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Tendring District Council

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AGENDA

LICENSING AND REGISTRATION COMMITTEE

DATE:	**Wednesday, 29 October 2025**
TIME:	**6.30 pm**
VENUE:	**Committee Room, Town Hall, Station Road, Clacton-on-Sea, CO15 1SE**

MEMBERSHIP:

Councillor J Henderson (Chairman)
Councillor Wiggins
Councillor Amos
Councillor Casey
Councillor A Cossens
Councillor Davidson
Councillor Davis
Councillor Skeels Jnr.
Councillor Smith
Councillor Thompson

Chief Executive
Ian Davidson

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DATE OF PUBLICATION: Tuesday, 21 October 2025

AGENDA

1 Apologies for Absence and Substitutions

The Committee is asked to note any apologies for absence and substitutions received from Members.

2 Minutes of the Last Meeting (Pages 5 - 12)

To confirm and sign as a correct record, the minutes of the meeting of the Committee, held on Monday, 20 January 2025.

3 Declarations of Interest

Councillors are invited to declare any Disclosable Pecuniary Interests, Other Registerable Interests of Non-Registerable Interests, and the nature of it, in relation to any item on the agenda.

4 Questions on Notice pursuant to Council Procedure Rule 38

Subject to providing two working days' notice, a Member of the Committee may ask the Chairman of the Committee a question on any matter in relation to which the Council has powers or duties which affect the Tendring District **and** which falls within the terms of reference of the Committee.

5 Report of the Assistant Director (Corporate Policy & Support) - A.1 - Various Licensing Provisions - Applications Approved Under Delegated Powers (Pages 13 - 16)

This report seeks to provide the Committee with data on the number of licences, certificates and permits authorised by the Council in quarter 2 of 2025/26. The majority of these have been authorised by Officers in accordance with approved schemes of delegation. Data is provided to Committee on the most recent complete quarters (April to June, July to September, October to December and January to March) together with previous quarters so as to aid comparison between quarters and years.

6 Report of the Assistant Director (Corporate Policy & Support)- A.2 - Charitable Collections Policy (Pages 17 - 34)

The report invites the Committee to consider commencing the process for the adoption of a policy concerning Charitable Collections within the District. Through the report, the Committee is invited to approve a public consultation exercise on the draft Charity Collections Policy laid out in the appendix to this report.

7 Report of the Assistant Director (Corporate Policy & Support) - A.3 - Scrap Metal Policy (Pages 35 - 48)

The report invites the Committee to consider commencing the process for the adoption of a policy concerning Scrap Metal Licensing within the District. Through the report, the Committee is invited to approve a public consultation exercise on the draft Scrap Metal Policy laid out in the appendix to this report.

Date of the Next Scheduled Meeting

The next scheduled meeting of the Licensing and Registration Committee is to be held in the Town Hall, Station Road, Clacton-on-Sea, CO15 1SE at 6.30 pm on Wednesday, 21 January 2026.

Information for Visitors

FIRE EVACUATION PROCEDURE

There is no alarm test scheduled for this meeting. In the event of an alarm sounding, please calmly make your way out of any of the fire exits in the hall and follow the exit signs out of the building.

Please heed the instructions given by any member of staff and they will assist you in leaving the building and direct you to the assembly point.

Please do not re-enter the building until you are advised it is safe to do so by the relevant member of staff.

Your calmness and assistance is greatly appreciated.

**MINUTES OF THE MEETING OF THE LICENSING AND REGISTRATION COMMITTEE,
HELD ON MONDAY, 20TH JANUARY, 2025 AT 6.30 PM
IN THE COMMITTEE ROOM, AT THE TOWN HALL, STATION ROAD, CLACTON-ON-SEA, CO15 1SE**

Present:	Councillors J Henderson (Chairman), Wiggins (Vice-Chairman), Bray, Casey, Codling, A Cossens, Davidson, Skeels Jnr. and Smith (except items 35 and 36)
In Attendance:	Keith Simmons (Head of Democratic Services and Elections & Deputy Monitoring Officer), Ian Ford (Committee Services Manager), Michael Cook (Licensing Manager), Grant Fenton-Jones (Environmental Health Manager) (except items 37 - 42), Bethany Jones (Committee Services Officer), Alfie Smith (Licensing Enforcement Officer) and Katie Koppenaal (Committee Services Officer)

29. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

An apology for absence was submitted on behalf of Councillor Thompson (with no substitute).

30. MINUTES OF THE LAST MEETING

It was moved by Councillor Casey, seconded by Councillor A Cossens and:-

RESOLVED that the minutes of the previous meeting of the Committee, held on Wednesday, 2 October 2024 be approved as a correct record and be signed by the Chairman.

31. DECLARATIONS OF INTEREST

Councillor Smith declared for the public record that he was a London Taxi driver but that he had no ties in that capacity to the District of Tendring.

Councillor Smith also declared an interest in relations to agenda items 7 and 8 (report A.1 - Operations & Delivery / Housing & Environment - Proposed Fees and Charges for Animal Licensing & Beauty Treatment Licensing 2025/26 and report A.2 - Housing & Environment - Caravan Site Licensing - Proposed Fees and Charges for 2025/26) insofar as they both related to the Environment portfolio for which he was the Portfolio Holder for the Environment and ICT. Councillor Smith informed the Committee that he would withdraw from the meeting at the appropriate time.

32. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

On this occasion no Councillor had submitted notice of a question pursuant to Council Procedure Rule 38.

33. MISCELLANEOUS LICENSING SUB-COMMITTEE

It was moved by Councillor A Cossens, seconded by Councillor Smith and:-

RESOLVED that the Committee formally received and noted, for its information only, the Minutes of the meeting of the Miscellaneous Licensing Sub-Committee held on Friday, 27 September 2024.

