisfied that, in all significant respects, the Council had put in place proper arrangements to secure economy, efficiency and effectiveness in its use of resources for the year ended 31 March 2013.

Councillor Watts thanked the Director of Finance and ICT and his staff and the external auditors for their work in relation to the preparation of the Statutory Statement.

Councillor Stavrou, Finance and Technology Portfolio Holder thanked Councillor Watts, the Audit and Governance Committee and Officers for their work. She drew attention to the Council's financial position as set out in the Statement.

Report as first moved ADOPTED

RESOLVED:

That the Statutory Statement of Accounts for 2012/13 be adopted.

45. REPORT OF THE CABINET - SUPPLEMENTARY CAPITAL ESTIMATES

Mover: Councillor Grigg, Asset Management and Economic Development Portfolio Holder

Councillor Grigg, Asset Management and Economic Development Portfolio Holder presented reports seeking supplementary capital estimates for a new CCTV system at the Langston Road Depot in Loughton and to progress the development of the site of the Sir Winston Churchill Public House, The Broadway, Loughton.

The Portfolio Holder advised that the CCTV systems at Langston Road were old, unreliable and difficult to repair. Equipment had been loaned from Essex Police but this was a temporary arrangement and could not be sustained. In light of the possible development of the site, investment had been restricted in recent years, however, it was known that the site would remain operational until 2016 and recommended that the CCTV systems on site be replaced. The Portfolio Holder advised that the new equipment would be reused at the new depot site and that £15,000 was for the CCTV equipment with a further £5,000 for the removal and reinstatement of the new equipment.

In relation to the site of the Sir Winston Churchill Public House it had become apparent that external legal resources would be required to prepare and negotiate a development agreement.

Report as first moved ADOPTED

RESOLVED:

(1) That a supplementary capital estimate of £20,000 in 2013/14 be approved for the installation of new CCTV systems at the Langston Road Depot, Loughton; and

(2) That a supplementary capital estimate of £75,000 in 2013/14 be approved in order to instruct external solicitors to prepare and negotiate a development agreement for the site of the Sir Winston Churchill Public House, The Broadway, Loughton.

46. REPORT OF THE CABINET - LANGSTON ROAD RETAIL PARK

Mover: Councillor Grigg, Asset Management and Economic Development Portfolio Holder

Councillor Grigg, Asset Management and Economic Development Portfolio Holder submitted a report to the Council seeking a supplementary District Development Fund estimate regarding the Langston Road Retail Park.

The Portfolio Holder advised that the estimated cost of submitting a detailed planning application and undertaking a contamination survey would be £150,000.

Report as first moved ADOPTED

RESOLVED:

That a supplementary District Development Fund estimate in the sum of £150,000 in 2013/14 be approved to cover the Council's share of the cost of contamination investigations and to make a detailed planning application for the proposed Retail Park.

47. OVERVIEW AND SCRUTINY

(a) Report of the Chairman of the Overview and Scrutiny Committee

The Council received a written report from Councillor Morgan, the Chairman of the Overview and Scrutiny Committee.

Councillor Morgan informed the Council that CAB speaker Stephanie Chambers would be attending the Overview and Scrutiny Meeting on the 15 October 2013 to answer questions. If Members had any questions they would like to ask please could they send them to Democratic Services beforehand so she would be able to prepare the answers.

(b) Reports of the Overview and Scrutiny Committee

The Chairman announced that there were no reports to be considered under this item.

(c) Reports of Overview and Scrutiny Panels

The Chairman announced that there were no reports to be considered under this item.

48. REPORT OF THE LICENSING COMMITTEE - SCRAP METAL DEALERS

Mover: Councillor Angold-Stephens, Chairman of the Committee

The Chairman of the Licensing Committee, Councillor Angold-Stephens, presented a report regarding the Scrap Metal Dealers Act 2013.

He advised Members that metal theft had become a scourge across the country and the Government had brought in new legislation to enable Councils to regulate Scrap Metal Dealers. There were two types of licence, a premises licence and an operators licence, the latter would include itinerant dealers who might trade across district boundaries.

Councillor Angold-Stephens said the Licensing Manager had taken part in a working group of Essex Licensing Officers and as a result a statement of licensing policy had been drawn up which would be largely common through all local authorities in Essex, although local modifications would be permitted.

