



Gloucester City Council

Licensing and Enforcement Committee

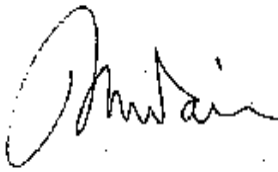
**Meeting: Tuesday, 10th September 2013
at 6.30 pm in Committee Room 1, North Warehouse, The Docks,
Gloucester, GL1 2EP**

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| Membership: | Cllrs. Noakes (Chair), Porter (Vice-Chair), Brown, Tracey, Durrant, C. Witts, Lugg, Ravenhill, Hanman, Mozol, Randle, Toleman and Gilson |
| Contact: | Sonia Tucker Democratic Services Officer 01452 396126 sonia.tucker@gloucester.gov.uk |

AGENDA

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| 1. | APOLOGIES To receive any apologies for absence. |
| 2. | DECLARATIONS OF INTEREST To receive from Members, declarations of the existence of any disclosable pecuniary, or non-pecuniary, interests and the nature of those interests in relation to any agenda item. Please see Agenda Notes. |
| 3. | MINUTES (Pages 1 - 8) To approve as a correct record the minutes of the meeting held on 18 June 2013. |
| 4. | PUBLIC QUESTION TIME (15 MINUTES) To receive any questions from members of the public provided that a question does not relate to: <ul style="list-style-type: none">• Matters which are the subject of current or pending legal proceedings, or• Matters relating to employees or former employees of the Council or comments in respect of individual Council Officers |
| 5. | PETITIONS AND DEPUTATIONS (15 MINUTES, MAXIMUM 3 MINUTES PER PERSON) To receive any petitions and deputations provided that no such petition is in relation to: <ul style="list-style-type: none">• Matters relating to individual Council Officers, or |

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|----|--|
| | <ul style="list-style-type: none">• Matters relating to current or pending legal proceedings |
| 6. | SCRAP METAL DEALERS' ACT 2013 (Pages 9 - 16) Report of the Corporate Director for Services and Neighbourhoods |
| 7. | MEMBERS' UPDATE FOR LICENSING AND ENFORCEMENT COMMITTEE (Pages 17 - 48) Report of the Corporate Director for Services and Neighbourhoods |
| 8. | DATE OF NEXT MEETING Tuesday 10 December 2013 at 6.30 p.m. |



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Julian Wain
Chief Executive

Date of Publication: Monday, 2 September 2013

NOTES

Disclosable Pecuniary Interests

The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011.

Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows –

| <u>Interest</u> | <u>Prescribed description</u> |
|---|---|
| Employment, office, trade, profession or vocation | Any employment, office, trade, profession or vocation carried on for profit or gain. |
| Sponsorship | Any payment or provision of any other financial benefit (other than from the Council) made or provided within the previous 12 months (up to and including the date of notification of the interest) in respect of any expenses incurred by you carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992. |
| Contracts | Any contract which is made between you, your spouse or civil partner or person with whom you are living as a spouse or civil partner (or a body in which you or they have a beneficial interest) and the Council (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged |
| Land | Any beneficial interest in land which is within the Council's area. For this purpose "land" includes an easement, servitude, interest or right in or over land which does not carry with it a right for you, your spouse, civil partner or person with whom you are living as a spouse or civil partner (alone or jointly with another) to occupy the land or to receive income. |
| Licences | Any licence (alone or jointly with others) to occupy land in the Council's area for a month or longer. |
| Corporate tenancies | Any tenancy where (to your knowledge) – (a) the landlord is the Council; and (b) the tenant is a body in which you, your spouse or civil partner or a person you are living with as a spouse or civil partner has a beneficial interest |
| Securities | Any beneficial interest in securities of a body where – (a) that body (to your knowledge) has a place of business or land in the Council's area and (b) either – |

- i. The total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
- ii. If the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, your spouse or civil partner or person with whom you are living as a spouse or civil partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

For this purpose, “securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

NOTE: the requirements in respect of the registration and disclosure of Disclosable Pecuniary Interests and withdrawing from participating in respect of any matter where you have a Disclosable Pecuniary Interest apply to your interests and those of your spouse or civil partner or person with whom you are living as a spouse or civil partner where you are aware of their interest.

Access to Information

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For further details and enquiries about this meeting please contact Penny Williams, 01452 396125, penny.williams@gloucester.gov.uk.

For general enquiries about Gloucester City Council’s meetings please contact Democratic Services, 01452 396126, democratic.services@gloucester.gov.uk.

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- You should proceed calmly; do not run and do not use the lifts;
- Do not stop to collect personal belongings;
- Once you are outside, please do not wait immediately next to the building; gather at the assembly point in the car park and await further instructions;
- Do not re-enter the building until told by a member of staff or the fire brigade that it is safe to do so.

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LICENSING AND ENFORCEMENT COMMITTEE

MEETING : Tuesday, 18th June 2013

PRESENT : Cllrs. Noakes (Chair), Porter (Vice-Chair), Brown, Tracey, Durrant, C. Witts, Lugg, Ravenhill, Hanman, Mozol, Randle, Toleman and Gilson

Officers in Attendance

Steve Isaac, Solicitor

Lisa Jones, Food Safety and Licensing Service Manager

Sonia Tucker, Democratic Services Officer (Secretary)

APOLOGIES : Cllrs.

1. APPOINTMENT OF CHAIR AND VICE-CHAIR

RESOLVED

That the appointments made at Annual Council be noted.

2. CHANGE TO ORDER OF AGENDA

The Chair announced that in view of the public interest in items later on the agenda that the order would be varied to allow these to be considered first.

3. DECLARATIONS OF INTEREST

There were no declarations of interest.

4. MINUTES

The minutes of the meeting held on 19 March 2013 were confirmed as a correct record and signed by the Chair.

5. PUBLIC QUESTION TIME (15 MINUTES)

There were no questions from members of the public.

**LICENSING AND ENFORCEMENT COMMITTEE
18.06.13**

6. PETITIONS AND DEPUTATIONS (15 MINUTES, MAXIMUM 3 MINUTES PER PERSON)

The Committee received a deputation from Mr Zeya Ahmed, a member of the Hackney Carriage trade regarding the item on the agenda relating to the draft revised Policy and Conditions for Hackney Carriage and Private Hire Licensing. Mr Ahmed had already responded to the City Council during the consultation period and wished to clarify some of his comments which had been printed in the report.

- Main report - 3.13 (1) Paragraph 11 regarding driving history of applicants. Mr Ahmed pointed out that he had not stipulated that new applicants should present a clean driving licence, but that they should be able to demonstrate that they had not accrued any additional points on their licence in the previous 12 months.
- Appendix F – Paragraph 12, 1.4 and 1.9 relating to agents. Mr Ahmed stated that this should be amended to say *‘the current list would be provided on request’*.
- Main report –3.13 (3) Paragraph 25 concerning wheelchair accessibility. Mr Ahmed commented that more wheelchair users were likely to pre-book and questioned the need for so many hackney carriage vehicles to be wheelchair accessible.
- Main report – 3.13 (4) Paragraph 38 regarding In-House booking systems. Mr Ahmed requested that the service be terminated as it was not being properly operated.
- Main report – 3.13 (5) paragraph 39 relating to drivers’ badges. Mr Ahmed pointed out that drivers’ names had been added to badges without consultation with the Trade in 2011. Mr Ahmed believed that a photograph and driver number printed on the badge was adequate and that the printing of drivers’ names endangered their personal security. He asked the Committee to review this and to consult with the Trade.

The Chair thanked Mr Ahmed for his deputation and asked the Committee to note his points when the matter was discussed later on the agenda.

7. LATE NIGHT LEVY

Members were presented with a report which informed them of the implications of adopting a Late Night Levy (LNL) for the City of Gloucester. The Committee was asked to note the report with no action being required at the present time.

Members were briefed on the background to the Police Reform and Social Responsibility Act 2011. Chapter 2 of Part 2 of the Act empowered licensing authorities to charge a LNL to those persons licensed to sell alcohol late at night as a means of raising a contribution to the cost of policing the late-night economy.

The Committee noted that it was up to the Council as Licensing Authority to decide whether to implement a LNL after due consideration of all factors including the views of the Chief Officer of Police and the Police and Crime Commissioner.

**LICENSING AND ENFORCEMENT COMMITTEE
18.06.13**

Members were informed that there had not been a formal request from Gloucestershire Constabulary to introduce the levy.

The Food Safety and Licensing Services Manager briefed Members on how the LNL might operate and explained the charging structure, which was based on the non domestic rateable value of the relevant premises, and the potential income which might accrue to the authority. A minimum of 70% of the funds would be passed directly to the PCC who were not restricted to spending the money on tackling crime and disorder and not obliged to use it within the City.

Members were advised that they would need to consider the financial burdens which the LNL would impose on businesses already struggling to survive in the current economic climate should it be decided to introduce the levy in the future.

The Chair reminded Members that the report was for information only and that the Committee was not being asked to recommend introduction of the levy at this stage. After discussion, the Committee considered that they wished to enforce this point by adding an extra recommendation to the report.

The Chair moved the following recommendation which was seconded and on being put to the vote, carried. *'That there will be no introduction of a Late Night Levy at this time. Any future implementation will depend on the City enjoying a vibrant night-time economy'*.

RESOLVED

1. That the report be noted.
2. That there will be no introduction of a Late Night Levy at this time. Any future implementation will depend on the City enjoying a vibrant night-time economy.

8. REVIEW OF CITY TAXI RANKS

Members were presented with a report which updated them on existing Hackney Carriage ranks and proposed locations for additional ranks in the City Centre. The Chair drew Members' attention to a letter which had been sent by Mike Smith and Company on behalf of the owner of Café Rene

The Committee was advised of the Council's legal powers to 'appoint stands for Hackney Carriages' and the importance of having stands in appropriate locations.