34. PREMISES/PERSONAL LICENCES SUB-COMMITTEE

It was moved by Councillor Smith, seconded by Councillor A Cossens and:-

RESOLVED that the Committee formally received and noted, for its information only, the Minutes of the meetings of the Premises/Personal Licences Sub-Committee held on Friday 27 September and Monday 25 November 2024.

35. REPORT OF THE ASSISTANT DIRECTOR (HOUSING AND ENVIRONMENT) - A.1 - OPERATIONS & DELIVERY / HOUSING & ENVIRONMENT - PROPOSED FEES AND CHARGES FOR ANIMAL LICENSING & BEAUTY TREATMENT LICENSING 2025/26

Councillor Smith, in his capacity as the Council's Portfolio Holder for the Environment & ICT, declared an Interest in this item as the contents of the report A.1 concerned matters related to the Environment portfolio. Councillor Smith thereupon withdrew to the public gallery whilst this matter was deliberated and decided upon by the Committee.

The Committee considered a report of the Assistant Director (Housing and Environment) (A.1) that sought its approval of the proposed schedule of fees and charges 2025/26 for Operations & Delivery / Housing & Environment – Animal Licensing & Beauty Treatment Licensing.

That report also submitted to the Committee details of the current licensing fees and charges for the issuing and renewal of licenses issued by the Environmental Health service, that were non-executive functions, and which sought Members' approval for the proposed fees and charges for the new financial year to take effect from 1 April 2025 (or as soon as possible thereafter taking account of legislative requirements).

It was reported that similarly to previous years, Departments had been asked to review their fees and charges on an individual basis as changes might need to be made to meet specific aims or strategic objectives or in some cases in response to external factors such as market forces.

That review of fees and charges had been set against the following key principles:

- *general inflationary increases where possible or lower where appropriate / justified;*
- *amounts rounded for ease of application, which may result in a slightly above inflation increase;*
- *on a cost recovery basis as necessary;*
- *reflect statutory requirement;*
- *increases where market conditions allowed; and*
- *to meet specific priorities or service delivery aims / objectives.*

The Committee was aware that the Council continued to face several significant financial challenges in 2025/26 and beyond. It was therefore important that fees and charges were considered against this context and maximised income opportunities where possible, albeit whilst balancing the various issues highlighted above.

Generally, overall, Officers had applied a 2.3% inflationary increase to the fees and charges, as most of the fees related to commercial activities and not the delivery of direct services to individuals. This increase reflected the estimated 2.3% published CPI figure for April 2025.

It was moved by Councillor Bray, seconded by Councillor Davidson and:-

RESOLVED that the Schedule of Fees and Charges 2025/26 for Operations & Delivery / Housing & Environment, as set out in Appendix A to report A.1, be agreed as follows namely that:-

1) the current fees and charges in place since April 2024, as set out in column A of Appendix A, be noted;

2) the proposed fees and charges for 2025/26, as set out in column B of Appendix A, be approved with effect from 1 April 2025; and

3) the Assistant Director (Housing & Environment) be authorised to publish the Animal Licensing and Beauty Treatment Licensing fees in accordance with the relevant legislative provisions.

36. REPORT OF THE ASSISTANT DIRECTOR (HOUSING AND ENVIRONMENT) - A.2 - HOUSING & ENVIRONMENT - CARAVAN SITE LICENSING - PROPOSED FEES AND CHARGES FOR 2025/26

Councillor Smith, in his capacity as the Council's Portfolio Holder for the Environment & ICT, declared an Interest in this item as the contents of the report A.2 concerned matters related to the Environment portfolio. Councillor Smith thereupon withdrew to the public gallery whilst this matter was deliberated and decided upon by the Committee.

The Committee considered a report of the Assistant Director (Housing and Environment) (A.2) which sought its approval to the proposed schedule of fees and charges 2025/26 for Housing & Environment – Caravan Site Licensing.

That report provided Committee with the details of the proposed licensing fees and charges for the new financial year beginning April 2025, regarding Residential Park Homes. Members were reminded that the Mobile Homes Act 2013 had amended Section 3(3) of the Caravan Sites and Control of Development Act 1960 and had empowered Local Authorities to charge when issuing licences in respect of 'relevant protected sites' and to charge fees for the provision of other associated licensing functions.

It was reported that, similarly to previous years, Departments had been asked to review their fees and charges on an individual basis as changes might need to be made to meet specific aims or strategic objectives or in some cases in response to external factors such as market forces.

That review of fees and charges has been set against the following key principles:

- *general inflationary increases where possible or lower where appropriate / justified;*
- *amounts rounded for ease of application, which may result in a slightly above inflation increase;*

- *on a cost recovery basis as necessary;*
- *reflect statutory requirements;*
- *increases where market conditions allowed;*
- *to meet specific priorities or service delivery aims / objectives;*

The Council continued to face a number of significant financial challenges in 2025/26 and beyond. It was therefore important that fees and charges were considered against this context and to maximise income opportunities where possible, albeit whilst balancing the various issues highlighted above.

Generally, overall, Officers had applied a 2.3% inflationary increase to the fees and charges, as most of the fees related to commercial activities and not the delivery of direct services to individuals. This increase reflected the estimated 2.3% published CPI figure for April 2025.

Where possible, the Housing & Environment service aimed to recover all reasonable costs. In several areas, statute dictated whether a fee could be charged and the level of any charge.

When setting the fees and charges for the new financial year, the responsible officer referred to the Fee Policy and the framework for setting the appropriate level of fee and charges. They carefully monitored the licensing fee income through the financial year, which could fluctuate depending on whether new applications were made and whether amendments were needed due to a change of ownership or a transfer of the licence. The income from the “Fit and Proper Person” applications was renewed every five years and a fee was only chargeable at that time. Therefore, if at any time, it was considered there would be a short fall between income and expenditure the fees could be reconsidered and increased, subject to notice and consultation, and implemented in the next financial year.