Report as first moved ADOPTED**RESOLVED:**

- (1) That officers carry out a consultation on the draft policy attached as an Appendix to these minutes;
- (2) That the licence fees set out in this report be adopted;
- (3) That the schedule of delegations set out in the draft policy take effect immediately; and
- (4) That the Director of Corporate Support Services and the Director of Environment and Street Scene be given delegated authority to authorize officers to carry out inspections of the sites and vehicles used and to conduct investigations and to issue and undertake prosecutions that may arise under the Act.

49. ANNUAL COUNCIL MEETING - 2014

The Council was informed that the Local Elections (Ordinary Day of Elections in 2014) Order 2013 changed the date of local elections in England in 2014 so that it was the same as the date of the European Parliamentary elections (22 May 2014).

Members noted the implications of the Order and the need to change the date of the Annual Council meeting in 2014.

RESOLVED:

- (1) That the effects of The Local Elections (Ordinary Day of Elections in 2014) Order 2013 be noted; and
- (2) That the date of the Annual Council meeting in 2014 be changed from 20 May to 10 June.

50. JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS

The Council received a report from Councillor Chambers, one of the Council's representatives on the West Essex Wellbeing Joint Committee.

Councillor J H Whitehouse stated that Councillors Chambers and Boyce represented the whole District on the Committee and she asked how other Councillors and the public could be made aware of items under discussion.

Councillor Boyce stated that he had not yet been to a meeting of the Committee and would need to consider how this could be done. He agreed with a suggestion from Councillor J H Whitehouse that details could be placed in the Council Bulletin.

CHAIRMAN

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EPPING FOREST DISTRICT COUNCIL

SCRAP METAL DEALERS ACT 2013

STATEMENT OF LICENSING POLICY

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1. Introduction

1.1 This document states Epping Forest District Council Policy on the regulation of Scrap Metal Dealers.

The Law

1.2 The Scrap Metal Dealers Act 2013 received Royal Assent on 28 February 2013 and is expected to come into force on 1 October 2013.

1.3 The Scrap Metal Dealers Act 2013, hereinafter named 'the Act' repeals the Scrap Metal Dealers Act 1964 and Part 1 of the Vehicle (Crime) Act 2001, Paragraph 1 of schedule 3 of the Vehicle Excise and Registration Act 1994, Paragraph 168 of schedule 17 to the Communications Act 2003 and section 145 to 147 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012. The Act brings forward a new regime for scrap metal dealing and vehicle dismantling industries.

1.4 The Act maintains local authorities as the principle regulator. It also gives them better powers to regulate these industries by allowing them to refuse to grant a licence to 'unsuitable' applicants and a power to revoke licences if the dealer becomes 'unsuitable'.

1.5 Epping Forest District Council ('the Council') is the Licensing Authority under the Scrap Metal Dealers Act 2013 and is responsible for granting site licence and collector's licences in the Epping Forest District in respect of businesses that deal in scrap metal and vehicle dismantling.

1.6 When assessing applications, the Council must be satisfied that the applicant is a 'suitable' person to hold a licence. Unsuitability will be based on a number of factors including any relevant criminal convictions.

1.7 The Scrap Metal Dealers Act 2013 makes it a requirement for a scrap metal dealer to have a licence in order to carry on in business as a dealer. It is an offence to carry on a business without first obtaining a licence. The Act incorporates the separate regulatory scheme for motor salvage operators under the Vehicle (Crime) Act 2001 into this new regime. This is to replace the current overlapping regimes for vehicle salvage and scrap metal industries with a single regulatory scheme.

Definition of a Scrap Metal Dealer

1.8 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 in) or;
- b) they carry on business as a motor salvage operator (see 1.10).

1.9 A person selling scrap metal as surplus materials or as a by-product of manufacturing articles is NOT regarded as a scrap metal dealer.

1.10 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).

1.11 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.

1.12 Scrap Metal does not include:

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

2. Consultation

2.1 There is no requirement, in the Act, for a Council to have in place a formal policy for dealing with applications made under the Scrap Metal Dealers Act 2013. As a process of 'Best Practice' the Council has chosen to adopt a formal policy for this purpose.

2.2 In developing this policy statement, the Council will consult with existing scrap metal dealers/motor salvage operators, Essex Police, British Transport Police, Environment Agency and Industry Associations.

