

SCRAP METAL DEALERS ACT 2013 STATEMENT OF LICENSING POLICY 2018- 2022

This policy gives guidance and information on how East Riding of Yorkshire Council will deliver the requirements of the Scrap Metal Dealers Act 2013 in relation to both applications and compliance/enforcement activity, and what it expects of its applicants/licence holders.

Applicants and licence holders will need to follow the principles set out in the document to ensure that they meet the requirements and expectations of the local authority when making applications or ensuring compliance with licenses issued to them.

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INTRODUCTION

POLICY

This document states East Riding of Yorkshire Council's policy in relation to the administration and regulation of scrap metal dealers.

There is no requirement in the legislation for the Council to have a formal licensing policy in place for dealings with applications. As 'best practice' the Council has chosen to adopt a formal policy for this purpose and setting out its expectations of applicants and those holding a licence.

The policy **comes into effect on 1 April 2018** and will be reviewed and republished every 5 years or as changes are made to the legislation, to promote good practice or to correct administrative errors. In these circumstances the power to make the changes rests with the relevant Director in consultation with the relevant Portfolio holder. Any changes significantly impacting financially or procedurally on those licensed or the local community will always be subject to a full public consultation exercise.

The main aim of the scrap metal licensing policy is to:

promote a robust and transparent scrap metal licensing regime within the East Riding of Yorkshire to protect the community by :

- working in partnership with all licensed dealers who buy or sell scrap metal ensuring compliance with the law.
- ensuring only 'suitable' dealers are licensed with the authority, and
- having robust controls in place to deal with rogue traders and by doing so aim to reduce the detrimental impact on individuals and communities who fall victim to metal theft

I. DEFINITION OF A SCRAP METAL DEALER

1.1 For the purpose of the Scrap Metal Dealers Act 2013 a scrap metal dealer is defined as:

a person carrying on a business which consists wholly or partly in buying or selling scrap metal, whether or not the metal is sold in the form in which it is bought, or carries on a business as a motor salvage operator

Any individual or business caught by this definition will need a licence from the Authority. 'Business' has a wide meaning and is not restricted to limited companies only. Each case will be considered on its own merits.

1.2 **Ancillary sales:** A person selling scrap metal merely as surplus materials or a by-product of manufacturing articles is not regarded as a scrap metal dealer.

- 1.3 The Local Authority will determine on a **case by case basis** whether individuals or business meet this definition looking at the actual activity carried out and the purpose of the business.
- 1.4 Firms that hire out skips for collecting waste products, or to tradesmen such as plumbers or builders who sell scrap metal resulting from any work will be considered on a case by case basis as to whether a licence is needed. Advice should be sought from the Licensing Team licensing@eastriding.gov.uk on this matter, in most cases it is unlikely that a licence will be required.
- 1.5 As a general principle it is accepted by the Local Authority that :

Where the sale of the metal is incidental to the main type of work or business undertaken then a licence will not be needed.

- 1.6 Where though there is a reasonable expectation that the material deposited in the skip will contain significant amounts of scrap metal, for example skips used where there is major demolition activity or ones sited at specialist engineering manufacturing establishments and plumbers' yards, then the skip hire company will normally require a scrap metal dealers licence.
- 1.7 In considering whether a scrap metal dealers licence is needed, the Local Authority will take the following into consideration when making its decision:
- Is the applicant operating as a business?
 - Is the applicant associated with any other business that might buy or sell metal (eg subsidiaries, businesses run by the same people, companies within a group etc)?
 - Does the applicant buy scrap metal in any form as part of the business?
 - Is the purchase or sale of scrap metal an integral part of the business?
 - Is the buying or selling of metal advertised by the business, including on the internet?
 - Is any advertising of metal sales etc done separately from the main part of the business?
 - Is the metal sold as a by-product from a manufacturing process?
 - What happens to any waste metal that is collected by the business?

This list is not exhaustive and other factors may be considered.

1.8 MOTOR SALVAGE OPERATORS

- 1.8.1 The definition of a scrap metal dealer also now includes a person or company who carries on a business as a *motor salvage operator* or vehicle dismantler
- 1.8.2 This is defined in the Act as a business that:
- wholly or in part recovers salvageable parts from motor vehicles for reuse or re-sale, and then sells the rest of the vehicle for scrap
 - wholly or mainly involves buying written-off vehicles and then repairing and selling them on

- wholly or mainly buys or sells motor vehicles for the purpose of salvaging parts from them or repairing them and selling them on.