Members were reminded that Local Authorities were not allowed to make a profit from fees and charges associated with licensing of Residential Mobile Homes (Protected Sites) and must reduce fees if it was found that a surplus of funds had been amassed. This was monitored and was unlikely to happen as fees and charges were set in accordance with the Fees Policy Framework which was time specific and based on the hourly rate of the responsible officer, whilst any increase was calculated in accordance with the annual CPI and inflation each year.

It was moved by Councillor Davidson, seconded by Councillor Casey and:-

RESOLVED that the Schedule of Fees and Charges for 2025/26 for Housing & Environment – Licensing of Residential Mobile Homes, as set out in Appendix A, be agreed, insofar as:-

1) the proposed fees and charges for 2025/26, as set out in column B of Appendix A, be approved with effect from 1 April 2025; and

2) the Assistant Director for Housing & Environment be authorised to publish The Mobile Homes (Residential Protected Sites) fees and charges in accordance with the relevant legislative provisions.

37. REPORT OF THE DIRECTOR (GOVERNANCE) - A.3 - VARIOUS LICENSING PROVISIONS - APPLICATIONS APPROVED UNDER DELEGATED POWERS

The Committee was provided with data on the number of licences, certificates and permits processed by the Council in quarter 3 2024/25 (October to December 2024) in relation to functions related to the Licensing Act 2003, the Gambling Act 2005 and to hackney carriage and private hire driver and vehicle licensing.

That data was provided both within the Officer report (A.3) and via a presentation given at the meeting by the Licensing Manager.

Members were made aware that the licensing service had also started sending out a "How did we do?" survey to all licence holders upon issuing the licence and any feedback received was being reviewed. To date seven survey returns had been received. The contents of the survey had been based on the Best Value User Satisfaction Surveys which provided a national standard for the quality of the questions.

It was moved by Councillor Bray, seconded by Councillor A Cossens and:-

RESOLVED that the contents of the report (A.3) be noted.

38. REPORT OF THE DIRECTOR (GOVERNANCE) - A.4 - LICENSING ENFORCEMENT SCHEDULE OF ROUTINE LICENSING INSPECTIONS FOR 2025

The Committee considered a report of the Director (Governance) (A.4) which updated it on the Schedule of Inspections carried out in 2023 and 2024 and which invited the Committee to consider the arrangements for routine inspections of licences, permits, consents etc within the scope of the Committee's work. The Committee was asked to consider approving an initial Schedule for Inspections to be undertaken in 2025.

Members were aware that the Committee had, within its remit, a range of licences, permits, consents etc and it was appropriate that the Committee indicated to Officers the extent to which time and resource was applied to different licences etc on a routine basis to monitor, encourage and enforce compliance with the legislative requirements and Council policies for those respective licences. The schedule set out at Appendix A represented a draft schedule in relation to 2025 with an overview of the last two years set out in Appendix B.

It was reported that, in addition to the activity identified in the schedule at Appendix A Officers also routinely checked publicly available information in local publications and the internet for evidence to inform pro-active compliance activity. Officers also received information from a variety of other sources that assisted intelligence for the Council's licensing function. The action taken would depend upon the nature of the information and the extent to which it identified non-compliance/offences and offenders and the risk of harm to the public and consumers. Some of this information could be through complaints about the activities of individuals/organisations that were undertaking unauthorised licensable activity or activity that was contrary to the basis on which a licence was held. Such pro-active and responsive compliance activity would constitute the majority of the time resource available within the team concerned.

It was moved by Councillor Codling, seconded by Councillor Bray and:-

RESOLVED that the Committee –

(a) notes the inspections carried out in 2023/24, as set out in Appendix B;

(b) having considered the need and frequency for routine inspections with a view to achieving compliance with licensing requirements within the remit of this Committee, formally endorses the schedule of such inspections as set out at Appendix A to this report (A.4); and

(c) notes that the Licensing Manager will make arrangements, within the available resource, to implement the endorsed routine inspection arrangements in 2025 and report on progress to this Committee in time for it to inform consideration of a revised schedule for 2026.

39. REPORT OF THE DIRECTOR (GOVERNANCE) - A.5 - PROPOSED LICENSING FEES AND CHARGES FOR 2025/26

The Committee considered a report of the Director (Governance) (A.5) that sought its approval to a schedule of fees and charges 2025/26 for licensing applications etc within the responsibility of the Democratic Services and Elections, Governance – Licensing Section. The current fees and charges and proposals for fees and charges in 2025/26 were set out at Appendix A to the report.

That Appendix set out those licensing fees where the Council had discretion over the level of fee, those where the Council must charge a nationally prescribed fee and those where the chargeable fee was subject to a nationally prescribed maximum.

Members were reminded that the Council needed to demonstrate that the fees it charged for such licences had been set in accordance with the law and best practice, to recover its allowable costs in administering the various licensing regimes for which it is responsible. Fees should be set to avoid either a surplus or a subsidy where possible and adjusted, if necessary, in succeeding years to achieve and maintain the correct balance.

It was moved by Councillor Casey, seconded by Councillor Davidson and:-

RESOLVED that -

3) the proposed licensing fees and charges, as set out in Appendix A, be approved with effect from 1 April 2025 (Note: this resolution only applies to those fees and charges where the Council has the discretion to determine the said fee);

4) the Licensing Manager be authorised to publish the Hackney Carriage and Private Hire Licensing fees in accordance with the relevant legislative provisions (should any changes be applicable to advertise); and

5) that, further to 2) above, the Head of Democratic Services and Elections, be authorised to consider any objections received and to determine the final fees payable in consultation with the Chairman of this Committee.