3. Types of Licences

3.1 Anyone wishing to operate a business will require a site licence or a collector's licence. The licence is valid for three years and permits the holder to operate within the boundaries of the issuing authority. These are:

- **Site Licence** – A licence will be issued by the Council in whose area a scrap metal site is situated. A site licence will require all of the sites at which the licensee carries on the business as a scrap metal dealer, within the local authority area, to be identified and a site manager to be named for each site. This will permit them to operate from those sites including transporting scrap metal to and from those sites from any local authority area.

- **Collectors Licence** – authorises a licence holder to operate as a 'mobile collector' in the area of the issuing local authority area. This permits them to collect any scrap metal as appropriate, including commercial and domestic scrap metal. It does not permit the collector to collect from any other local authority area, separate licences should be obtained from each local authority. Also, the licence does not permit a licensee to carry on a business at a site within any area. If a collector

wishes to use a fixed site, they will need to obtain a site licence from the relevant local authority. There is no restriction as to the location where the collector can transport and sell their material.

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

4. Transitional Process ‘Grandfather Rights’

4.1 During the transitional period, there will be special arrangements in place, (The Council will implement the transitional process in accordance with Guidance to be issued by Secretary of State).

4.2 Any dealer currently registered under the 1964 Scrap Metal Dealers Act, or a motor salvage operator already registered under the 2001 Vehicles (Crime) Act, will be deemed to have a licence under the 2013 Act, until the council grants a licence or sends the dealer notice of its decision to refuse the licence under the 2013 Act, ***provided that they submit an application on or before the 15th October***

4.3 Applications made after 31 August 2013 will be subject to the full licensing process.

4.4 Any dealer operating after 1 November 2013 without a licence will be in breach of the Scrap Metal Dealers Act 2013 and may risk being issued with a closure order.

4.5 Continuing to operate, in breach of a closure order, may result in an unlimited fine.

5. Application Process

5.1 When the Council is considering an application, it will have regard to:

- The Scrap Metal Dealers Act 2013;
- Guidance issued by the Secretary of State;
- Any supporting regulations
- This statement of licensing policy

5.2 This does not undermine the rights of any person to apply under the 2013 Act for a licence and have the application considered on its individual merits.

5.3 A person carrying on, or proposing to carry on, a business as a scrap metal dealer may apply to the Council to be licensed. The application must be in writing and contain the appropriate mandatory particulars, as set out in Appendix 1.

5.4 A local authority may request that an applicant provide such other information, as it considers relevant, for the purpose of considering the suitability of an applicant. The additional information that is required is set out in Appendix 1.

5.5 The application must be accompanied by the appropriate fee.

5.6 If the applicant fails to provide the information requested, including the additional supporting documentation, the Council may decline to accept the application as a valid application.

6. Suitability of Applicants

6.1 A local authority must determine whether the applicant is a suitable person to carry on a business as a Scrap Metal Dealer.

6.2 In determining this, the Council may have regard to any information it considers to be relevant, including whether any relevant enforcement action has been taken against the applicant or whether the applicant has been convicted of a relevant offence. A list of relevant offences are set out in Appendix 2.

6.3 The Council must also have regard to any guidance on determining suitability which is issued by the Secretary of State.

6.4 The Council may consult other agencies regarding the suitability of a applicant, including:

- Any other local authority;
- The Environment Agency;
- The Natural Resources Body for Wales; and
- An officer of a police force.

7. Determination of Application/Issue of Licence

7.1 Where the Council is satisfied that an applicant is a 'suitable person' to hold a Scrap Metal Dealers Licence, it must issue a licence.

7.2 6.5 In reaching its decision the Council will have regard to:

- Whether the applicant or any site manager has been convicted of any relevant offence;
- Whether the applicant or any site manager has been the subject of any relevant enforcement action;
- Any previous refusal to issue or renew a scrap metal licence;
- Any previous refusal for an environment permit or registration;
- Any previous revocation of a scrap metal licence; and
- Whether the applicant has demonstrated that there will be adequate procedures to comply with the Act.

All of the above will apply to any director, any secretary of a company or any shadow director of the company if the applicant is not an individual.

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

- To limit the dealer to receiving any metal within the hours of 9.00am to 5.00pm; and
- That any scrap metal must be kept in the form in which it is received for a specified period of time, not exceeding 72 hours.

7.4 Where the Council is not satisfied that an applicant is a 'suitable person' to hold a Scrap Metal Dealers Licence, or a licence holder is no longer considered 'suitable' to continue to hold a licence, the Council must consider refusing the application or revoking the licence where a licence has been issued. The matter will be referred to the Licensing Sub-Committee for determination.