1.8.3 The Local Authority as a general principal will determine on a **case by case basis** having regard to the individual circumstances of the salvage business carried out to determine if it meets the definition of 'scrap metal dealer'.

1.9 Exemption to scrap metal dealer definition

1.9.1 The Local Authority confirms that exemptions from needing a licence will include household waste collections by the Council or their contractors that pick up metal items thrown out by households and which are to be recycled, along with municipal waste/civic amenity sites ('council tips') It is recognised in the statutory guidance that Councils have a statutory obligation to collect household waste and any resulting sales of scrap metal are *incidental* to this objective.

2. TYPES OF LICENCE

2.1 There are two types of scrap metal dealer based on two different types of licence needed:

- **dealers operating from fixed sites (scrap yards); and**
- **dealers who are mobile collectors.**

Each licence is valid for a period of three years and allows the holder to operate within the boundaries of the issuing authority.

2.2 Mobile Collectors

2.2.1 A mobile collector is defined in the legislation as:

a person who carries on business as a scrap metal dealer otherwise than at a site, and regularly engages in the course of that business in collecting waste materials and old, broken, worn out or defaced articles by means of visits from door to door

When considering whether a licence is needed for collection of metal, officers will assess whether the applicant is an individual who **regularly visits, going from door to door, street by street** or visiting local villages and towns **seeking out metal for sale or collection as part of their business** (including commercial and domestic waste metal). This will include in many cases, the traditional rag and bone dealer. Pre arranged one off collections will not normally need a licence for example ringing to arrange the collection from a domestic home of a broken washing machine.

Mobile collectors cannot operate from a licensed site without holding their own site licence and the licensed collector cannot collect from any other local authority area. Separate licences from each authority would be needed to do so. There is no restriction as to the location where the collector can transport and sell the material.

A Collector can hold more than one licence issued by different authorities but may not hold more than one licence issued by any one local authority.

2.3 Scrap metal dealers Site

A site is defined in the Act as:

‘any premises used in the course of carrying on business as a scrap metal dealer (whether or not metal is kept there)’.

- 2.4 This means that someone who trades in scrap metal and is defined by the Act as a dealer will need a site licence for their office even if they do not operate a scrap metal store or yard there. If any form of trading takes place, a licence will be required.

3. DEFINITION OF SCRAP METAL AND SECOND HAND DEALERS

- 3.1 As defined in the legislation, scrap metal includes:-

any old, waste or discarded metal or metallic material, and any product, article or assembly which is made from or contains metal and is broken, worn out or regarded by its last holder as having reached the end of its useful life.

- 3.2 The Local Authority believes this definition does not include second hand goods which are covered by separate legislation, **unless** the goods are made from or contain metal that is broken down or worn out. Discussion will initially take place with the Council’s Trading Standards Team on the main business purpose of any second hand dealers where there appears to be an overlap in terms of licensing/registration requirements.

- 3.3 Each case will be determined on its **own merits**. The definition does however include platinum and a range of other rare metals now being used in catalytic converters . Gold or silver or gold/silver alloys where 2% or more (by weight) is attributed to gold or silver are not included in the definition of scrap metal.

- 3.4 Jewellers or businesses trading in second hand gold and silver jewellery or products are not caught by this scrap metal definition but platinum is caught by the Act.

SECOND HAND GOODS

- 3.5 The Local Authority will determine this matter on a case by case basis, according to the individual circumstances and after consultation with Humberside Police, Trading Standards and the Environment Agency/National Resources of Wales (NRW) to determine what the main purpose of the business is.

- 3.6 The Local Authority considers that the issuing of a **certificate of destruction** is sufficient to indicate that a vehicle is scrap and as such the trader involved would need a licence and should not in those circumstances pay cash for the vehicle.