40. DATE OF THE NEXT MEETING OF THE COMMITTEE

It was **RESOLVED** that the next meeting of the Committee would be held on Wednesday 7 May 2025, commencing at 6.30 p.m.

41. EXCLUSION OF PRESS & PUBLIC

It was moved by Councillor Wiggins, seconded by Councillor Bray and:-

RESOLVED that under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of Agenda Item 14 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A, as amended, of the Act.

42. EXEMPT MINUTES - MISCELLANEOUS LICENSING SUB-COMMITTEE

It was moved by Councillor Smith, seconded by Councillor Casey and:-

RESOLVED that the exempt minutes of the meeting of the Miscellaneous Licensing Sub-Committee held on Friday, 27 September 2024 be formally received and noted.

The meeting was declared closed at 7.18 pm

Chairman

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LICENSING AND REGISTRATION COMMITTEE

29 OCTOBER 2025

REPORT OF THE ASSISTANT DIRECTOR – CORPORATE POLICY & SUPPORT

A.1. VARIOUS LICENSING PROVISIONS - APPLICATIONS APPROVED UNDER DELEGATED POWERS
(Report prepared by Michael Cook)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

This report seeks to provide the Committee with data on the number of licences, certificates and permits authorised by the Council in quarter 2 of 2025/26. The majority of these have been authorised by Officers in accordance with approved schemes of delegation. Data is provided to Committee on the most recent complete quarters (April to June, July to September, October to December and January to March) together with previous quarters so as to aid comparison between quarters and years.

EXECUTIVE SUMMARY

The details of the licences, certificates and permits granted are set out under the separate headings below:

(i) Premises Licences/Club Premises Certificates

The total of Premises Licences / Club Premises Certificates that have been approved under Delegated Powers during the quarter periods. For comparison, the following also shows the numbers approved for the periods shown:

Type of Licence	Number of Licences as at			
	Oct to Dec 2024 (Q3 2024/25)	Jan to March 2025 (Q4 2024/25)	Apr to Jun 2025 (Q1 2025/26)	Jul to Sept 2025 (Q2 2025/26)
Premises Licences/Club Premises Certificates - Approved	16	17	14	13

(ii) **Personal Licences under the Licensing Act 2003**

The total of Personal Licences approved under Delegated Powers since 7 February 2005, the 'First Appointed Day' on the dates shown were.

Type of Licence	Number of Licences as at			
	Oct to Dec 2024 (Q3 2024/25)	Jan to March 2025 (Q4 2024/25)	Apr to Jun 2025 (Q1 2025/26)	Jul to Sept 2025 (Q2 2025/26)
Personal Licences	2503	2523	2541	2548

(iii) **Gambling Licences/Permits**

Below is a table showing the number of gambling licences and permits that were licensed with this Authority on the dates shown.

Type of Licence	Number of Licences as at			
	Oct to Dec 2024 (Q3 2024/25)	Jan to March 2025 (Q4 2024/25)	Apr to Jun 2025 (Q1 2025/26)	Jul to Sept 2025 (Q2 2025/26)
Adult Gaming Centres	16	16	14	15
Betting Premises	11	11	10	10
Bingo Premises	15	14	14	13
Family Entertainment Centres	0	0	0	0
Unlicensed Family Entertainment Centres	26	25	18	18
Prize Gaming Permits	1	1	1	1
Club Gaming & Club Machine Permits	20	20	20	20
Licensed Premises Gaming Machine Permits	20	20	20	19
Licensed Premises Machine Notifications	122	122	122	120
Small Society Lottery Permits	118	118	121	122

(iv) **Hackney Carriage/Private Hire Licence**

Below is a table showing the number of drivers, vehicles and operators that were licensed with this Authority on the dates shown.

Type of Licence	Number of Licences as at			
	Oct to Dec 2024 (Q3 2024/25)	Jan to March 2025 (Q4 2024/25)	Apr to Jun 2025 (Q1 2025/26)	Jul to Sept 2025 (Q2 2025/26)
Hackney Carriage Driver	279	276	279	279
Private Hire Driver	6	6	7	7
Hackney Carriage Vehicle	191	193	192	187
Private Hire Vehicle	28	29	31	30
Private Hire Operator	11	11	11	10
Temporary Insurance Vehicles	1	3	4	3

Although the numbers of driver applications processed is broadly the same now has been the case over the last year, there has been a drop in the number of existing licenced drivers renewing (and a comparative increase in new individuals becoming licensed.

The licensing service also sends out a “How did we do?” survey to all licence holders upon issuing the licence and any feedback received is being reviewed.

RECOMMENDATION

That the Committee notes the information set out in this report.

APPENDIX
None

REPORT CONTACT OFFICER(S) *Include here the Name, Job Title and Email/Telephone details of the person(s) who wrote the report and who can answer questions on the content.*	
Name	**Michael Cook**
Job Title	**Licensing Manager**
Email/Telephone	**licensingsection@tendringdc.gov.uk** **01255 686565**

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LICENSING AND REGISTRATION COMMITTEE

29 OCTOBER 2025

REPORT OF THE ASSISTANT DIRECTOR – CORPORATE POLICY & SUPPORT

A.2. CHARITABLE COLLECTIONS POLICY –CONSULTATION ON A DRAFT
(report prepared by Michael Cook & Keith Simmons)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

The report invites the Committee to consider commencing the process for the adoption of a policy concerning Charitable Collections within the District. Through the report, the Committee is invited to approve a public consultation exercise on the draft Charity Collections Policy laid out in the appendix to this report.

EXECUTIVE SUMMARY

Tendring District Council is the Licensing Authority for Charitable Street Collections under Section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916 and the Charitable House to House Collections under the House to House Collections Act 1939.