Right to Make Representations

7.5 If the Council proposes to refuse an application or to revoke/vary a licence a notice must be issued to the applicant/licensee setting out what the authority proposes to do and the reasons for this. The notice must 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.

7.6 The period specified in the notice must 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 that they do not wish to make representations. Should this period expire 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.

7.7 If, within the period specified, the applicant/licensee informs the authority that they wish to make representations, the authority must 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.

7.8 If the applicant/licensee notifies the authority that they wish to make oral representations, the authority must give them the opportunity of appearing before, and being heard by, a person appointed by the authority. In this instance, this will be before the Licensing Sub-Committee.

7.9 The Council may revoke a scrap metal dealer's licence in certain circumstances. Please refer to Section 9 for circumstance of revocation.

Notice of Decisions

7.10 If the application is refused, or the licence is revoked or varied, the Council must give a notice to the applicant/licensee setting out the decision and the reasons for it. The notice must also state that the applicant/licensee may appeal against the decision, the time within which the appeal may be brought and, if revoked or varied, the date on which the revocation or variation is to take effect. (Please see Appendix 4 for appeal process).

8. Variation of Licence

8.1 An applicant can, on application, apply to the Council to vary licence by changing it from one type to another. The variation application must be made to reflect changes to:

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

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

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

9. Revocation of Licence by the Licensing Sub-Committee

9.1 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.

9.2 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.

9.3 The authority may revoke a licence if it is no longer satisfied that the licensee is a suitable person to carry on a business as a scrap metal dealer.

9.4 A revocation or variation under this section comes into effect when no appeal under section 16.9 is possible in relation to the revocation or variation, or when any such appeal is finally determined or withdrawn.

9.5 If the authority considers that the licence should not continue in force without conditions, it may by notice provide:

- a) that, until a revocation under this section comes into effect, the licence is subject to one or both of the conditions set out in section 7.2; or
- b) that a variation under this section comes into effect immediately.

10. Register of Licences

10.1 The Environment Agency must maintain a register of scrap metal licences issued by authorities in England.

10.2 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.

10.3 The registers are to be open for inspection to the public.

11. Notification Requirements

11.1 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.

11.2 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.

11.3 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.

11.4 An authority must notify the Environment Agency, of –

- a) any notification given to the authority under section 11.2 or 11.3;
- b) any variation made by the authority under section 8 (variation of type of licence or matters set out in licence); and
- c) any revocation of the authority of a licence.

11.5 Notification under subsection 11.4 must be given within 28 days of the notification, variation or revocation in question.

11.6 Where the authority notifies the Environment Agency under subsection

11.4, the body must amend the register under section 10 accordingly.

12. Display of Licence

12.1 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.

12.2 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.

13. Verification of Supplier's Identity

13.1 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.

13.2 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 paragraph (a) or (b), has responsibility for verifying the name and address.

14. Payment for Scrap Metal

14.1 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).

14.2 Payment includes payment in kind – with goods or services.

15. Records: Receipt of Metal

15.1 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.

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

15.3 If payment is made via cheque, the dealer must retain a copy of the cheque.

15.4 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.

16. Records: Disposal of Metal

16.1 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.

16.2 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 is 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.

16.3 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.

17. Records: Supplementary

17.1 The information in sections 15 and 16 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.

17.2 The records mentioned in section 15 must be marked so as to identify the scrap metal to which they relate.

17.3 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.

17.4 If a scrap metal dealer fails to fulfil a requirement under section 15 and 16 or this section each of the following is guilty of an offence:

- 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.

17.5 It is a defence for a person within subsection 17.4 (a) or (b) who is charged with an offence under this section 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.

18. Fees

18.1 A Council may make a charge for a licence on a cost recovery basis (subject to Guidance issued by the Secretary of State).

19. Compliance

19.1 The Act provides a Police Constable and an Officer from the Council with a right to enter and inspect the premises of licensed and unlicensed scrap metal dealers. The full provisions of the powers are set out in Appendix 3.

19.2 The Act does not provide an Officer of the Council with the power to inspect premises of licensed and unlicensed scrap metal dealers outside the area of the authority.

19.3 The Council delivers a wide range of compliance services aimed at safeguarding the environment and the community and at providing a 'level playing field' on which businesses can fairly trade.