- 3.7 Where a certificate is not issued the Local Authority will take into consideration factors such as :
- whether the car has a valid MOT and is driveable without repair,
 - whether the dealer has facilities for repairing vehicles and a history of selling vehicles

to determine whether a business needs a scrap metal dealers licence

This list is not exhaustive and other relevant factors may be considered

4. LICENCE APPLICATIONS

- 4.1 As a general principle the local authority will only seek information, as part of its application criteria, which is **relevant** to include on the licence, if it is granted or to assist the authority in the assessment of an applicant's suitability to hold a licence.
- 4.2 When the Council is considering an application for a licence it will have regard to
- The Scrap Metal Dealers Act 2013
 - Guidance issued by the Government
 - Any supporting regulations; and
 - This licensing policy
- 4.3 Other information requested by the local authority will be necessary in order to provide it to the Environment Agency/Natural Resources Wales (NRW) for inclusion on the National Register of scrap metal dealers.
- 4.3 The application form sets out what specific information must accompany an application for a scrap metal dealer's licence. This includes:
- the full name, date of birth and usual place of residence of an individual applicant (including mobile collectors), anyone proposed as a site manager for a site, and every partner where a partnership is applying for a licence
 - the company name, registered number and registered office address where it is the applicant
 - any proposed trading name for the business
 - the telephone number and email address of the applicant.
 - where it is a site licence, the address of each proposed site to be included on the licence
 - the address of any site in another council area where the applicant already carries on business or proposes to do so
 - details of any relevant environmental permit or registration held by the applicant
 - details of any other scrap metal licences issued to the applicant within the three years before making this application
 - details of the bank account(s) to be used for financial transactions which must not be cash payments.
-where a licensee operates multiple sites different bank accounts may be used

- details of any relevant conviction or enforcement action that relates to the applicant.

4.4 The Local Authority also requires the following information to consider an application:

Site licences

- what security arrangements have been put in place to prevent the unlawful purchase, sale or theft of scrap metal
- details of the arrangements to be used to record sales, storage and purchase of scrap metal
- details of any vehicles used for collections

Mobile collectors

- details of all of the vehicles to be used for the collections
- where the vehicles are stored when not being used by the collector.

4.5 In the event that an applicant does not supply the information requested **within seven days** then the Local Authority will refuse to proceed with the application and the application will be returned to the applicant and the fee refunded.

4.6 All applications must be accompanied by a fee determined by the Local Authority. The fee is set having had regard to guidance issued by the Home Office and the EU Services Directive 2009 ensuring cost recovery of the service.

4.7 The fee for renewing a licence is payable every three years

5. RENEWAL OF LICENCE

5.1 Site and Collector's licences are granted for a period of three years and must be renewed prior to the expiry of the three year period. Dealers requiring renewal of the licence should request renewal **not less than 21 days before expiry of the licence**.

6. CHANGES IN PARTICULARS

6.1 If there are any changes in the registered particulars, the dealer must notify the Council, **within 28 days of the change**, and the Council will alter the licence. If the dealer ceases to carry on a business as a scrap metal dealer in this Area he must notify the Council, within 28 days of the cessation, so that the registered particulars can be cancelled.

7. SUITABILITY OF APPLICANTS

7.1 In order to protect the community from any unscrupulous dealers, the Local Authority will not issue a licence until it is **fully satisfied** that the applicant is a **suitable person to carry on business as a scrap metal dealer** – this is determined by the '**suitability test**'.

- 7.2 In the case of a partnership this will mean assessing the suitability of each of the partners in the partnership, which in the case of a company will mean assessing the suitability of any directors, company secretaries or shadow directors.
- 7.3 The Authority may request that an applicant provide such other information, as the Authority considers is relevant, for the purpose of considering the suitability of an applicant.
- 7.3 The Local Authority has determined that its criteria for **the ‘suitability test’** will include checking whether:
- the applicant or site manager has been convicted of a relevant offence, or subject to any relevant enforcement action. This will be obtained through a basic disclosure certificate from Disclosure Scotland (**no older than three months at the time of application**)
 -
 - the applicant has previously been refused a scrap metal dealers licence or an application to renew a licence has been refused
 - the applicant has previously been refused a relevant environmental permit or registration
 - the applicant had previously held a scrap metal dealers licence that has been revoked.
 - the applicants’ behaviour in the operation of their business has been in compliance with other legislation, such as whether they have been operating for a considerable period of time without planning permission for their site, or that they are not registered with the Information Commissioner’s Office (ICO) under the Data Protection Act 1998.
 - **This list is not exhaustive** and other convictions on the Disclosure and Barring certificate issued or other information provided to the Local Authority by Humberside Police may be considered a relevant factor to determining the suitability of the applicant or site manager on a case by case basis and reasons will be given as to why this matter makes the individual unsuitable to hold a licence.
- 7.4 The Basic Disclosure Certificate must be applied for prior to making an application and then once received, submitted with the application form to avoid delays with processing. The Basic Disclosure Certificate will remain the property of the applicant and will be returned to the applicant once a licence has been granted or refused.
- 7.5 Applicants living overseas (such as directors of multinational companies based abroad) must also apply under the Basic Disclosure process to determine whether they have any unspent convictions for relevant offences in this country.