This report seeks approval from the Committee to consult on a possible new Charitable Collections Policy for the District.

Following consultation, a further report will be presented to the Committee with the results of the consultation and seeking approval for a recommendation to the Cabinet for adoption of such a Policy.

RECOMMENDATION(S)

It is recommended that the Committee:

(1) Endorses the intention for the Council to adopt a policy for charitable collections in the District; and
(2) approves the draft Charitable Collections Policy set out in the appendix to this report for public consultation.

REASON(S) FOR THE RECOMMENDATION(S)

The Council does not currently have a codified policy for charitable collections in the District. The establishment of such a policy will assist all concerned by providing a policy reference document in respect of those charitable collections. Prior to adoption of a Policy, ultimately by Cabinet, consultation would be a legitimate expectation for those who hold permits or are otherwise engaged in charitable collections on the street or by going house to house. Through this consultation the views of interested parties on the content of a proposed policy can be obtained and these views can assist the Council to finalise such a policy prior to any adoption.

ALTERNATIVE OPTIONS CONSIDERED

There is no requirement to have a Charitable Collections Policy; however, it is good practice for the Council, as a licensing authority, to have a policy, which provides the framework for consistent decision-making.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The adoption of a policy in this area of licensing is intended to support the following themes from the Council's Corporate Plan 2024-28:

- Pride in our area and services to residents
- Working with Partners to improve quality of life

LEGAL REQUIREMENTS (including legislation & constitutional powers)

Street collections are governed by the Police, Factories, etc (Miscellaneous Provisions) Act 1916. This Act allows the Council to make regulations with respect to the places where and the conditions under which collections may be permitted. The Council has made regulations, which require the promoter to obtain a permit from the Council before the collection can take place.

House to House collections are regulated by the House to House Collections Act 1939. This Act requires the promoter to obtain a licence from the Council before a collection can be carried out. The Council must grant a licence on application unless one of the grounds set out in the Act for refusing the licence apply. In addition to the local regulation of house to house collections, there is a National Exemption Order (NEO) scheme. Holders of an NEO authorisation are exempted under section 3 (1) of the House to House Collections Act 1939 from having to apply for individual collection licenses from local authorities. This exemption allows organizations to conduct house-to-house collections without the need to apply separately to each local licensing authority, thereby reducing administrative burdens and costs. From the Government's website, there are currently 36 such NEO authorisations.

FINANCE AND OTHER RESOURCE IMPLICATIONS

The Council cannot make a charge for the issue of either a Street Collection permit or House to House Collection licence. As such, the cost of administering the scheme cannot be recovered.

The financial implications associated with the recommendation of carrying out a public consultation on the draft Charity Collection Policy can be financed from existing resources.

USE OF RESOURCES AND VALUE FOR MONEY

A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;	A policy approach will support financial sustainability in this licensing area.
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	The adoption of a policy by the Council ensures there is a clear governance framework for discretion exercised by officers on behalf of the Council.
C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.	Through codifying the Council's approach to this licensing area it should ensure consistency and thereby demonstrate secure economic, efficient and effective delivery of services.

MILESTONES AND DELIVERY

The submission of this report itself marks a significant milestone in the adoption of a policy. The intended consultation and submission of the outcome of the consultation to the Committee will mark further milestones in this process.

ASSOCIATED RISKS AND MITIGATION

The principal risks this policy seeks to address to those around supporting good decision making in respect of charitable collection matters.

OUTCOME OF CONSULTATION AND ENGAGEMENT

Consultation is critical to ensure that a new Charitable Collection Policy is clear and transparent for charities, responsible authorities and the public.

If the Committee approved the draft policy, we will consult with interested consultees by email, publicising the draft policy on the Council's website and use social media to inform the public of the consultation and direct them to the website.

We will analyse any comments received, prepare any changes considered appropriate to the policy and return to the Committee for approval and adoption.

EQUALITIES

In preparing this report, due consideration has been given to the Council's statutory Equality Duty to eliminate unlawful discrimination, advance equality of opportunity and foster good relations, as set out in Section 149(1) of the Equality Act 2010.

The Licensing Authority will have due regard to the public sector equality duty under the Equality Act 2010. Under this duty, the Authority (in the exercise of its functions) must have due regard to the need to:

- eliminate any form of unlawful discrimination (including direct or indirect discrimination, harassment, victimisation, and any other conduct prohibited under the Act);
- advance equality of opportunity between people who share a relevant characteristic and people who do not;
- foster good relations between people who share a protected characteristic and people who do not.

SOCIAL VALUE CONSIDERATIONS

None for this report.

IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2030

There are no environmental implications arising directly from the content of this report.

OTHER RELEVANT IMPLICATIONS

Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.

Crime and Disorder	The Council has a duty under Section 17 of the Crime and Disorder Act 1998 to do all that it reasonably can to prevent crime and disorder in its area.
Health Inequalities	There are no direct implications arising from the proposals set out in this report.
Area or Ward affected	All

PART 3 – SUPPORTING INFORMATION

BACKGROUND

Charitable collections generally take place in one of two ways, either:

- A collection of donations in the street, or
- A collection of donations at a person's property.

Charitable street collections are regulated by the Police, Factories, etc. (Miscellaneous Provisions) Act 1916 and house to house collections are regulated by the House to House Collections Act 1939. The Council is the licensing authority for the purposes of administering charitable collections taking place in the District. Charities must obtain either a permit under the 1916 Act or a licence under the 1939 Act from the Council before a charitable collection takes place.

Whilst the exact requirements will differ depending on the relevant legislation, the principles of both regimes are the same, in that the collection must be for a charitable purpose. The Council also limits the numbers of street collections taking place. This is to ensure that the public are not inundated by request for donations, and to ensure that charities receive a reasonable opportunity to raise funds

Currently, there is no policy concerning Charitable Collections, with decisions on applications based upon historical previous decisions and practices.