Members noted the current locations of existing ranks, the recommendations of a survey carried out in 2010, and the existence of a temporary rank to operate during the experimental road closure of Eastgate Street. They were also updated on the taxi marshalling scheme, plans for an additional rank to support the new Quays development, and the implications of the new King's Quarter development on taxi ranks.

**LICENSING AND ENFORCEMENT COMMITTEE
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Following discussions with the Hackney Carriage trade, a request had emerged for a possible rank in Southgate Street near the New County Hotel. An alternative option of a hailing point was a possibility if there was insufficient space for a rank.

Members were briefed on those taxi ranks in the City which were no longer serving a useful purpose. The Committee was advised that these ranks should be retained for the time being as they might come back into use and there would be significant costs if they were removed and then re-adopted.

The Food Safety and Licensing Service Manager summarised the key points for Members to consider and advised them of the recommendations before them:-

- (1) To agree the need for an additional taxi rank in Southgate Street which would be monitored and assessed under a formal consultation.
- (2) To retain the taxi ranks no longer in use in the City Centre for the time being on the grounds that they might come back into use.

The Food Safety and Licensing Service Manager addressed points of clarification from the Committee regarding the length of the consultation period should Members approve the recommendation before them and the fact that a suitable location in Southgate Street had not yet been assessed.

The Chair opened up the subject for debate. The following matters were discussed:-

- Parts of Southgate Street had recently been redeveloped with no provision for a taxi rank, therefore a hailing point might be more appropriate
- If the linkages to the new Greyfriars development were improved, customers would be able to walk to the existing taxi rank in Brunswick Road more easily, negating the need for a taxi rank in Southgate Street
- Café Rene, The New County and the two churches in Southgate Street already had their own efficient in-house calling system for getting their customers home safely
- The justification for placing a taxi rank in that location. One Member suggested moving it further down Southgate Street.
- Concerns were expressed that a taxi rank would encourage people to congregate in that area who would otherwise disperse

Members were reminded that the request for the extra rank had come from the Hackney Carriage Trade.

The Chair moved an amendment to the first recommendation in the report which was seconded and on being put to the vote, carried. *'That the need for an additional Hackney Carriage Rank in the vicinity of Southgate Street be assessed and a paper be brought back to the next meeting of Licensing and Enforcement Committee to decide whether to accept it'*.

RESOLVED

**LICENSING AND ENFORCEMENT COMMITTEE
18.06.13**

1. That the need for an additional Hackney Carriage Rank in the vicinity of Southgate Street be assessed and a paper be brought back to the next meeting of Licensing and Enforcement Committee to decide whether to accept it.
2. That the taxi ranks no longer in use within the City, namely Brunswick Road and Quay Street, be retained for the time being, on the grounds that they may come back into regular use some time in the future.

9. REVISED POLICY AND CONDITIONS FOR HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING

Members were presented with the results of consultation feedback on the draft revised conditions for Hackney Carriage and Private Hire Licensing and were asked to agree a final version of the Hackney Carriage and Private Hire Licensing conditions for adoption by the Licensing and Enforcement Committee.

The Food Safety and Licensing Service Manager reminded Members that they had resolved to submit the revised draft conditions for a period of 8 weeks consultation at their meeting on 19 March 2013. As a result of this, two responses had been received from Mr Bartholomew, a Private Hire Driver, and Mr Zeya Ahmed from the Hackney Carriage Association, which were appended to the report.

Mr Bartholomew raised two issues for Members to consider; asking for door panels on private hire vehicles to be optional rather than mandatory, and requesting vehicles to operate for longer than 10 years, provided they had reasonable mileage and were in good condition.

Mr Ahmed had raised a number of points which the Food Safety and Licensing Service Manager had discussed with him. A number of his suggestions had been agreed in principle which Members were asked to approve. These were reflected at 3.12 within paragraphs 1-19 of the report. Matters needing further consideration by Members were listed at 3.13 within paragraphs 1-5 of the report. Additionally, during the consultation period, four additional motoring offences had been identified which needed to be added to the regulatory guidelines. These were set out at 3.14 of the report.

The Food Safety and Licensing Service Manager summarised the Officer recommendations to the Committee which were:-

- (1) To note the revised Policy for Hackney Carriage and Private Hire Licensing and consultation feedback and to adopt it with immediate effect.
- (2) To note and approve for inclusion in the final version the amendments detailed in paragraphs 3.10(1), 3.12 (1-19), 3.13 (1-5) and 3.14.

The Chair reminded Members of the points made during Mr Ahmed's deputation and advised them to consider each item separately due to the complexity of the documents.

Item 3.10 (1) – Door Panels

It was agreed that these would continue to be mandatory

Item 3.10 (2) – Request to allow vehicles to run for more than 10 years

This was discussed under Item 3.13 (2)

Item 3.12 (1) – (19)

These amendments were agreed.

Item 3.13 (1) – Applicants’ driving history

It was agreed that this paragraph would be amended to reflect that the applicant should not have incurred any further points in the previous 12 months, as clarified by Mr Ahmed.

Item 3.13 (2) – Vehicles over 10 years of age

Members debated the following points:-

- There were reservations that officers should be given greater discretion in this matter.
- It was recognised that vehicles over 10 years of age could have considerable mileage and might be at the end of their life apart from exceptional cases such as classic cars and luxury models.
- The appearance of vehicles was important for the image of the City and an older fleet might compromise this.

It was agreed that these matters would continue to be referred to the Licensing and Enforcement Committee for consideration.

Item 3.13 (3) - Wheelchair Accessible Vehicles

The Food Safety and Licensing Manager addressed points of clarification for Members.

It was agreed that all new additional vehicles should continue to be wheelchair accessible.

Item 3.13 (4) – in House Booking Systems

The Committee was sympathetic with the Trade’s views that the system was open to abuse and acknowledged the need for more monitoring, but believed that the system should be retained. It was not considered that the Hackney Carriage Trade could cope at peak times when there was a need to disperse customers quickly. It was also noted that some businesses had a condition on their licence which necessitated an in-house booking system. Members took into account proposals to pedestrianize Eastgate Street in their deliberations.

It was agreed that In-House Booking Systems should be allowed to continue.

Item 3.13 (5) – Names on Badges

Members recognised the Trade's concerns regarding endangerment of their personal safety by having their names printed on the front of badges. There was a suggestion that the name might be printed on the reverse of the badge.

It was agreed that officers would consult with the Trade on this issue and that a report would be brought back to the next meeting of the Licensing and Enforcement Committee.

Appendix F – Paragraph 12, 1.4 and 1.9 relating to agents

Mr Ahmed's suggestion that this should be amended to say '*the current list would be provided on request*' was agreed.

Item 3.14 – Additional motoring offences to be included

These were agreed.

The Food Safety and Licensing Service Manager addressed a point of clarification regarding tests undertaken by drivers to ensure they were conversant with the area. Members discussed what actions could be taken when it appeared that a driver was deliberately taking them the long way around. The Chair addressed Mr Ahmed directly on this point and Mr Ahmed advised that the customer should obtain a receipt, the driver's number and should lodge a formal complaint. The Chair asked the Food Safety and Licensing Service Manager to issue a press release to this effect.

RESOLVED

1. That the proposed amendments as set out in these minutes be noted and approved for inclusion in the final version and that a hard copy of this document be circulated to all Members of the Committee.
2. That the revised Policy for Hackney Carriage and Private Hire Licensing and consultation feedback be noted by Members and adopted by the Licensing and Enforcement Committee with immediate effect.

10. MEMBERS' UPDATE FOR LICENSING AND ENFORCEMENT COMMITTEE

Members were presented with an update on key licensing activities carried out in the last quarter. Details of future work and the updated Forward Work Plan to June 2016 were also included in the report.

The Food Safety and Licensing Service Manager highlighted sections in the update regarding Reform to Taxi and Private Hire Law Consultation and new case law that the Committee should be aware of. There was a point of clarification from a Member regarding Gating Orders which was answered.

**LICENSING AND ENFORCEMENT COMMITTEE
18.06.13**

The Chair thanked the Food Safety and Licensing Service Manager for producing the report.

RESOLVED

That the report be noted.

11. DATE OF NEXT MEETING

Tuesday 10 September 2013 at 18.30 hours.

Time of commencement: 18:30 hours

Time of conclusion: 20:35 hours

Chair

Gloucester City Council

| | | |
|-------------------------|---|--|
| Meeting: | Licensing and Enforcement Committee | Date: 10 th September 2013 |
| | Cabinet (for Information) Council | 11 th September 2013 12 th September 2013 |
| Subject: | Scrap Metal Dealers Act 2013 | |
| Report Of: | Corporate Director for Services and Neighbourhoods | |
| Wards Affected: | All | |
| Key Decision: | No | Budget/Policy Framework: No |
| Contact Officer: | Lisa Jones, Food and Licensing Service Manager | |
| | Email: lisa.jones@gloucester.gov.uk | Tel: 394067 |
| Appendices: | 1. None | |

FOR GENERAL RELEASE

1.0 Purpose of Report

- 1.1 To present to Members an update of the new legislation covering scrap metal dealers and motor salvage operators and the changes proposed to the role of the Licensing and Enforcement Committee, the Licensing and Enforcement Sub-Committees and Officers within the Council's scheme of delegated functions.