Consultation

- 7.6 Where any relevant convictions under the Act or other convictions are disclosed then Humberside Police will be consulted by the Local Authority on

the application made and may object to the application if they believe the individual is not a suitable person to hold a licence.

- 7.7 Consideration will be given to any objection received from Humberside Police, however the local authority will determine the matter using their own judgement and discretion considering the suitability test and ensuring the applicant has the right to make representation against any decision made..
- 7.8 Suitability of the applicant is the only matter to be considered and comprehensive reasons for any decision made will be given.
- 7.9 The local authority will also check the public registers held by the Environment Agency/Natural Resources Wales (NRW) to see if any relevant enforcement action has been taken against the applicant and may, where appropriate to do so, consult with the EA or NRW. .
- 7.10 The licence holder **MUST** notify the local authority of any convictions for relevant offences to the local authority. The Authority may require further information from the applicant to assist in determining the suitability of the applicant.

8. Payment For Scrap Metal and records to be kept by Scrap Metal Dealers

- 8.1 Scrap Metal Dealers **are prohibited by law from paying for scrap metal in cash** and can only pay by
- a cheque which is not transferable- crossed cheques only payable to a named individual/company and not made out to cash.
 - an electronic transfer of funds authorised by credit or debit card or otherwise (BACS, standing orders, credit transfers, on line, phone and mobile banking. The list is not exhaustive as the electronic payments market is rapidly evolving all the time with new products.

Paying includes paying in kind by goods or services. Postal orders foreign currency, electronic vouchers, pre paid debit cards, gift cards and vouchers are not acceptable-
this list is not exhaustive.

- 8.2 Every scrap metal dealer must keep, at each place occupied by him as a licensed scrap metal site details of all scrap metal received at that place and all scrap metal either processed at or despatched from that place.
- 8.3 Details of each transaction must be recorded as part of each record. Either
- **a copy of a named cheque or**
 - **print out receipt of the electronic payment made.**
- 8.4 Two records may be kept where the scrap metal processed and or despatched from a location has not been received at the same location.

8.5 **A record of all scrap metal received, detailing:-**

- The description and weight of the scrap metal.
- The date and time of the receipt of the scrap metal.
- If the scrap metal is received from some other person, the full name and address of the person- details of ID checked and recorded.
- The price or estimated value.
- The registration number and make of any vehicle used to deliver the scrap metal.
- How payment was made – copy of electronic receipt kept or copy of cheque.

8.6 **A record of all scrap metal processed or despatched, detailing:-**

- The description and weight of the scrap metal.
- The date of processing or despatch and the process applied if any.
- If despatched on sale or exchange, the full name and address of the person to whom the scrap is sold, or with whom it is exchanged, and the consideration for which it is sold or exchanged.

8.7 It is an offence to obtain scrap metal from a person below the age of 16 years.

8.8 **Valid Forms of ID for Suppliers**

The following are acceptable forms of ID for Dealers to verify the full identity of a seller/supplier supplying metal to them:

- a valid UK passport
- a valid passport issued by the EEA state
- a valid Great Britain or Northern Ireland photocard
- a valid UK biometric immigration document

To verify a person's full name and residential address :

- a bank or building society statement
- a credit or debit card statement
- a council tax demand letter or statement or
- a utility bill, but not a mobile telephone bill

9. **COMPLIANCE AND ENFORCEMENT** **POWER OF ENTRY AND INSPECTION**

9.1 Local authorities as the principal regulator under the Act have powers to determine who should and should not be licensed by:

- refusing a licence on application,
- revoking a licence at any time if the authority is not satisfied that a dealer is a suitable person to carry on a business as a scrap metal dealer.

9.2 Authorised officers have the power of entry to licensed sites, with or without giving notice, and are able to investigate whether the premises is being used as a scrap metal site and officers must be allowed to enter and inspect the

premises and records at all reasonable times. In some circumstances a warrant of entry can be obtained.

