

# Executive

Excerpt of the minutes of the meeting held on Wednesday 1 October 2014 at the Town Hall, Royal Leamington Spa at 6.00 pm.

**Present:** Councillor Mobbs (Chairman); Councillors Caborn, Coker, Cross, Mrs Gallagher, Hammon, Shilton and Vincett.

**Also present:** Councillor Barrott (Chair of Finance & Audit Scrutiny Committee), Councillor Boad (Liberal Democrat Observer), Councillor Mrs Bromley, (Independent Group Observer), Councillor Mrs Falp (Chair of Overview and Scrutiny Committee) and Councillor Weber (Labour Group Observer).

## 52. **Declarations of interest**

There were no declarations of interest.

### **Part 1**

(Items on which a decision by Council is required)

## 53. **Scrap Metal Dealers Act 2013**

The Executive considered a report from Health and Community Protection which sought to introduce a policy for licencing scrap metal dealers under the Scrap Metal Dealers Act 2013 (the Act) which came into force in October 2013.

When the legislation was implemented, government guidance was not available until the last minute and Local Authorities were not permitted to set fees prior to the guidance being available. The Chief Executive's emergency powers were therefore used to set licence fees. This report formalised the decisions taken.

The report explained that the Act required scrap metal dealers to be assessed for suitability before licences were granted or renewed. It provided local authorities the power to impose conditions on licences, revoke licences and tighten up how trading was conducted. It also allowed Local Authorities and the Police to close down unauthorised sites. Even though legislation did not require a Local Authority to have a policy in place, having a policy would provide clarity and consistency for applicants and Warwick District Council when assessing applications and renewals.

The Home Office guidance for Determining Suitability to hold a scrap metal dealer's licence was set out at Appendix 2 to the report.

Following the use of the Chief Executive's emergency powers in October 2013 for the Head of Health and Community Protection to set fees, confirmation was sought for those fees, as set out at Appendix 3 to the report, to be confirmed. The Local Government Association guidance was

taken into account when calculating fees. The 2014-15 Original Budget base was based upon anticipated uptake of licences was now proving to be unrealistic.

Although the legislation did not insist on photographic identification on scrap metal licences, the Local Government Association guide to Scrap Metal Dealers Act 2013 suggested the use of photographic identification. It would assist with identifying that the dealers were the correct people who held the licence and was in line with Police recommendations.

An alternative option was to not have a Scrap Metal Dealers Act policy. This option was not considered sensible as it would result in a lack of clarity around how the Council intended to enforce the legislation which would result in confusion and wasted effort for both Council staff and legitimate scrap metal businesses. This would also leave open opportunities for rogue scrap metal traders to continue to operate because Council staff would not be clear on how to enforce the legislation and members of the public would not be clear about what standards were expected by the Council in terms of metal dealing businesses.

The policy would also help legitimate metal businesses ensure they were running their operations safely and effectively, to plan their operations and to reduce illegitimate competition from rogue businesses.

Not to have photographic ID on licences was not considered sensible because it would allow the possibility of persons not considered fit and proper to operate as scrap metal dealers. For example without the need for photographic identification, those with repeat offences for stealing metal could easily pose as legitimate collector dealers under the banner of legitimate business.

When compliance/enforcement visits were made by either Police or Council staff, there would be someone who could be identified as being responsible. This would deter offences and help ensure that when offences were found, the offenders could be brought to justice more easily. This was in line with the Council's obligation to consider crime and disorder prevention/reduction in the exercise of our functions.

The Finance & Audit Scrutiny Committee supported the recommendations in the report and was pleased that collectors would now be licensed. However, residents had highlighted concerns to Members about the noise omitted by the collector's vehicle sirens when collecting scrap metal and proposed that an amendment to the Policy, banning the use of sirens exclusively, be considered by the Executive.

In addition, it was felt that the Scrap Metal dealers could be encouraged when applying for, or renewing, a licence to contact potential customers by more traditional methods ie. leaflet drops and advertising.

Councillor Coker endorsed the report, and agreed with the comments of the Finance & Audit Scrutiny Committee and for this reason proposed that at an appropriate place in the Policy it set out that "The use of amplified

horns is not permitted under section 62 of the con troll of pollution act 1974 makes it offence to use a loudspeaker in the street.”