2.0 Recommendations

- 2.1 Licensing and Enforcement Committee is asked to **RECOMMEND** that:
- (1) Council delegates the function to consider appeals against officer decisions or contentious applications for scrap metal dealer licences to the Licensing and Enforcement Committee with sub-delegation to Licensing and Enforcement (Enforcement) Sub-Committee;
 - (2) Council delegates the function to determine and approve policy for implementation and delivery of the Scrap Metal Dealers Act 2013 to the Licensing and Enforcement Committee;

- (3) Council delegates the function to determine fees for Scrap Metal Dealers licence applications to the Licensing and Enforcement Committee;
- (4) Council delegates the function of processing minor amendments to policy as a result of pending guidance, to the Director of Services & Neighbourhoods in consultation with the Chair of Licensing and Enforcement Committee; and
- (5) Council delegates the function of considering and approving non-contentious applications for scrap metal dealer licences to the Food and Licensing Service Manager

2.2 **Cabinet** is asked to **NOTE** the content of this report for information.

2.3 **Council** is asked to **RESOLVE** that:

- (1) The delegated function to consider appeals against officer decisions and contentious applications for scrap metal dealer licences is delegated to the Licensing and Enforcement Committee with sub-delegation to Licensing and Enforcement Sub-Committees.
- (2) The delegated function to determine and approve policy for implementation and delivery of the Scrap Metal Dealers Act 2013 is delegated to the Licensing and Enforcement Committee;
- (3) The delegated function to determine fees for Scrap Metal Dealers licence applications is delegated to the Licensing and Enforcement Committee.
- (4) The delegated the function of processing minor amendments to policy as a result of pending guidance, is delegated to the Director of Services & Neighbourhoods in consultation with the Chair of Licensing and Enforcement Committee; and
- (5) The delegated the function of considering and approving non-contentious applications for scrap metal dealer licences is delegated to the Food and Licensing Service Manager

3.0 **Background and Key Issues**

3.1 The Scrap Metal Dealers Act 2013 (“the new Act”) received Royal Assent on 28 February 2013 and this repeals the Scrap Metal Dealers Act 1964 and Part 1 of the Vehicles (Crime) Act 2001 (relating to motor salvage operators). The measures are expected to come into force by 1st October 2013, however, this is dependent on a national register of scrap metal dealers being established by the Environment Agency.

3.2 Growth in metal theft has driven a rise in commodity prices, which has cost the economy between £220 million and £777 million a year according to two estimates. Metal theft has caused disruption to energy supplies, transport and telecommunications, as well as seeing stolen manhole covers and desecrated war memorials. These problems have highlighted how ineffective the current regulation of scrap metal dealers has become, triggering a need to revise this legislative framework.

3.3 Key features of the new Act:-

- Requires all individuals and businesses to complete an enhanced application process to obtain a scrap metal dealer licences. □The new Act brings in two types of licences either a site/premises licence or a mobile collectors' licence. The licence allows a business to trade as a scrap metal dealer at the premises identified, or in the case of a collectors licence to collect scrap metal within the City Council's boundary.
- The City Council will have the power to refuse unsuitable applicants. Applicants for a licence must be deemed to be suitable and in determining this the City Council can 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 for issue of or renewal of a scrap metal licence
 - Any previous refusal for a environmental permit or registration
 - Any previous revocation of a scrap metal licence
 - Whether the applicant has demonstrated that there will be adequate procedures to comply with the new Act.
- Gives the City Council the power to vary or revoke a licence.
- Requires all sellers of metal to provide personal identification at the point of sale, which is then recorded by the scrap metal dealer. □Scrap metal dealers will need to obtain the full name and address of the metal supplier and keep copies of the proof of identification. In addition the dealer must keep records of the type and description of the metal(s) including weight and identifying marks, the date and time of receipt, the vehicle registration of any vehicle delivering the metal and copies of cheques used to pay for metal. All records must be kept for 3 years.
- The new Act reaffirms the offence of scrap yards buying metal with cash and is also extended to include itinerant metal collectors.
- Police officers and City Council officers will be given powers to inspect licensed premises and can require production of any scrap metal at the premises, inspect records kept and take copies of those records.

Additionally, the Act provides the Police and the City Council with power to issue closure notices and apply to a justice of the peace for a closure order.

- Creates a central public register, hosted by the Environment Agency, of all individuals and businesses licensed as scrap metal dealers.
- Widens the definition of a scrap metal dealer to include motor salvage operators.
- The current legislation permits registration with minimal information and no fee payable. The new Act will require more detailed information to be submitted on application and will allow the City Council to set a fee. The fee must be on a cost recovery basis and local authorities will have to have regard to guidance issued by the Secretary of State in determining the activities that can be funded by the licence fee. This fee will be an essential component of the new regime as it will provide local authorities with the funding they need to administer the regime and to ensure compliance.

4.0 Alternative Options Considered

- 4.1 At the time of preparing this report the full expected guidance on implementation of the new Act has not been published. However, it has been reported that the Home Office is allowing a transitional arrangement that allows existing Scrap Metal Dealers to make applications as early as September 2013. It is therefore necessary to have the governance arrangements in place as soon as reasonably possible to allow us to be able to determine fees and consider applications.

5.0 Reasons for Recommendations

- 5.1 The new Act gives the City Council the power to better regulate these industries by providing a power to refuse to grant a licence and revoke licences if the dealer is considered 'unsuitable'. Unsuitability will be based on a number of factors including any relevant convictions.
- 5.2 The licensing regime introduced by the new Act is very similar to the licensing of taxi and private hire drivers and the issuing of Personal Licences under the Licensing Act 2003. The determination of the suitability of applicants is based on a number of factors as outlined in section 3 of the Act including any unspent relevant criminal convictions. It is therefore proposed that, subject to satisfactory negotiation, the administration of the new licences will be integrated into the City Council's current licensing arrangements.
- 5.3 Whilst it is expected that straightforward applications will be decided under delegation to officers, any disputed decisions would need to be heard by a Member panel with a further right of an applicant to appeal a decision to the Magistrates' Court.

5.4 A Licensing and Enforcement Sub-Committee system provides a suitable Member panel to determine applications that are contentious or involve judgements about the past criminal record of applicants.

6.0 Future Work and Conclusions

6.1 The new Act introduces a licensing process similar to the City Council's mainstream licensing functions. It is proposed to integrate the new processes into the licensing service currently provided by the City Council.

6.2 The nature of the new licensing regime and the requirement for disputed applications to be considered by a Member panel relate to the functions of the Licensing and Enforcement Committee. It is therefore proposed that the new provisions are added to the functions of the Licensing and Enforcement Committee with sub-delegation to the Licensing and Enforcement (Enforcement) Sub-Committee and the Food and Licensing Service Manager reflecting those procedures already in place for other licensing functions.

6.3 Currently registered scrap metal dealers are able to apply for a new licence from 1st October 2013. Provided they make their applications before 15th October, currently registered scrap metal dealers will automatically be issued with a temporary licence pending completion of formal suitability assessments. Temporary licences will run until the 1st December by which time Licensing Authorities are expected to have completed and embedded its licensing process.

6.4 It is further understood that Licensing Authorities that are not in a position to process new applications by the 1st December will not have grounds to make a Closure Order against a temporarily-licensed site and successful prosecutions will not be possible unless a licence is subsequently refused.

6.5 Applications made after 15th October will be subject to the full licensing process and there is no guarantee that they will be complete before 1st December. Any merchant operating after 1st December 2013 without a licence will be in breach of the new legislation and may be served with a Closure Order.

6.6 The Licensing Team will be following the progress on the changes to the legislative framework closely. Although the primary legislation has been passed there is still a lot of work required by Government through provision of detailed Guidance for operators and Licensing Authorities, and passing of Statutory Instruments to set detailed Regulations, including:

- Issue of Regulations setting out the form & content of licences.
- Issue of formal Guidance to Local Authorities on suitability assessment.

- Issue of regulations setting out relevant offences to be considered in assessing suitability of applicants.
- Issue of regulations specifying requirements for verifying the identity of persons supplying scrap metal.
- Issue of Guidance for applicants on applying to “Disclosure Scotland” for basic criminal record checks.
- Publication of licence application forms by Local Authorities.
- Setting of licence application fees by Local Authorities.

6.7 It is anticipated that to enable a clear and transparent application process including the licensing authorities consideration of an applicant’s suitability, a Gloucester City Council’s Scrap Metal Dealers Act Policy will be developed and adopted once relevant Regulations and Guidance is received relating to these provisions.

6.8 Members are referred to the recommendations under paragraph 2.1 of this report.

7.0 Financial Implications

7.1 The main intention of the legislation is to reduce metal theft and the consequential financial impact upon property, equipment and infrastructure owners.

7.2 The City Council will be able to charge a licence fee, and must have regard to any guidance issued by the Secretary of State. Any costs arising from the proposals contained within the new Act will be met from within the proposed regime’s licensing fees.

7.3 Fees and charges will be considered by the Food and Licensing Service Manager in consultation with the Financial Services Manager before being presented to Licensing & Enforcement Committee for determination.

(Financial Services have been consulted in the preparation this report.)

8.0 Legal Implications

8.1 The Legal Implications are adequately dealt with in the main body of the report.

(Legal Services have been consulted in the preparation this report.)

9.0 Risk & Opportunity Management Implications

9.1 There is a risk that fee income will not cover the additional cost of licensing. This will be considered once further guidance is available and fees are set.

- 9.2 Risks associated with public safety and crime prevention will now be fully appraised through the consultation process to consider applications.
- 9.3 Opportunity to engage with hard to reach communities as many scrap metal collectors are from traveller backgrounds.
- 9.4 Opportunity to drive up standards in a business sector that has always suffered from a negative image.
- 9.5 Opportunity to develop partnerships with the Police and Environment Agency.
- 9.6 Opportunity to tackle illegal use of loudspeakers through formal engagement with scrap metal dealers that the new Act requires to hold a license with the City Council.
- 9.7 Opportunity to tackle environmental crime through formal engagement with scrap metal dealers that the new Act requires to hold a license with the City Council.