In order to provide applicants with guidance and a framework for consistent decision-making, a policy covering charitable collections has been drafted.

The objectives of the draft charity collection policy are to ensure that:

- Charity collections are treated in a fair and consistent way and are well run and regulated
- each application is considered on its merits
- the public is not exposed to an excessive number of street collections
- relevant objectives of the Council's Corporate Business Plan are supported
- that the obligations of the Council's Public Sector Equality duty under the Equality Act 2010, section 149 are fulfilled by eliminating discrimination, harassment, victimisation and other conducted prohibited by the Act, advancing equality of opportunity and fostering good relations between persons who share and those who do not share protected characteristics.
- collections are for the public benefit and in line with a charitable purpose as defined by the Charities Act 2011.

The activities of direct debit mandate collectors on the street (known as "chuggers") are not regulated by law. However it is the view of the Licensing Authority that direct debits and chuggers can be classed as giving 'giving of money' and therefore suggest that direct debit collections would fall under the remit of the act and that they should be licensed.

The Council is entitled to refuse an application for a house to house collection if the percentage of proceeds donated to a charitable cause, after paying expenses, is insufficient. It is recommended that a minimum of 80% of the value of the proceeds of a collection should be donated to the charitable cause.

PREVIOUS RELEVANT DECISIONS TAKEN BY COUNCIL/CABINET/COMMITTEE ETC.
Not Applicable

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL
None

APPENDICES
Appendix A – Proposed Charitable Collections Policy Appendix B – Current Regulations

REPORT CONTACT OFFICER(S)

Include here the Name, Job Title and Email/Telephone details of the person(s) who wrote the report and who can answer questions on the content.

Name	**Michael Cook** **Keith Simmons**
Job Title	**Licensing Manager** **Assistant Director – Corporate Policy and Support**
Email/Telephone	**licensingsection@tendringdc.gov.uk** **01255 686565**

Tendring District Council

CHARITABLE COLLECTIONS POLICY

Adopted on XXXX
Tendring District Council: www.tendringdc.gov.uk

1. INTRODUCTION AND GUIDE TO THE POLICY

1.1 Tendring District Council, as the Licensing Authority, regulates charitable collections both in the street and house to house. The policy ensures that the process of application and determination is open and transparent for all parties involved and makes clear to all parties their role and responsibilities.

1.2 The aims of the policy are to:

- Safeguard the interests of public doners and beneficiaries
- Facilitate well organised collections by bona fide charitable organisations and to ensure that good standards are met
- Prevent unlicensed collections from taking place
- Ensure that collectors are properly authorised
- Ensure that the proceeds of the collection are properly accounted for
- Ensure that the Licensing Authority receives, within the prescribed Statutory timescales, a statement of the sums received during the collection

1.3 To achieve the policy aims, the Licensing Authority will:

- Ensure fairness and impartiality in determining applications
- Accommodate, where possible, all eligible requests, bearing in mind some dates and locations are especially sought after
- Provide equal opportunity for collectors
- Avoid causing a nuisance to the public
- Set fair maximum limits to each applicant
- To achieve a fair balance between national and local charities

1.4 The Council will share with other enforcement bodies information supplied by applicants, or acquired in the course of exercising licensing functions, where it is lawful to do so. In particular, personal information will only be disclosed in accordance with the Data Protection Act 1998. This may include requests from the Audit Commission or other regulatory agencies where this is necessary for the detection or prevention of crime or required by law or in connection with legal proceedings.

2 STREET COLLECTIONS

2.1 Street Collections are covered by regulations made under the Police, Factories, etc (Miscellaneous Provisions) Act 1916 as amended by section 251, schedule 29 of the Local Government Act 1972. Anyone wishing to collect money on a street or public place as defined in the Act must obtain a permit from the Council.

2.2 A street collection is defined as a collection of monies that takes place on “street”. This includes any highway and any public bridge, road, lane, footway, square, court, alley, or passage, whether a thoroughfare or not.

2.3 For those wishing to collect on private property i.e. within a store/supermarket etc. a permit is not required by the local authority. Permission should be sought from the landowner/store proprietor before commencement of a collection.

2.4 Where a charitable collection takes place outside a premises, on a premises frontage or in a car park, even if the outside area is in private ownership, a street collection permit would be required together with the consent of the store manager/landowner.

2.5 Permit holders are not restricted to the collection of money only, as the permit also covers the sale of charitable items in a public place which is exempt from the requirement of a street traders licence under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.

2.6 Moving collections such as carnival processions and other similar events involving the collection of donations from the public along a route will require a street collection permit.

A.1 – APPENDIX A

3 STREET COLLECTIONS – APPLICATIONS

3.1 An application for a street collection permit must be made on the Council's prescribed form.
3.2 Charitable organisations will be limited to a maximum of 3 weeks (or 21 days) in a calendar year.
3.3 Applications for a street collection permit will be considered and dealt with on "first come, first serve" case by case basis.
3.4 An application must be made no less than one calendar month and no more than three calendar months before the proposed collection date. We will not accept applications submitted outside this time unless there are exceptional circumstances.
3.5 Where the proposed collection is to sell charitable items in Clacton Town Centre using a stall or table, permission must also be sort from the relevant department of the Council. For further information please refer to https://www.tendringdc.gov.uk/content/do-you-want-to-hold-an-event-on-our-land-including-clactons-town-square
3.6 We will not issue a permit to any organisation or body if a return has not been received in relation to any permit granted in any previous year.
3.7 We will not issue a permit for a location where it may give rise to obstruction. Any person or item positioned and causing an obstruction will be relocated
3.8 Collections must not begin before 9am Monday to Saturday or 10am on Sundays and bank holidays or continue after 7pm on any day, unless there are exceptional circumstances agreed with the Licensing Authority.
3.9 Only one street collection permit will be issued in that area at any time, however exceptional circumstances could apply.
3.10 There is no charge for the issue of a permit for a street collection.
3.11 If a collection is cancelled by the organisation and a collection licence/permit has been issued, the licence must be returned to the Council at least 7 days prior to when the collection is due to take place. Failure to do so will result in future applications being refused.