19.4 The administration and compliance of the licensing regime is one of these services.

19.5 Compliance will be based on the principles that businesses should:

- Receive clear explanations from regulators of what they need to do and by when;
- Have an opportunity to resolve differences before compliance action is taken, unless immediate action is needed;
- Receive an explanation of their right of appeal.

19.6 The council recognises the interest of both citizens and businesses and will work closely, with partners, to assist licence holders to comply with the law. However, proportionate but firm action will be taken against those who commit serious offences or consistently break the law.

20. Closure of Unlicensed Sites

20.1 Interpretation

A person with an interest in a premises is the owner, leaseholder or occupier of the premises. Local authority powers are exercisable only in relation to premises in the authority's area.

20.2 Closure Notice

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.

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 specifies the steps which may be taken to ensure that the alleged use of the premises ceases.

The notice must 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 must 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.

20.3 Cancellation of Closure Notice

A 'cancellation notice' issued by a constable or 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.

20.4 Application for Closure Order

When a closure notice has been given, a constable or the local authority may make a complaint to the justices 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.

The justice may issue a summons to answer to the complaint. This must be directed to anyone whom the closure notice was given and must include the date, time and place at which the complaint will be heard.

20.5 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.

20.6 Termination of Closure Order by Certificate

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

20.7 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 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).

20.8 Appeal

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) and c) may be made by a constable or the local authority.

20.9 Enforcement of Closure Order

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

21. Delegation of Authority

21.1 Decisions on licensing matters will be taken in accordance with the approved scheme of delegation in Appendix 5 aimed at underlining the principles of timely, efficient and effective decision making.

21.2 This scheme will be subject to amendment from time to time as shown in the Council's constitution.

APPENDIX 1

1. APPLICATION PROCESS

An application for a licence should be made to the following address:

[The Licensing Manager
Epping Forest District Council
Civic Centre
High Street
Epping
Essex
CM16 4 BZ
]

To apply for a Scrap Metal Dealers Licence, applicants will need to complete an application form and send it to the Licensing Authority together with:-

- a) Full name of applicant (if an individual), date of birth and usual place of residence of an individual applicant (including mobile collectors), and anyone proposed as a site manager for a site.;
- 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) Any proposed trading name for the business;
- e) Telephone number and email address (if any) of applicant;
- f) Address of any site within any other local authority where the applicant already carries on business as a scrap metal dealer or propose to do so
- g) Details of 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 15 of the Act;
- j) Details of any relevant conviction or enforcement action taken against the applicant.

For site licence, must also provide:

- a) Address of each site proposed to be identified in the licence (or if renewal, each site identified for which renewal is sought);
- b) 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 within that authority's area, therefore individuals wishing to collect across the boundary of the local authority will be required to obtain a collectors licence from the relevant local authority where they wish to collect and sell.

You are required to provide a basic disclosure of criminal convictions with your application. This can be obtained direct from www.disclosurescotland.co.uk or by telephoning the Disclosure Scotland Helpline on 0870 609 6006. Please note that the disclosure is valid for one month from the date it was issued.

2. Further information, in addition to that required above

the Council may request (at the time of the application or later) an applicant to supply such further information as is considered relevant for the purpose of considering the application. the Council requires the following additional evidence:

- • Photographic evidence (Current valid Passport, driving licence photo ID and counterpart);
- • Birth Certificate;
- • Utility bill or other recent document which confirms the address of the applicant (must be less than 3 months old);
- • Certificate of good conduct for applicants that have been out of the country for long periods, from the age of 10 years;
- • Document showing a right to work (Residents Permit) where applicable;
- • National Insurance Number.

The Council may have regard to the following information, when considering the suitability of an applicant:

- • Whether the applicant or any site manager has been convicted of any relevant offence;
- • Whether the applicant or any site manager has been subject of any relevant enforcement action;
- • Any previous refusal of an application for the issue or renewal of a scrap metal licence (and the reasons for refusal);
- • Any previous refusal of an application for a relevant environmental permit or registration (and the reasons for the refusal);
- • Any previous revocation of a scrap metal licence (and the reasons for the revocation); and

- • Whether the applicant has demonstrated that there will be in place adequate procedures to ensure that the provisions of this Act are complied with.