10.0 People Impact Assessment (PIA):

- 10.1 This change does not impact on equalities although it is noted that many itinerant scrap dealers are from traveller communities. A full predictive impact assessment has not been undertaken for this report because this will be conducted at the time of preparing a suitable policy to consider applications, following receipt of the Regulations and Guidance from Government.

11.0 Other Corporate Implications

Community Safety

- 11.1 The new Act introduces a licensing regime and controls that support the corporate goal of enabling, supporting and empowering our communities to be safe, active and healthy. This contributes to the high level outcome of feeling safe from crime and anti-social behavior, by driving out our rogue traders which are likely to be the same traders who cause problems with illegal use of loudspeakers, theft and environmental crime.

Sustainability

- 11.2 The new licensing regime will encourage better intelligence sharing and joint working to drive out illegal and rogue traders. This approach will deal with environmental crime as well as theft.

Staffing & Trade Union

11.3 The impact on human resources will be minimal.

Background Documents: None

Home Office short guide 'Get in on the Act: Scrap Metal Dealers act 2013'

Home Office Guidance 'Scrap Metal Dealer Act 2013: guidance on licence fee charges'

Home Office Guidance 'Guide to the Scrap Metal Dealers Act 2013: Applications'

Gloucester City Council

| | | | |
|-------------------------|---|---------------------------------|---------------------------------|
| Meeting: | Licensing and Enforcement Committee | Date: | 10 th September 2013 |
| Subject: | Members Update for Licensing and Enforcement Committee | | |
| Report Of: | Director of Services and Neighbourhoods | | |
| Wards Affected: | All | | |
| Key Decision: | No | Budget/Policy Framework: | No |
| Contact Officer: | Lisa Jones, Food Safety and Licensing Service Manager | | |
| | Email: lisa.jones@gloucester.gov.uk | | Tel: 396047 |
| Appendices: | 1. Simple guide on Live Music Act 2012 and deregulation of licensable activities 2. A Councillor Handbook on Metal Theft | | |

FOR GENERAL RELEASE

1.0 Purpose of Report

- 1.1 To outline to Members, details of key Licensing Activities carried out in the last quarter, including enforcement work, progress updates of our work plan and any changes in Licensing Law.

2.0 Recommendations

- 2.1 Members of the Licensing and Enforcement Committee note the contents of this report.

3.0 Updates on Licensing Activities in the last Quarter

- 3.1 On 18th June a full Licensing and Enforcement Committee was held to consider the following items:
- **Late Night Levy.**
Members were advised about the new power, which allows the City Council to consider charging a late night levy to all licensed premises that sell alcohol between midnight and 6 am. Gloucester City Licensing Authority has not received a formal request from the Police Crime Commissioner at this time, and

Licensing officers do not think it is suitable for Gloucester City in the current economic climate. The levy can impose fees which are more than double the amount of the usual annual fee, so it does pose a risk of deterring new businesses to the City subsequently leaving a number of premises unoccupied. Smaller premises are also likely to reduce their licensing hours to avoid the late night levy times. Members recommended that any introduction of the Late Night Levy in the future, would depend on us seeing a vibrant night time economy in Gloucester City.

- **Revised Policy and conditions for Hackney Carriage and Private Hire Licensing.**

Members considered the feedback following an 8 week consultation of the revised policy and approved a final version, which will take effect September 2013. The revision largely consisted of tidying up the current rule books, removing out of date criteria following changes to processes and legislation.

- **Review of the City Taxi Ranks**

Members were updated about a review of the City's current Taxi ranks and the locations of the proposed additional ranks. Members were advised that any changes and improvements made to the ranks in Kings Square, the Oxbode and the Bus Station would be considered as part of the new developments planned for the City Centre to ensure the ranks are suitable and fit for purpose. Equally the Eastgate Street rank will be considered as part of the plans to position this rank outside of GL1 leisure centre when plans to fully pedestrianise Eastgate Street commences. Members were recommended to retain the taxi ranks that are no longer regularly used for the time being (namely Brunswick Road and Quay Street), on the grounds that they may come back into regular use sometime in the future. Members also instructed Officers to monitor and assess the need for an additional taxi rank in the vicinity of Southgate Street as requested by the Hackney Carriage trade.

3.2 On 3rd July, the Licensing and Enforcement Sub-Committee held a hearing to consider a new application for a premises licence at Gloucester Academy Playing Field, Estcourt Close, Gloucester. The application was for regulated entertainment only Monday to Thursday from 09:00 until 21:00hrs and Friday to Sunday from 09:00 to 22:00hrs in a large open space owned by Gloucestershire County Council. The Sub-Committee decided to grant licence in accordance with the application in accordance with the agreed conditions offered up by the applicant. This area of land was used in conjunction with the City Council licensed playing field at Plock Court for the Sport Beat Festival held on 5th – 7th July.

3.3 Southgate Street Taxi Rank Provision

The Licence team are currently assessing the demand and feasibility of providing a taxi rank in the vicinity of Southgate Street. Consultation will commence shortly with members of the public to assess the demand in this area.

3.4 Eastgate Street Closure on Weekends –

The Nightsafe Group are making progress to move towards a full pedestrianisation of Eastgate Street between 11pm and 5am on Friday and Saturday nights. Investigations have been made on installing suitable bollards to support the road closure and Gloucestershire Highways are making further assessments to any proposed changes in directional travel and access needed to the side streets before putting in place a 6 month experimental order for the closure to commence. The Licensing Team will continue to liaise closely with the Nightsafe members and the taxi and private hire trade to ensure that any major teething problems associated with collecting a dropping off passengers are resolved before the experimental order takes effect. It is aimed to start the experimental closure in autumn 2013.

3.5 Gating Order-

The licensing Team completed a formal consultation on a proposal to gate Organ's Alley which runs alongside Butlers nightclub Between Eastgate Street and Russell Street in June 2013. An informal consultation was also carried out with nearby residents who maybe affected by the gating order during November to December 2012 and evidence has been collated on the problems found and experienced in Organs Alley. The formal consultation sought representations from key stakeholders including statutory undertakers over a period of 28 days and no objections were received from statutory bodies however, one objection has been received from an interested party. The matter will be now be referred to Cabinet for decision on 11th September 2013.

3.6 New Licensing Applications

Between 1st June 2013 and 1st September 2013 we have received 115 new Licensing Act applications; the majority consisted of Temporary Events Notices where 45 were received. This is similar to the amount of applications received in the previous quarter (we reported 125 applications and 57 TENs). 52% of all Licence applications received related to Private Hire and Taxi licensing which was larger in numbers than last quarter as we reported 48%. 35% related to applications under the Licensing Act 2003 (last quarter we reported 30%). This quarter has seen a high number of licensing applications with the team also taking over street trading consents. Seasonally, this is consistent with our expectations but we did expect a slightly higher number of temporary event applications over the summer months as more events were planned.

4.0 Court cases and other Enforcement Work

- 4.1 On July 21st Officers attended Cheltenham Magistrates Court to prosecute a private hire driver for plying for hire during a test purchase operation conducted in December 2012. The driver pleaded not guilty so the case has now been postponed for full trial in October 2013. Further updates will be provided once the case has been heard; the matter will also be referred to the Licensing and

Enforcement Committee for their consideration following the outcome of the case.

Taxi and Private Hire Enforcement:

- 4.3 Over the last few months, Licensing and Enforcement Officers have been busy monitoring activities of drivers and their vehicles. A number of drivers have been issued suspension notices requiring works to be made to their vehicles where defects have been found or door panels/plates are missing. The Licence team have also been working with Gloucestershire Constabulary to help monitor conditions of vehicles and the Police can also issue suspension notices where the vehicle is found to be unfit.
- 4.4 During July, Licensing and Enforcement Officers have carried out regular out of hours enforcement during weekends, focusing on operations at in-house booking systems, monitoring for plying for hire and taxi touting offences and also conducting other taxi and private hire vehicle checks. A couple of drivers were witnessed plying for hire or taxi touting and appropriate enforcement action is being considered against them. A few vehicles were also seen without door panels and they were issued appropriate notices requiring them to display them on their vehicles. All in-house booking venues have been provided with a laminated copy of the rules to display at their booking point. This measure has been taken to ensure persons taking the bookings as well as premises licence holders can remind themselves of the Council's rules for operating such systems.
- 4.5 We will also continue to issue an appropriate number of totting up penalty points against drivers proprietors or operators through our internal enforcement procedures where breaches are found in contravention of the rule books. Where 12 or more points are issued, the Licence holder will be referred to the Licensing and Enforcement Sub-Committee for a disciplinary hearing. Some infringements can incur 12 points at one time, so Licence holders have been reminded through a recent newsletter that they may be referred to committee immediately where serious breaches are witnessed.
- 4.6 The Licence Team continue to carry out 'test purchase' operations and spot checks to challenge illegal plying for hire activities. Further action is being taken against offenders and outcomes of any prosecutions taken will be published on our taxi and private hire newsletter in the future.

5.0 Legislative Updates

5.1 Gambling (Licensing and Advertising) Bill:

The proposed Bill introduces regulatory changes that will ensure that all remote gambling operators offering services to British consumers will be subject to consistent regulation. In particular any regulatory changes introduced will apply to all those providing online gambling facilities to those in Britain not just the less than 15% currently licensed by us. This consistency will make it easier for a

consumer to understand their rights and ensure operators report suspicious activity direct to us, all of which should provide greater transparency to consumers and protection against match fixing. It will also make it easier for advertisers, including those carrying marketing messages to understand whether an operator is permitted to advertise into Great Britain. The target implementation date is April 2014 although this depends on how quickly the Bill will progress through Parliament.