4 PROCEEDS STATEMENT FORM

4.1 Within one month after the date of any collection, the person, society, committee, or other body of persons responsible for the collection shall forward to Tendring District Council Licensing Authority, a statement in the form set out in the Schedule to the Regulations, unless there are multiple collections in the same month, in which case the return must be submitted to the Licensing Authority within one month of the final collection.
4.2 Where a statement of return has been "NIL" or there has been a failure to return the statement to the Council within the statutory period, subsequent applications will be refused.

5 COLLECTORS BEHAVIOURS

5.1 During fundraising, avoid actions that may startle or distress the public, act dishonestly, manipulate donors, or damage the organisation's reputation. This includes behaviours like smoking or drinking alcohol while wearing charity-branded clothing, using illegal drugs, being lewd or aggressive, pressuring donations, exploiting one's position, or any behaviour harming the organisation's reputation. Enforcement action may be taken should this be seen.
5.2 Do not cause obstruction, congestion, or nuisance to the public, and do not block pathways.
5.3 Do not mislead the public by suggesting conversations are not about fundraising
5.4 Avoid approaching seated individuals or those in unrelated queues unless authorised by private site agreements.
5.5 Refrain from approaching individuals engaged in official duties or working.
5.6 Do not interfere with or disrespect staff from local businesses.
5.7 You must not position yourself within three meters of:

- a shop entrance;
- a pedestrian crossing;
- a cashpoint machine;

- a station entrance;

5.8 Where a collection box is being carried it must not be shaken

5.9 All collecting boxes, receptacles or trays must prominently display the name of the charity/fund for which they are collecting for.

5.10 No payment or reward shall be made or given to any collector or vendor directly or indirectly, or to any person connected with the promotion or conduct of a collection, 100% of the monies collected must be given to the society/charity for which the collection was obtained. If any personal profit is made, this becomes Street Trading.

5.11 Collectors who are also members of the Public Fundraising Regulatory Association (PFRA) must adhere to the Activity Code of Fundraising Practice on face-to-face fundraising. Failure to comply could result in the refusal of further permits issued by Tendring District Council.

6 HOUSE TO HOUSE COLLECTIONS

6.1 House to House Collections require to be licensed by the Council under the House to House Collections Act 1939. The Act only covers Charitable Collections and not companies collecting for profit. Companies collecting for profit should identify that they are not charitable on their bags and leaflets.

6.2 House to house collections are defined as “an appeal to the public, made by means of visits from house to house, to give, whether for consideration or not, money or other property”. They include, therefore, collections of money including direct debits, or any other items that may be sold for money, where the proceeds are given to any charitable, benevolent or philanthropic purpose (for example, charity clothing collection bags).

6.3 It is an offence for any person to promote or make collections from door to door or between licensed premises without the promoter first obtaining a licence from the Council. Anyone acting as a collector where there is not a licensed promoter also commits a criminal offence. Offences are punishable by penalties ranging from a fine of up to £200 or in some cases up to six months imprisonment and a fine of up to £1,000.

6.4 The only exemption to the requirement to hold a licence are for those charities that hold a National Exemption Order. These Orders are issued direct to the organisation by the Cabinet Office and a list can be found in the Cabinet's guidance for the National Exemption Order Scheme. The exemption allows an organisation to collect in an area without applying for a licence, but it must inform the Council of the dates and areas of any planned collections.

7 HOUSE TO HOUSE COLLECTIONS – APPLICATIONS

7.1 An application to carry out a house to house collection may be made for the entire District, part of the District or for any of the towns or villages that fall within the District boundaries.

7.2 Applications must be made on the Council’s prescribed application form.

7.3 An application must be made no less than one calendar month and no more than three calendar months before the proposed collection date. We will not accept applications submitted outside this time unless there are exceptional circumstances.

7.4 Charitable organisations will be limited to a maximum of 3 weeks (or 21 days) in a calendar year.

7.5 Applications for a house to house collection permit will be considered and dealt with on “first come, first serve” case by case basis.

7.6 Only one house to house collection for a money collection and direct debits and one for other items will be permitted in each location per day with the following exceptions:

- Where collections dates of charities holding an Exemption Order overlaps with a collection date granted by the Council to non Exemption Order holders
- For small scale collections in a very limited area
- For organised one day charitable events
- During the pre-Christmas period, such as for the Santa Truck

7.7 No collection shall take place outside the hours of 9am and 7pm and doors should not be knocked at properties that display a sticker or sign which prohibits cold calling.

7.8 The licensing authority reserves the right to make more detailed enquiries about all applications in certain circumstances. This could include consulting with the Police.

7.9 There is no charge for the issue of a permit for a house to house collection.

PROCEEDS STATEMENT FORM

7.10 Within one month after the date of any collection, the person, society, committee, or other body of persons responsible for the collection shall forward to Tendring District Council Licensing Authority, a statement in the form set out in the Schedule to the Regulations, unless there are multiple collections in the same month, in which case the return must be submitted to the Licensing Authority within one month of the final collection.

7.11 Where a statement of return has been "NIL" or there has been a failure to return the statement to the Council within the statutory period, subsequent applications will be refused.

8 LICENSEE RESPONSIBILITIES

8.1 The responsibilities of all those involved in house to house collections are specified in the House to House Collections Act 1939 and the House to House Collections Regulations 1947.