The Council may require the following additional information:

Site licences

- what security arrangements exist to prevent the unlawful purchase, sale or theft of scrap metal
- details of the arrangements to be used to record sales, storage and purchase of scrap metal

Mobile collectors

- details of the vehicles to be used
- where the vehicles are stored when not being used.

3. 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. 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.

Making a false statement

An applicant who, in an application or in response to a request, makes a statement knowing it to be false in a material particular or recklessly makes a false statement is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

APPENDIX 2

RELEVANT OFFENCES

Control of Pollution (Amendment) Act 1989: Sections 1, 5 or 7(3)
Customs and Excise Management Act 1979: Section 170 (for environmental/metal theft related offences only)
Environment Act 1995: Section 110(2)
Environmental Permitting Regulations 2007: Regulation 38
Environmental Permitting Regulations 2010: Regulation 38
Environmental Protection Act 1990: Sections 33 and 34
Food and Environment Protection Act 1985: Section 9(1)
Fraud Act 2006: Section 1 (for environmental/metal theft related offences only)
Hazardous Waste (England and Wales) Regulations 2005
Hazardous Waste (Wales) Regulations 2005
Landfill (England and Wales) Regulations 2002
Legal Aid, Sentencing and Punishment of Offenders Act 2012: Section 146
Pollution Prevention and Control (England and Wales) Regulations 2000
Proceeds of Crime Act 2002: Sections 327, 328, 330, 331 & 332 (for environmental/metal theft related offences only)
Producer Responsibility Obligations (Packaging Waste) Regulations 2007
Scrap Metal Dealers Act 1964 (for environmental/metal theft related offences only)
Scrap Metal Dealers Act 2013
Theft Act 1968: Sections 1, 8, 9, 10, 11, 17, 18, 22 & 25 (for environmental/metal theft related offences only)
Transfrontier Shipment of Waste Regulations 1994
Transfrontier Shipment of Waste Regulations 2007
Vehicles (Crime) Act 2001: Part 1
Waste Electrical and Electronic Equipment Regulations 2006
Waste (England and Wales) Regulations 2011: Regulation 42
Water Resources Act 1991: Section 85, 202 or 206

These are to be confirmed by Home Office Regulations and will be kept under review in accordance with the guidance.

APPENDIX 3

COMPLIANCE - RIGHT OF ENTRY

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.
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.
3. (1) and (2) above do not apply to residential premises.
4. A constable or an officer of the Council is not entitled to use force to enter a premises in the exercise of the powers under sections (1) and (2) above.
5. A justice of the peace may issue a warrant authorising entry to any premises within section 6 below 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.
6. Premises are within this section 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
7. The warrant is a warrant signed by the justice which:
 - a) specifies the premises concerned, and
 - b) authorises a constable or an officer of a local authority to enterand inspect the premises at any time within one month from the date of the warrant.
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 5.

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 section 1 or 2 or in a warrant under section 5;
- b) require production of, and inspect, any records kept in accordance with section 15 or 16 and any other records relating to payment for scrap metal;
- c) take copies of or extracts from any such records.

10. Section 11 below applies if a constable or an officer of the Council who seeks to exercise powers under this section in relation to any premises.

11. If the owner, occupier or other person in charge of the premises requires the officer to produce

- a) evidence of the officer's identity, or
- b) evidence of the officer's authority to exercise those powers the officer must produce that evidence.

12. In the case of an officer of the Council, the powers under this section are exercisable only in relation to premises in the area of the authority.

APPENDIX 4

APPEALS

An applicant may appeal to the 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 7.2 or the revocation or variation of a licence under section 9.

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 7 was given.

The procedure on an appeal under this paragraph is to be by way of complaint for an order and in accordance with the Magistrates' Court Act 1980. For the purposes of the time limit for making an appeal, the making of the complaint is to be treated as the making of the appeal.

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

APPENDIX 5

DELEGATION OF POWERS

MATTER TO BE DEALT WITH	FULL COUNCIL	SUB-COMMITTEE	OFFICERS
Licensing policy	All cases		
Fee Setting - when appropriate	All fees	-	
Application for or renewal of a Site or Collector's licences		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
To issue a closure notice on non-residential premises being used as a scrap metal dealer's site		All cases	All cases
Application to the Magistrates Court for a closure order		All cases	All cases
Termination of a closure order		All cases	All cases
Application to the Magistrates Court to discharge a closure order.		All cases	All cases
Revocation of a licence		All cases	All cases
Consideration of and imposition of conditions		All cases	All cases