5.2 Scrap Metal Dealers Act 2013:

This new Act takes effect from 1st October 2013 and repeals the former legislation governing scrap metal dealers and motor salvage operators. Previously, scrap metal dealers were only required to only register for free with the local authority whilst obtaining a waste collectors licence from the Environment Agency. Motor Salvage Operators however, were required to obtain a licence costing £70 to carry out those activities. Following a nationwide rise in metal theft and recognition that the two activities are so similar in nature, Government has reviewed the regulatory controls and merged the two activities under one piece of legislation.

A handbook has been produced for Councillors on Metal Theft and a copy can be found in appendix 2.

5.3 Live Music Act 2012 and the deregulation of Schedule 1 of the Licensing Act:

The Institute of Licensing and Poppleston Allen Solicitors have felt that this deregulation was confusing for licensing officers and lawyers alike and expected that others would also be uncertain as to what the changes now permit. Therefore, they have produced a simple guide for circulation, explaining what the changes mean, a copy can be found in appendix 1 of this report.

5.4 Minimum unit price for alcohol:

The Government has shelved plans for a minimum unit price for alcohol, but will ban the sale of alcoholic drinks priced below the level of duty and VAT. A consultation document last year discussed a base price of 45p per unit in England and Wales, but Home Office Minister Jeremy Browne said there was not enough concrete evidence that the move would reduce the level of problem drinking without hitting people who drink responsibly. Mr Browne also ruled out a ban on multi-buy promotions due to a "lack of convincing evidence" that it would have a significant effect on the volumes people consume.

The Prime Minister insisted that banning drinks priced below the level of duty plus VAT was effectively a minimum price because selling below this price range will become illegal. He said "we do not yet have enough concrete evidence that its introduction would be effective in reducing harms associated with problem drinking ... without penalising people who drink responsibly." The Minister added:

“We will tackle the most egregious examples of cheap alcohol by banning sales of alcohol below the value of alcohol duty and VAT. This will come into effect in England and Wales no later than spring 2014 and will stop the worst instances of deep discounting which result in alcohol being sold cheaply and harmfully.

The decision not to ban deals such as “buy one get one free” was taken because there remains a lack of convincing evidence that it would have a significant effect in reducing consumption. Mr Browne said it would not be a reasonable course of action for us to introduce a ban, especially at a time when responsible families are trying hard to balance their household budgets.

6.0 Future Work

6.1 Designated Public Place Order for Barton and Tredworth

The Licensing Team are considering a proposal to have a new designated public place order (DPPO) in the Barton and Tredworth Ward. The formal consultation was postponed from September 2012 due to additional areas being identified as potential dispersal areas for street drinking, so the proposal is now looking to include wider areas within the Tredworth Ward. Barton Street (from Barton lights to India Road) is already included under the City Centre DPPO; however, the side streets and other spaces for dispersal were not included but have now been identified as areas experiencing nuisance street drinking.

The licensing team are currently analysing the evidence of crime and anti-social drinking in the area during the last twelve months to assess whether other controls such the closure of Napier Street play area at night has had any positive affect to resolve the problems there. If problems associated with street drinking remain, the Licensing Team will consider this evidence and commence a formal consultation during the autumn 2013. Feedback from the consultation will determine whether a DPPO is appropriate and if contentious responses are received, this will be brought back to Licensing and Enforcement Committee for a final decision.

6.2 Taxi Tariff

The current tariff card took effect in February 2012 and the rates were frozen during 2013. We are now considering any requests from the trade to change the taxi tariff for 2014. To date no formal requests have been made, and some members of the trade at the Hackney Carriage and Private Hire liaison meetings have expressed no wish to increase the tariff at this point in time. If any changes are proposed, it is planned to formally consult on any new tariff rates during October 2013.

6.3 Taxi and Private hire Fees 2014:

The fees for Taxi and Private Hire Licensing were last changed in April 2010 where they were reduced by 5%. The Licensing Team will reassess the

current fees and charges shortly and will notify Drivers and Operators of any proposed change, with any changes scheduled to take effect from 1st April 2014.

7.0 Forward work plan and Conclusions

7.1 The table below outlines our proposed work plan for Full Licensing and Enforcement Committee meetings over the next 3 years. As the years goes on, additional matters may need to be brought to Members attention or further requests may be presented for decision. However, the items below illustrate expected matters that are scheduled for consideration Committee dates are in **bold** and shaded grey.

| LICENSING AND ENFORCMENT COMMITTEE | POLICY ITEM |
|---|---|
| September 2013 | Scrap Metal Dealers Act 2013 Update on proposed Taxi Tariff (to take effect December 1st 2013) Quarterly Licensing Update for Members |
| <i>October 2013</i> | <i>Consult on Designated Public Place Order in Barton and Tredworth Ward Consult on Taxi Meter Tariff over 14 days Taxi and Private Hire Fees Review Assessment, Inform Chair of L and E Committee of proposals to Taxi fees,</i> |
| <i>November 2013</i> | <i>Consult on Taxi and Private Hire fees over 28 days</i> |
| December 2013 | Update Committee on Taxi Meter Tariff set (following consultation) Update report on Taxi fee status OR Report to consider objection on fees (fees to take effect 1st April 2014) Quarterly Licensing Update for Members |
| March 2014 | Sex Establishment Policy Review Quarterly Licensing Update for Members |
| <i>May 2014</i> | <i>Members Training</i> |
| June 2014 | Sex Establishment Policy Review (to take effect July 2014) Quarterly Licensing Update for Members |
| September 2014 | Update on proposed Taxi Tariff (to take effect December 1st 2014) Quarterly Licensing Update for Members |
| <i>October 2014</i> | <i>Consult on Taxi Meter Tariff over 14 days Taxi and Private Hire Fees Review Assessment, Inform Chair of L and E Committee of proposals to Taxi fees,</i> |
| <i>November 2014</i> | <i>Consult on Taxi and Private Hire fees over 28 days</i> |
| December 2014 | Update Committee on Taxi Meter Tariff set Update report on Taxi fee status OR Report to consider objection on fees (fees to take effect 1st April 2015) Quarterly Licensing Update for Members |

| | |
|-------------------------------|--|
| March 2015 | Review of Advertising Board and Tables and Chairs Policy Quarterly Licensing Update for Members |
| <i>May 2015</i> | <i>Members Training</i> |
| June 2015 | Review of Private Hire and Hackney Carriage Policy Quarterly Licensing Update for Members |
| <i>July & August 2015</i> | <i>Consult on Gambling Act Statement of Principles over 12 weeks</i> |
| September 2015 | Update on proposed Taxi Tariff (to take effect December 1st 2015) Gambling Act Statement of principles for approval (to take effect Dec 2016) Quarterly Licensing Update for Members |
| <i>October 2015</i> | <i>Consult on Taxi Meter Tariff over 14 days Taxi and Private Hire Fees Review Assessment, Inform Chair of L and E Committee of proposals to Taxi fees,</i> |
| <i>November 2015</i> | <i>Consult on Taxi and Private Hire fees over 28 days</i> |
| December 2015 | Update Committee on Taxi Meter Tariff set Update report on Taxi fee status OR Report to consider objection on fees (fees to take effect 1st April 2016) Quarterly Licensing Update for Members |
| March 2016 | Street Trading Policy Review Quarterly Licensing Update for Members |
| <i>May 2016</i> | <i>Members Training</i> |
| June 2016 | Hackney Carriage and Private Hire Policy Final report on Review of Taxi Rank Provision Quarterly Licensing Update for Members |
| September 2016 | Update on proposed Taxi Tariff (to take effect December 1st 2016) Quarterly Licensing Update for Members |

7.2 At each quarterly Licensing and Enforcement Committee meeting, we will continue to update Members on any activities carried out in the last quarter, this will include a summary of what has happened in the team, including number of new Licences, any enforcement work carried out and details of any appeals or prosecutions held, the outcomes of those hearings and any further court cases pending.

8.0 Financial Implications

8.1 There are no financial implications attached to the recommendations in this report.

(Financial Services have been consulted in the preparation this report.)

9.0 Legal Implications

9.1 There are none at this time.

(Legal Services have been consulted in the preparation this report.)

10.0 Risk & Opportunity Management Implications

10.1 In Compliance with the Council's risk management strategy any decisions made which are unreasonable or unlawful could be open to legal challenge resulting in loss of image, reputation and potential financial penalty.

11.0 People Impact Assessment (PIA):

11.1 There are no key decisions included in this report.

11.2 A separate PIA will be carried out for each Policy when it is brought before the Licensing and Enforcement Committee.

12.0 Other Corporate Implications

Community Safety

12.1 None

Sustainability

12.2 None

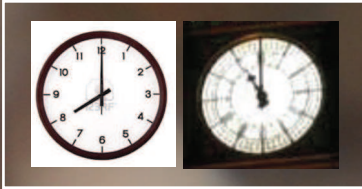
Staffing & Trade Union

12.3 None

Background Documents: None

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Live Music Act 2012 and Deregulation of Schedule 1



Venues with Amplified Live Music



Between 8am and 11pm relates to all of the following activities:



You may have an audience up to **200** people for **Amplified live music** (includes Karaoke) in venues **authorised to sell and selling alcohol** on the premises.

Note: venues with more than one room may have audiences up to 200 per room.

No Conditions relating to live music have effect unless the licence is reviewed and conditions are added

Venues with Unamplified Live Music



There is **no audience limit** for any venue with unamplified music

Note: No Conditions relating to live music have effect unless the licence is reviewed and conditions are added

Venues with Dance and Theatrical Performances



Not regulated entertainment if the audience limit is **500** people, for performance of dance or theatrical performance

Indoor Sporting Events



Not regulated entertainment if the audience limit is **1000** people for an indoor sporting event.