It was therefore

**Recommended** to Council that

- (1) the policy, as set out in Appendix 1 to the report, for Determining Suitability of an Applicant for a Scrap Metal Dealers Licence under the Act, subject to the inclusion of wording explaining that “The use of amplified horns is not permitted under section 62 of the con troll of pollution act 1974 makes it offence to use a loudspeaker in the street”, be approved;
- (2) the licence fees set following use of CE3 the Chief Executive’s emergency powers, as set out in Appendix 3 to the report, be approved;
- (3) the income budget from scrap metal dealer licences is reduced from £5,000 to £2,000, financed from the General Fund Balance to reflect the level of activity, retrospectively; and
- (4) the requirement for photographic identity when applications are made for Scrap Metal Dealers, be approved.

(The Portfolio Holder for this item was Councillors Coker)

#### 54. **Fees & Charges 2015/16**

The Executive considered a report from Finance that detailed the proposals for Fees and Charges in respect of the 2015 calendar year. It also showed the latest Fees and Charges income budgets for 2014-15 and the actual out-turn for 2013-14.

The Council was required to update its Fees and Charges in order that the impact of any changes could be fed into the setting of the budget for 2015-16. Discretionary Fees and Charges for the forthcoming calendar year had to be approved by Members.

In the current financial climate, it was important that the Council maximised income and therefore minimised the forecast future deficit.

The Contract Services Manager had consulted local Chambers’ of Trade and reviewed the current parking charges. Some minor changes had been introduced to ensure consistency amongst District Council car parks. The linear charging system introduced in 2013 had been accepted by the

public and was generating increased income. Therefore, it was proposed not to increase them in 2015 but to continue to regularly review their effectiveness.

It was proposed not to alter fees for Building Control at this time. However, a future report would be presented to consider the fees to be charged under the new Building Control Shared Service arrangement that was due to formally commence on 1 April 2015.

The contract for the operation of the Markets was due to be renewed, accordingly it was prudent not to alter fees at the moment. Once the successful tenderer was known, a future report would be presented to Executive.

There had been significant work carried out by the Regulatory Manager on licensing fees due to a change in legislation, which meant that the fees being charged should only reflect the amount of officer time needed to generate them. This had meant that some charges had changed quite substantially. The Regulatory Manager now had to ensure that transparent evidence was available to justify that charge to prevent any legal challenge.

The removal of the Corporate & Community Service area, agreed by Employment Committee on 17 September 2014, had meant some services had been moved to other service areas. Bereavement Services now reported to Neighbourhood Services whilst Street Naming and Numbering reported to the Deputy Chief Executive. Other services had moved too but these areas did not have any Fees & Charges and, therefore, were not mentioned in the report.

Some additional fees had been created to generate additional income for the service areas concerned and others in response to new legislation. These were highlighted in Appendix A, to the report. Other charges had been deleted due to legislation changes or changes in the way the service was provided.

An addendum was circulated that provided amendments to the circulated Fees and Charges report within Appendix A10, A54, A60, A61 and A66.

The various options affecting individual charges were outlined in the main body of the report, sections 8 to 16.

If the Fees and Charges for 2015-16 remained static i.e. at the same level as for 2014-15, this would substantially increase the savings to be found over the next five years unless additional activity could be generated to offset this.

The Finance & Audit Scrutiny Committee supported the recommendations in the report and thanked the officers for attending and assisting with their robust questioning.

One of the main concerns was the overall trend to increase prices in Cultural Services. Members felt that there was some unfairness in the increase of the Health and Fitness Casual Use fees for the over 60's / Disabled / Unemployed categories but accepted that benchmarking exercises had been undertaken and the Council still charged significantly lower fees than the private sector.

Members also felt strongly that recommendation 2.3 needed challenging. The recommendation was to ensure charging consistency but Members highlighted the lower charges for Kenilworth car parks compared to Leamington and Warwick.

**Recommended** that

- (1) the Fees and Charges identified in Appendix 'A' to the report be operated from 2nd January 2015 unless stated;
- (2) the detailed exercises undertaken by Service Areas when determining the Council's income levels and fees for next year, be noted;
- (3) the Parking Fees, apart from some minor changes to ensure charging consistency amongst car parks, are proposed not to increase in 2015;
- (4) the fees for Building Control and Markets be frozen until the position regarding the future running of these areas becomes clearer, when further reports will be presented to Executive;
- (5) the significant changes to some licensing fees due to changes in legislation, be noted; and
- (6) the change of portfolios for Bereavement Services and Street Naming and Numbering following the Employment Committee decision to disband the Service Area of Corporate and Community Services, be noted.

(The Portfolio Holder for this item was Councillor Cross)

(The meeting ended at 7.45pm)