- 9.3 Authorised licensing officers have powers to close an unlicensed site trading without a licence using a closure notice
- 9.4 The Local Authority will implement a '**stepped approach**' to compliance, inspections and enforcement in relation to scrap metal dealers seeking compliance in the first instance for low level offences or breaches in line with the licensing compliance and enforcement policy.

10. RESTRICTIONS UPON CONVICTION

- 10.1 Upon conviction for any relevant offence under the Act, or one involving fraud relating to scrap metal, the Court may impose the following restrictions upon trading:-
 - 1. No scrap metal to be received between the hours of 6.00 p.m. and 8.00 a.m.
 - 2. All scrap metal to be kept in the form in which it is received for a period of 72 hours.

11. OFFENCES

There are a number of offences relating to scrap metal dealers detailed in the legislation. These include:

- Failure to licence a scrap metal business or to notify alteration to an existing business
- Failure to notify the Local Authority that a business has ceased to trade.
- Failure to keep the prescribed records
- Buying scrap metal from a person under 16 years of age.
- Obstructing the entry of an Authorised Officer.
- making cash payments to those selling metal

- 11.1 Convictions for these offences or others detailed in the legislation will be considered by the local authority when determining the suitability of an applicant to be licensed or continue to be licensed.

12. DELEGATIONS AND HEARINGS

- 12.1 The Council's Scheme of Delegation below sets out the decision making powers in relation to the licensing of scrap metal dealers to ensure timely, efficient and effective decision making.

	Full Council	The Cabinet	Director Of Environment and Neighbourhood Services
Determination of Applications for a new or renewal site licence or collectors licence and to impose conditions where necessary			X
Refusal of an application for a site or collectors licence			X
Revocation of a licence for a Site or collectors licence			X
To serve Notice of a proposal to refuse or cancel a licence			X
Imposition of conditions			X
To vary or transfer a licence- serve Notice			X
Setting of fees			X
Policy approval- five year licensing policy.	X Via The Cabinet		X- minor changes only in consultation with the relevant Portfolio holder,

To determine the Suitability of an applicant to hold a licence			X
To carry out inspections of licensed sites and take relevant enforcement action			X
Power to apply for and issue of Closure Notice for unlicensed sites.			X
Cancellation of Closure Notice for unlicensed sites			X
Power to ask applicants for further information to assist with the determination of an application.			X

- 12.2 Where an application has been rejected or revoked or varied the applicant will be notified in writing as to what the Local Authority proposes to do and the reasons for it. If having conducted an initial assessment of an applicant's suitability the application is refused the Licensing Manager will write to the applicant to let them know.
- 12.3 A Notice of refusal/revocation/variation will be sent from the Local authority to the applicant or licensee and an opportunity will be given for the applicant or licensee to make representations within 14 days from the date on which the Notice is given
- 12.4 If a representation is not received or the applicant does not wish to in that time period, then the Local authority will refuse the application or revoke or vary the licence.
- 12.5 Where the applicant confirms that they wish to make representations the Local authority will give them a further period of **7 days** in which to do so, and only if they fail to do so will the Authority refuse the application or revoke or vary the licence.
- 12.6 Where the applicant makes representations the Local Authority has to consider them within 7 working days and if the applicant states they want to make oral representations the Local authority will provide them with the opportunity to do so by means of a Licensing Panel comprising of the Head Of Service, Legal Adviser and in consultation with the relevant Portfolio Holder

Notices of decisions

- 12.7 Where the Local authority has refused an application, revoked a licence or varied a licence it will give the applicant or licensee a Notice of that decision, which also sets out the full reasons for the decision made.
- 12.7 The Notice will also inform the applicant or licensee of their right to appeal the decision; within 21 days of the date of the decision. Where a licence has been revoked or varied, the date under which that comes into effect will be confirmed on the Notice.

Appeals

- 12.8 Appeals against any decision made by the Local Authority to refuse an application, to impose a condition on the licence or to revoke or vary the licence must be made to the local Magistrates' Court within 21 days from the day on which they were given Notice of the Decision in which to appeal to the Magistrates Courts.
- 12.9 The Magistrates' Court has the power to confirm, vary or reverse the Council's decision and issue any directions it considers appropriate having regard to the Act.