Boxing and Wrestling (with exception for Greco-Roman and freestyle forms of wrestling), Combined Fighting Sports & Adult Entertainment remains a licensable activity irrespective of audience numbers and the time of the event.

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Metal theft

A councillor handbook





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Foreword

Metal theft has increased dramatically over the last couple of years, and is now having a significant impact on communities. Nine out of ten councils have been affected and disruptions to rail services, loss of power to homes, interruptions to telecommunications, theft of lead from the roofs of churches, the theft of bus shelters, lightning conductors, street signs, gully and manhole covers, and war and grave memorials have serious implications for communities.

Many of us have suffered from the disruptions caused by metal theft. Train tracks, garden gates, street signs, manhole covers – nothing is safe. It is only a matter of time before someone is seriously injured by these thoughtless crimes. Indeed, several of the criminals have themselves been electrocuted while in pursuit of valuable materials from sub-stations and railway cables.

Our residents and businesses are being seriously affected and we, as elected members, must do all we can to prevent thefts from happening. The LGA is working with Parliament to introduce a new licensing scheme for scrap metal dealers, but there is much that councils can do locally to make metal theft a less appealing and profitable activity for criminals.

Local areas have already been taking action to reduce metal theft in conjunction with police, the British Metals Recycling Association (BMRA), and their own local scrap dealers. We have, as always, seen councils setting the standard in responding to the issues at hand. My own council, Kirklees, has been working on a code of conduct for local metal dealers, while the Forest of Dean has been instrumental in an innovative, resource-efficient protocol for use by council and police partnerships.

We have produced this handbook in direct response to the resolution on tackling metal theft raised and emphatically passed by members at the 2012 LGA General Assembly. In it, we outline some of the key facts about metal theft and suggest ways in which councillors can make a real difference locally. It complements the practical toolkit that I had the pleasure to launch in March 2012; the toolkit contains pro-forma examples and effective practice case studies that will help officers translate your leadership into practical prevention and enforcement activities.



Councillor Mehboob Khan,
Chair of LGA Safer and Stronger Communities
Board and Leader, Kirklees Council

Introduction

Demand for metals has never been stronger and the metal recycling industry is booming, with a total worth of £5 billion in 2011. This is great news in terms of providing jobs and reducing the UK's environmental footprint, but the poor regulation of the industry and legislation dating back to 1964 means it is ill-adapted to cope with the rise in illegal sales.

In 2011, 15,000 tonnes of metal were stolen, of which 7,500 tonnes came from railways, statues and church roofs. The cost of the thefts to the railways alone amounted to £13 million¹, with many more millions lost as a result of delays to passengers. Overall, the Association of Chief Police Officers (ACPO) estimates that metal theft costs the UK economy £770 million every year, while others put the cost at £1 billion or higher.

The Home Office estimated that there were between 80,000-100,000 police recorded metal theft offences in England and Wales in 2010-11, amounting to around roughly a fifth of the 481,659 'other theft' offences recorded by the police in that year.²

The Energy Networks Association, representing utility companies, experienced an average of 20 attacks a day in 2011 at an estimated cost of £60 million. This was in addition to the £12 million already spent by the companies in security measures. While companies seek to absorb much of this

expense, there is inevitably a cost implication for consumers, in addition to the disruption caused to supply.

There have been some successes in tackling the issue with 314 prosecutions in 2011, resulting in custodial sentences of up to 27 months and fines up to £170 000. In addition, 759 illegal sites and 190 illegal scrapyards were closed down thanks to the intervention of councils, police and the Environment Agency.

There has also been a shift in the materials stolen, expanding the impact from lead on church roofs to encompass such commonplace materials as steel, cast iron and aluminium: metals used in construction of items such as manhole covers, shopping trolleys, phone cables and street signs. In short, all of the traditional materials used in street furniture and public infrastructure are now vulnerable and at risk.

Councils must now take sensible precautions to reduce the opportunity for thieves, whether through the use of alternative materials, more effective enforcement of scrap metal dealers, or developing robust policies to ensure that the council's disposal of its own metal assets is understood.

¹ British Transport Police, 2011

² Metal Theft - prohibit cash payments and higher fines
LASPO Act 2012 impact assessment, 22 February 2012

Identifying the problem

Metal theft has now affected 90 per cent of all councils, so it is likely that there will have been an impact on your community. However, it is important to understand whether this is a significant problem, a one off incident, or a problem that may increase or decrease over time.

It makes more sense to spend time and resources on identifying and tackling a long-term problem than on one that may have only lasted for a couple of weeks. Similarly, if there are steps that can be taken now to prevent a problem in the future then it is sensible to consider them. Current trends in market value for metals show no sign of reducing and it can be expected that theft of metal will continue to be financially attractive for both opportunists and persistent offenders.

There are a number of ways in which you can find out about the nature of the problem in your area and, as a result, identify any priority actions that you may need to take.

For instance:

- examination of police data may show a percentage rise in calls reporting metal theft
- rail operating companies may show a rise in delays due to metal theft
- consultation with communities and businesses may highlight anecdotal (non-reported) increases in incidents of low-level metal theft (lead from roofs, etc).

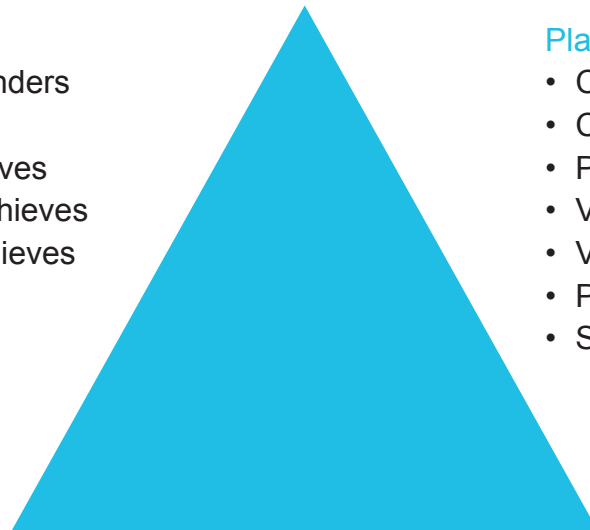


Following on from this analysis of the current picture, you may wish to develop a plan for assessing the risk of further problems. This could include developing a risk register of public property or protected buildings and monuments in the area, or undertaking a public awareness campaign to reduce the window of opportunity for theft. You will also want to liaise with neighbouring authorities and key partners to identify what work they may be doing to tackle the problem.

Where metal theft is a serious and recurring issue, one way of thinking about how to address it is through the problem analysis triangle often used in community safety to deal with crime and disorder problems. This relies on the idea that crime results when offenders and suitable targets come together in the same place. An example of this for metal theft is given in the diagram below, and using this approach can help identify the most appropriate means of addressing particular offences.

Offender

- Motivated offenders
- Scrap dealers
- Organised thieves
- Opportunistic thieves
- Drug related thieves



Place

- Construction sites
- Churches/public buildings
- Pubs and restaurants
- Vacant/void housing
- Vacant/void commercial premises
- Playgrounds
- Scrap metal/metal stores

Target

- Manhole covers
- Plumbing fixtures (pipes and boilers)
- Copper wiring and power transmission cables
- Rail tracks
- Vehicles and pedal cycles
- Beer kegs
- Gas canisters
- Fencing and railings
- Metal roofing sheets
- Bronze plaques and statues

Case study: London Borough of Lambeth

Lambeth is a historic borough and has over 2,500 listed buildings, 10 major war memorials and many other significant monuments. It is particularly vulnerable due to its extensive rail network and numerous listed buildings and monuments, with recent thefts including: a war memorial, lead and copper stolen from West Norwood Library which led to its closure, park benches stolen from Streatham common, signs, gutters, grave memorial, and even front gates belonging to residents.

A report by Lambeth Police to the council stated “The cost benefit analysis of this crime in the eyes of the criminal is now so attractive that metal theft may become more widespread in Lambeth than most other forms of acquisitive crime unless we do something to counteract this”.

As a result, Lambeth has established a scrutiny investigation:

- to investigate the current scale of metal theft in Lambeth and the existing response to the issue across the relevant agencies
- to identify the impact of metal theft on the borough’s residents, community groups, council and businesses
- to feed into, influence the development of, and support the development of Lambeth’s response to Richard Ottaway MP’s Private Members Bill
- to identify national and international best-practice in relation to the reduction of metal theft
- to make evidence-based recommendations to the relevant decision-makers that will result in reductions in metal theft and other improvement to this policy area.

Understanding the chain

Any item stolen in large quantities must have a retail outlet; that is, somewhere where the good can be converted into cash or some other asset. In the UK, the most accessible and immediate option for converting metal into cash is through a scrap metal dealer, either legally or illegally operating. This is not to say that other means of disposing of large quantities of stolen metal are not used, such as shipping it abroad in containers, and we touch on the implications of this later.

There are approximately 3,500 registered scrap metal dealers in the UK. The British Transport Police estimates that in addition to this there are also illegal sites and itinerant dealers that bring the total number of businesses operating in this sector to over 4,000. BMRA told us that the illegal sites that are known to authorities represent only “the tip of the iceberg” and suggested that “the size of the illegal trade, in terms of numbers of sites, is possibly as large as the legal trade”.

There are a number of pieces of legislation that cover scrap metal dealers. Many of these are long established and, to some extent, out of date. Itinerant collectors, in particular, are more loosely regulated and hard to monitor due to their lack of a fixed premise site; however, they should still be registered with each local authority under s1 of the Scrap Metal Dealers Act 1964 and register with the Environment Agency as a waste carrier. The latter should provide some degree of traceability.

However, there are also some more recent regulations that provide a welcome opportunity to reduce the ease with which thieves of metal can convert their items into financial gain.

Councillors will want to make sure that their officers are fully up date with changes to the legislation and actively checking them with the dealers in their area. You will also want to make sure that your officers have established a good working relationship with the Environment Agency (EA), to share intelligence and inform each other if the dealer is missing either an EA permit or council licence.

Legislation available

The Scrap Metal Dealers Act 1964 requires councils to register scrap metal dealers for a three year period, maintaining a register of all individuals and businesses who register to trade in their area as scrap metal dealers. It is a criminal offence under s1 of the Scrap Metal Dealers Act 1964 to carry on business as a scrap metal dealer and fail to register with the appropriate local authority as such. However, councils are not able to refuse a registration or to impose any operating conditions on the dealer and local authorities cannot charge to register

The 1964 Scrap Metal Dealers Act requires councils to issue licences to scrap metal dealers and maintain a register of persons trading in their area as scrap metal dealers. However, councils are not able to refuse a licence or to impose any operating conditions on the dealer.

In turn, dealers are required to:

- inform the local council of their operation
- maintain a book with details of metal received, processed or despatched
- record the description and weight of the metal
- record the name and address of the person providing the metal
- record the registration of the delivery vehicle
- from December 2012, to additionally record details of the transaction as part of each record to evidence compliance with the cash prohibition – this will include keeping a copy of the named cheque issued or the receipt of the electronic transfer.

The Scrap Metal Dealers Act 1964 has 10 criminal offences, all liable on summary conviction to a financial penalty. Through the Legal Aid, Sentencing and Punishment of Offenders Act 2012, each financial penalty in the 1964 Act will increase by two scales from December 2012 with the most serious of offences being punishable to a level 5 fine (£5,000). A further measure of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, from March 2013, was to remove the upper financial limit for level 5 offences, so when this measure is enacted, financial penalties for this level will be unlimited.

Scrap metal dealers are also required to have planning permission to operate a site and are required to have permits or exemptions from the Environment Agency to operate a scrap metal site under the Environmental Protection Act 1990. Failure to have the correct permits can lead to a fixed penalty notice or fines of up to £50,000 or 5 years imprisonment.

Those transporting metal to a scrap metal site for profit are required to be registered as a 'waste carrier'. Waste carriers must comply with the waste duty of care. Breach of the duty of care is a criminal offence that can lead to large fines under the Environmental Protection Act 1990. Specific requirements of the duty of care include that waste carriers must:

- ensure the waste goes to a properly licensed or exempt waste site
- complete a waste transfer note (WTN) - this must include a description of the waste and be signed by the carrier and the person that they give/sell the waste to
- keep the WTN for a minimum of two years.

In addition to increasing fines, the Legal Aid, Sentencing and Punishment of Offenders Act 2012 will also introduce the following changes to the regulation of scrap metal dealers:

- create a new offence of buying scrap metal for cash (the "cashless offence"), so that a "scrap metal dealer must not pay for scrap metal except... by a cheque... or... by an electronic transfer of funds"
- provide new powers for the police (on production of a warrant issued by a justice of the peace) to enter regulated scrap yards where there were reasonable grounds for believing that scrap metal paid for in cash was being (or had been) received or kept there.

It is particularly important that council officers are aware of the new criminal offence of buying scrap metal for cash under section 147 of the Legal Aid, Sentencing and Punishment of Offenders Act. The Home Office will be providing advice on the new offence of buying scrap metal for cash which will complement this handbook. The advice will include details around acceptable forms of payment and the revised record keeping requirements within the Legal Aid, Sentencing and Punishment of Offenders Act.

The changes are expected to come into force in late 2012. Itinerant, or house to house, collectors will continue to be able to receive cash payments provided that they have registered as a scrap metal dealer under s1 of the 1964 Act and that they have also been granted an order by their licensing authority under section 3(1) of the Scrap Metal Dealers Act 1964.

The LGA's recent survey on metal theft showed strong support for dealers to be



licensed by councils and three quarters (75 per cent) of those in favour felt that councils should be able to charge and set licence fees based on a full cost recovery basis. The LGA is therefore working with the Home Office to develop a new licensing regime, to potentially be introduced through the private members bill, the Scrap Metal Dealers Bill, being introduced by Richard Ottaway MP which has full Government support. An outline of the draft private members bill is included below.

The LGA is working hard to ensure that any new licensing regime allows councils to introduce their own conditions and recover the costs of administering and enforcing the scheme.

Who in the council can take action?

In practice, a number of departments within the council will be able to directly or indirectly contribute to tackling metal theft. Councils are responsible for licensing scrap metal dealers and, along with the police and Environment Agency, ensuring that they meet the requirements for trading.

Councils are also commissioners of all street furniture, as well as maintenance of the public realm, although actual responsibilities vary between districts, unitaries and counties. In that role, there are opportunities to test new materials, introduce new protective measures and raise awareness of how council-owned metal is legitimately disposed.

A number of councils are taking steps to tackle the problem by using non-metallic alternatives and by using anti-theft measures such as CCTV and the use of smart water

marking, and many of these formerly untested products have now proven their effectiveness.

This work will span a number of teams within the council and your role as a councillor is to ensure that they are all working together as effectively as possible. Please note that there will be different responsibilities between district, unitary and county councils.

Scrutiny

It is important that work on metal theft, as a cross-cutting issue, is subjected to proper scrutiny to ensure the local response is strong. This could include holding themed reviews on specific issues, such as use of alternative materials and work to raise awareness within the community.

Licensing

Your licensing team will be responsible for reviewing applications and issuing a licence. At the moment there is no opportunity to refuse an application to register or to recover the cost of administering it. However, if the Scrap Metal Dealers Bill is successful, the licensing regime will become a major tool in regulating the licensed trader, including imposing conditions on how they operate.

This team will also be responsible for granting and assessing the impact of any section 3(1) orders, enabling itinerant collectors to receive cash payments. It is possible that the new exemption to cashless payments will lead to an increased number of applications for section 3(1) orders and the team will be instrumental in ensuring the exemption is not abused.

Guidance on how this abuse could be minimised has been produced in conjunction with the Home Office and is set out in Appendix A.

Environmental health and environmental crime

Your environmental health and crime officers will be responsible for much of the day-to-day enforcement of inspecting existing scrap metal dealers, and spotting illegal operators. They will act as your eyes and ears on the ground and will need to work closely with partners such as the police, Environment Agency and utility companies like BT to ensure they share information and joint enforcement activities where appropriate.

They can also have an important role in establishing protocols with local dealers to drive up standards and improve local practice. Our toolkit contains exemplar protocols from Forest of Dean Council, which have engaged scrap metal dealers and promoted the adoption of stringent measures to vet the legitimacy of scrap metal.

Highways and planning teams

Your highways and planning teams will be responsible for commissioning much of the street furniture and signage that is vulnerable to theft. Simple steps like exploring alternative materials can not only reduce thefts but many are actually more durable than regular metals. Some composite manhole covers come with a 15 year guarantee, provide better grip for cars and motorcycles, and can not be melted down and reused.

Stoke-on-Trent Council has begun replacing all manhole covers with rubber ones, following the theft of 500 metal covers worth £73 000 over the past two years alone.

This team should also be considering making effective use of water-marking, anti-climb paint and other detection methods when replacing or ordering new street furniture and signage.

Waste

Councils are collectively the third largest provider of scrap metal after the main utility companies. It therefore behoves them to make sure that they dispose of it in a consistent, transparent and cost-efficient way.

BT, the largest provider of scrap metal experienced a significant reduction in metal theft when it decided to make clear that it disposed of its scrap metal only through a restricted list of scrap metal dealers. Once this was published, the responsible scrap metal dealers not on the list were fully aware that any BT branded material they handled was stolen. The market for BT scrap metal immediately became more restricted and less attractive as a result.

Councils operate individually and many councils themselves use a number of different contractors to dispose of their scrap metal. Establishing and publishing a list of dealers that you use, perhaps in partnership with neighbouring authorities, will not only make it harder for thieves to sell on your metal items, but could also get you preferential rates.

The Environment Agency has been working with partners to encourage business models that allow for the safe and secure transfer of waste. A recent example is the South East Waste Exchange, <http://www.wpesoutheast.co.uk/>, which allows councils and businesses to trade waste through a secure online platform.

Community safety teams

It is not just councils who lose their property, but residents, businesses and charities as well. Many of these groups are unaware of the basic measures they can take to protect their metal and deter opportunistic thieves. Your community safety teams, and the

Case study: Kent councils and Kent police

Kent Police in conjunction with local councils have been attempting to educate the scrap metal industry on crime prevention and legislation. Recently Kent have rolled out Operation Tornado, a set of national identification measures which has been drawn up by the Association of Chief Police Officers (ACPO), The Home Office, British Metals Recycling Association (BMRA) and British Transport Police (BTP), to tackle metal theft by making it easier to trace sellers of stolen metal, and thus assist in deterrence and detection of crime.

As a result of all the multi agency activity in Kent, they have seen a 33 per cent reduction in metal theft compared to the previous year. This is particularly positive, given that metal theft commodity prices continue to rise.

Partnership working is key, because this allows agencies to share intelligence, increases the powers available and improves the opportunities for detecting offences. For example, offenders selling metal to a scrap metal dealer may be claiming benefits when they are actually earning, or may have no tax or insurance for their vehicle so the relevant agency can deal with them there and then. In particular, metal theft days of action have proven to be good opportunities to detect, deter and publicise what the force is doing to tackle these crimes.

wider community safety partnerships, will be fundamental in informing and alerting people to what they can do.

These teams can also play an important role in alerting residents to things they should look out for, including vans that are accessing cables through manholes. Residents should be encouraged to take part in the fight against crime.