Including conditions in the licence

- 12.10 Conditions will only be imposed on a licence where either
- the applicant or any site manager has been convicted of a relevant offence, or,
 - where the Local authority is revoking a licence when a condition can be imposed, until the revocation comes into effect.
- 12.11 In considering whether to issue a licence where the applicant or a site manager has a relevant conviction, the local authority will do so on the basis that one or both of the conditions is imposed on the licence as follows :
- the dealer can only receive scrap metal between 9.00am and 5.00pm on any day, and/or
 - any scrap metal received has to be kept in the form the dealer received it for a set period of time, which cannot be more than 72 hours.

13. VARYING THE LICENCE ONCE GRANTED

- 13.1 Applications can be made to vary a licence from a site licence to a collector's licence and also to vary the licence where there are any changes in certain details stipulated by the Act
- 13.2 Applications are made to the local authority that issued the licence and has to set out the details of how the licence needs to be amended by the Local authority.
- 13.3 A variation in a site licence has to be applied for where there are
- any changes relating to the name of the licensee on the licence;

- any change in the sites from which the licensee is authorised to carry on business; and
- any change in the details of a site manager.

13.4 In the case of a collector's licence a variation has to be applied for where there is a change in the details relating to the name of the licensee only.

14. TRANSFER OF LICENCE

14.1 Anyone wanting to hold a licence to be a scrap metal dealer has to apply for their own licence, they cannot take over an existing licence, **there is no transfer facility**. This includes the situation where one business buys another business.

Failure on the part of the licensee to apply for a variation is an offence

15. GRANTED LICENCES

15.1 The licence **MUST** be prominently displayed on the Site and on the Collectors vehicle.

15.2 In the case of a **site licence**, the actual licence issued will state on it the

- name of the licensee;
- the name of the authority that issued it;
- list the sites in the authority's area where the licensee is allowed to conduct business;
- the name of any site manager at each site; and the date the licence will expire.

15.3 With a **mobile collector's licence**, the actual licence will state

- the name of the licensee;
- the name of the authority that issued it and
- the date on which it is due to expire.
- the vehicles used to transport the goods

15.4 In the case of a mobile collector the dealer **must** display a copy of the licence in their vehicle in such a way that it can be read by a person outside of the vehicle.

15.5 An East Riding of Yorkshire Council Collectors licence and vehicle plate will be issued the plate **MUST** be attached externally on the vehicle at all times, to easily identify mobile collectors as they travel from street to street to collect their waste.

16. THE NATIONAL REGISTER

16.1 The Environment Agency maintains a National Register of scrap metal licences issued in England, and Natural Resources Wales. Both registers are open to view to the public.

- 16.2 The register can be accessed through the Environment Agency/NRW website and shows the type of licence, and may also show the postcode for mobile collector's licences.
- 16.3 Home addresses of mobile collectors will help licensing authorities and the police identify mobile collectors.
- 16.4 The Local authority notifies the Environment Agency/NRW of any revocations of licences or changes/variations in the licence, this includes:
- changing the type of licence from one form to the other
 - changes in the name of the licensee(s)
 - a change in sites from which the licensee can carry on business
 - a change in the name of the site manager(s)
 - whether the business has stopped trading in that local authority area as a scrap metal dealer
 - any changes in the trading name.

17. FEES

17.1 In setting its licence fees to fully recover the cost of administering and ensuring compliance with the licensing regime, the local authority has had regard to :

- the EU Services Directive and
- Guidance issued by the Secretary of State

17.2 The fees include the cost of assessing and administering an application, consultation on the suitability test, licensing hearings, compliance with licensing conditions and any necessary enforcement action.

17.3 The costs of Appeals against decisions made are not funded through licensing fees

17.4 The fees set reflect the additional work required in processing and assessing Site licences which require a site visit before granting the licence.

17.5 The fee for applications and changes to a licence are determined by the Council, are reviewed and determined each year

17.5 Applications will normally be granted **within 14 calendar days** of receipt of a **fully completed application**.

17.6 Site licences and collector's licences are granted for a period of 3 years.

17.7 Renewal applications should be made 14 days before the expiry of the existing licence.

18. Tacit Approval

18.1 Tacit approval does not apply to this licensing regime as it is in the public interest that the authority must process your application before it can be granted.