Who else is working on this?

Metal theft has had a significant impact on a wide range of the community, with the result that a great many organisations are working to stop it.

The police, coordinated by British Transport Police, have launched a number of initiatives to tackle the issue, working with local councils to crack down on illegal handling of metal. Many forces now have their own packages of advice which they are happy to share with councils and residents and there are usually dedicated enforcement officers who will be working closely with council enforcement teams. More information on some of the innovative work that the police are leading can be found at: http://www.btp.police.uk/about_us/latest_news/operation_tornado.aspx

From November 2012, this work will be overseen by Police and Crime Commissioners and councils will wish to engage them early on this matter.

In Scotland, the Scottish Commercial Crime group has taken the lead and has produced some good films to highlight the real impact it has on individuals. You can view these films at: <http://www.metaltheftscotland.org.uk/>



Case study: Wandsworth Council

In a bid to stop metal thieves causing unnecessary heartache for families, memorial plaques being mounted in Wandsworth cemeteries will now be made using alternative materials.

In June 2012, police officers uncovered about 300 plaques that had been cut up into pieces during a raid on a scrap metal dealer in Croydon. It was subsequently confirmed that some of the broken memorial plaques had been stolen from Putney Vale Cemetery.

Wandsworth Council's cemeteries team have ordered replacement plaques in a material called Traffolyte – a non metallic material suitable for engraving.

The new materials are used to retain quality while ensuring the plaques do not become targets for callous metal thieves, whose actions result in suffering for the families and friends who commissioned the memorials. Any new plaques being mounted in the borough's cemeteries will also be made using Traffolyte.

The council's cabinet member for environment, culture and community safety, Councillor Jonathan Cook, said: "Knowing that a plaque honouring a friend or family member has been stolen is bad enough – but to hear that it's been ruthlessly cut into pieces by criminals whose sole purpose is to line their own pockets must be truly heartbreaking. I hope that these new-style memorial plaques will bring some peace of mind to the loved ones of those they commemorate."

BT have established a team to work directly with scrap metal dealers and are happy to either carry out joint-information work with councils or to share information about which dealers have been visited. This will allow councils to build up a risk register of places that they should concentrate on, enabling the most to be made of the limited resources councils have. Many councils will already have established contacts with BT, but the LGA can provide contact information on request by calling 020 7664 3000.

The Institute of Materials, Minerals and Mining is exploring new ways in which to introduce disruption to the crime supply chain. This includes looking at chemical markers, tracking devices, alternative materials and unique marking methods. Their website contains all the latest information on preventative research www.materialsktn.net

All of the main utility companies have been badly affected and their representative organisation, the Energy Networks Association, has been undertaking work to examine more effective prevention techniques. They are very keen to build links with local government as the frontline enforcers, and are willing to share ideas and help enforcement officers to identify metal that has come from illegal sources. More information and advice can be found at www.energynetworks.org

The Environment Agency is the principal enforcement agency and is responsible for permitting sites, ensuring environmental compliance, registering waste carriers, monitoring international waste shipments, and tackling illegal sites. All of this is clearly complementary but distinct from council and police licensing and enforcement work. It is quite possible for a site to have a scrap metal dealers licence without the necessary environmental permits and vice versa. Close working links with the Agency are therefore vital and should be incorporated into any inspection plans. Councils get in touch directly with the Agency through the dedicated email address national.intelligence@environment-agency.gov.uk

Your neighbouring authorities will almost certainly be experiencing similar problems and, with rogue dealers and thieves operating across council borders, you will want to build on your existing links to tackle this issue. Many councils have come up with innovative ways of improving their enforcement protocols. The Forest of Dean, Birmingham and Kirklees councils have kindly shared their template policies and documents in the LGA's 'Metal theft toolkit'³ and these provide a good start for working with the industry itself using existing powers.

Central Bedfordshire Council is going further by proposing the 'Central Bedfordshire Act' which would introduce a new power for councils to regulate the scrap metal industry.

It is important to not lose sight of the vital economic contribution that legitimate dealers make. Indeed, dealers themselves suffer large numbers of thefts from their premises. The British Metal Recycling Association

works with the larger members of the industry to secure their premises and to ensure that they don't inadvertently handle stolen material. All members also sign up to a code of practice, produced jointly with the Association of Chief Police Officers, to reduce metal-related crime. The code, along with further details of the industry is tackling metal theft, can be found at www.recyclemetals.org

Looking to the future

Richard Ottaway MP, sponsor of the Scrap Metal Dealers private members bill currently going through Parliament, aims to "provide the strong legislative framework so desperately needed to empower our local councils and police forces in their fight against offenders who wilfully plunder this country of metal, whilst also strengthening and supporting legitimate scrap metal dealers".⁴

Key features of the Bill include:

- requiring all individuals and businesses to complete an enhanced application process to obtain a scrap metal dealer licence. Local authorities will have the power to turn down unsuitable applicants
- giving local authorities the power to revoke a licence
- requiring all sellers of metal to provide personal identification at the point of sale, which is then recorded by the scrap metal dealer.
- extending the offence of buying metal with cash to itinerant metal collectors
- new powers for the police and local authorities to enter and inspect sites

³ http://www.local.gov.uk/web/guest/publications/-/journal_content/56/10171/3376193/PUBLICATION-TEMPLATE

⁴ <http://services.parliament.uk/bills/2012-13/scrapmetaldealers.html>

- creating a central public register, hosted by the Environment Agency, of all individuals and businesses licensed as scrap metal dealers
- widening the definition of a scrap metal dealer to include motor salvage operators.

Unfortunately, it is unlikely that even the provisions of the Bill will completely prevent metal theft. An increasing percentage of metal is shipped abroad in containers, and councils with ports in their areas may wish to work closely with customs and excise to tackle these unorthodox points of exit.

Resources and materials

The LGA will be continuing to update its toolkit with the latest information and examples, as well as promoting discussion and shared working through the online knowledge hub discussion group on tackling metal theft – https://knowledgehub.local.gov.uk/c/my_places/view?groupId=5951090

We will also continue to work with and lobby central government on this issue, and to establish better links with other organisations affected, to better allocate limited resources and develop an intelligence-led management system. Members wishing to keep up to date with any developments can sign up to receive the Community safety e-bulletin on www.local.gov.uk or follow [@LGALicensing](https://twitter.com/LGALicensing) on Twitter.

Appendix A

Metal Theft – Local Authority Use Of Section 3(1) Scrap Metal Dealers Act 1964 Orders

The Government has created a new criminal offence of buying scrap metal for cash under section 147 of the Legal Aid, Sentencing and Punishment of Offenders Act. This offence would prohibit scrap metal dealers paying for scrap metal other than by cheque or by electronic transfer.

In order to ensure there is sufficient evidence to prosecute the offence, the existing record keeping provisions under section 2 of the Scrap Metal Dealers Act 1964, breach of which is a criminal offence, have been amended. These amendments include a requirement for the dealer to record the method of payment and keep a copy of any cheque or any receipt identifying the transfer.

The offence would apply to all payments for scrap metal by scrap metal dealers, regardless of whether they are registered with their local authority under section 1 of the Scrap Metal Dealers Act 1964. However there is an exception; payments in cash can be made by 'itinerant collectors' who are both registered as scrap metal dealer under section 1 and who are also subject to an order under section 3(1) of the Scrap Metal Dealers Act 1964 made by their local authority in consultation with the local chief officer of the police.

Section 3(1) orders reduce the record-keeping requirement on itinerant collectors, recognising the mobile nature of their trade; therefore it would be difficult to enforce the offence against these collectors, who under the Scrap Metal Dealers Act 1964, are only permitted to collect waste by means of visits from house to house. Any collector who falls outside the description of a house to house collector would not be entitled to an order under section 3(1) and therefore would not be exempt from the cash prohibition.

It would appear that the use of section 3(1) orders by local authorities is low; there are no central records kept to indicate how many of these orders have been issued, or how many are active.

Under the Scrap Metal Dealers Act 1964 there are no criteria for when these Orders should be used. We want to ensure that the integrity of these Orders remain and that they are only issued to genuine collectors with lawful purposes. Therefore it is suggested that local authorities ensure the following criteria can be met when issuing these Orders:

- the full name of the applicant – photograph identification should be sought
- the full address of the applicant – proved by a utility bill
- their trading/business name (if applicable)

- the address of any place that they use to store scrap metal (metal cannot be purchased at such sites, only stored)
- reference/issue numbers relating to the environmental permits held by the individual – an itinerant collector should hold a Waste Transfer Notice as issued by the Environment Agency
- confirmation that they are registered with the local authority as a scrap metal dealer under section 1 of the Scrap Metal Dealers Act 1964 – section 3(1) orders should not be issued unless the itinerant collector has a section 1 registration.



Under section 3(2) of the Scrap Metal Dealers Act 1964, a local authority shall not make an order except after consultation with the chief officer of police for the police area (or, if more than one, for every police area) in which the area of the local authority, or any part of their area, is comprised. During such consultation, it is suggested that:

- a view is sought from the police force on whether the applicant is a suitable person to hold such an Order, based upon:
 - any intelligence held on that applicant by the force
 - reviewing the applicant's past convictions (if applicable) to see if they have any relevant unspent convictions that should be considered – such convictions should include any offence under the Scrap Metal Dealers Act 1964, theft and handling offences under the Theft Act 1968 and any known past breaches of Environmental regulations.

It is suggested that the British Transport Police, as the ACPO metal theft lead force and as the operators of the Metal Theft Fusion intelligence hub, should be consulted by the local force if necessary, to obtain further advice and information.

Under the Scrap Metal Dealers Act 1964, an itinerant collector should register under section 1 and obtain a section 3(1) Order from each local authority where they operate.





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