8.2 Once an application is granted, the applicant will be issued with a permit to be kept for use during the collections.

8.3 The key responsibilities relating to a collection are as follows:

- The necessary permission must be obtained from the Council
- All collectors must be over 16 years old
- Each collector must wear a standard badge and carry a certificate of authority
- Collectors must produce their badge on demand to the occupant of any house, any police officer or an authorised officer of the Council
- If a collector is carrying a collecting box, it must be sealed, numbered and clearly display the name of the charity or fund which is to benefit.
- No collection must be undertaken in a manner that would inconvenience or annoy any person.

8.4 The key responsibilities following a collection are as follows:

- Collectors must not be given access to the contents of collection boxes prior to their being returned to the applicant for opening and counting.
- Collection boxes must only be opened in the presence of the applicant and another responsible person. Once opened, the contents must be counted immediately and the total amount collected in each box recorded.
- Following the collection, the applicant must complete a prescribed return form to the Council within one month of the expiry of the licence. The applicant must certify the return and have it countersigned by a qualified accountant.

10. DIRECT DEBITS & CHUGGERS

10.1 In relation to street collections, the collections of direct debits for charitable purposes will need to be licensed by way of a street collection permit.

10.2 With regards to house to house collections, many organisations do not believe that direct debits fall under the remit of the House to House Collections Act 1939 however the Act defines collection as 'an appeal to the public, made by means of visits from houses to house, to give, whether for consideration or not, money or other property.'

10.3 It is the view of this Licensing Authority that direct debits can be classed as the 'giving of money' and therefore direct debit collections would fall under the remit of the above Act and this Licensing Authority requires that all direct debit collections are licensed by way of a house to house collection permit for the non licence exempt charities.

TENDRING DISTRICT COUNCIL

STREET COLLECTION REGULATIONS

1. In these Regulations, unless the context otherwise requires

   "collection" means a collection of money or a sale of articles for the benefit of charitable or other purposes and the word "collector" shall be construed accordingly;

   "promoter" means a person who causes others to act as collectors;

   "the licensing authority" means the Tendring District Council;

   "permit" means a permit for a collection;

   "contributor" means a person who contributes to a collection and includes a purchaser of articles for sale for the benefit of charitable or other purposes;

   "collecting box" means a box or other receptacle for the reception of money from contributors.

2. No collection, other than a collection taken at a meeting in the open air, shall be made in any street or public place within the Tendring District, unless a promoter shall have obtained from the licensing authority, a permit.

3. Application for a permit shall be made in writing no later than one month before the date on which it is proposed to make the collection;

   Provided that the licensing authority may reduce the period of one month if satisfied that there are special reasons for so doing.

4. No collection shall be made except upon the day and between the hours stated in the permit.

5. The licensing authority may, in granting a permit, limit the collection to such streets or public places or such parts thereof as it thinks fit.

6. (i) No person may assist or take part in any collection without the written authority of a promoter.

   (ii) Any person authorised under paragraph (i) above shall produce such written authority forthwith for inspection on being requested to do so by a duly authorised officer of the licensing authority or any constable.

7. No collection shall be made in any part of the carriageway of any street which has a footway;

   Provided that the licensing authority may, if it thinks fit, allow a collection to take place on the said carriageway where such collection has been authorised to be held in connection with a procession.

8. No collection shall be made in a manner likely to inconvenience or annoy any person;

9. No collector shall importune any person to the annoyance of such person.

10. Whilst collecting:-

    (a) a collector shall remain stationary; and

    (b) a collector or two collectors together shall not be nearer to another collector than 25 metres;

    Provided that the licensing authority may, if it thinks fit, waive the requirements of this Regulation in respect of a collection which has been authorised to be held in connection with a procession.

11. No promoter, collector or person who is otherwise connected with a collection shall permit a person under the age of 16 years to act as a collector;

    Provided that, where Tendring District Council is satisfied that it is reasonable in the circumstances of a particular collection, it may permit Cadets, Boy Scouts, Girl Guides or members of such other similar organisations as the licensing authority shall approve, for the purpose to act as collectors where such persons are collecting or selling under the direct supervision of responsible officers, and are dressed in the uniform of their particular organisation and are 11 years of age or older.

12. (i) Every collector shall carry a collecting box.

    (ii) All collecting boxes shall be numbered consecutively and shall be securely closed and sealed in such a way as to prevent them being opened without the seal being broken.

    (iii) All money received by a collector from contributions shall immediately be placed in a collection box.

    (iv) Every collector shall deliver unopened, all collecting boxes in his possession to a promoter.

13. A collector shall not carry or use any collecting box, receptacle or tray which does not bear displayed prominently thereon the name of the charity or fund which is to benefit not any collecting box which is not duly numbered.

14. (i) Subject to paragraph (ii) below, a collecting box shall be opened in the presence of a promoter and another responsible person.

    (ii) Where a collecting box is delivered unopened to a bank, it may be opened by an official of the bank.

    (iii) As soon as a collecting box has been opened, the person opening it shall count the contents and shall enter the amount with the number of the collecting box on a list which shall be certified by that person.

15. (i) No payment shall be made to any collector.

    (ii) No payment shall be made out of the proceeds of a collection, either directly or indirectly, to any other person collected with the promotion or conduct of such collection for, or in respect of, services connected therewith, except such payments as may have been approved by the licensing authority.

16. (i) Within one month after the date of any collection the person to whom a permit has been granted shall forward to the licensing authority:-

(a) a statement in the form set out in the Schedule to these Regulations, or in a form to the like effect, showing the amount received and the expenses and payments incurred in connection with such collection, and certified by that person and a qualified accountant;

(b) a list of the collectors;

(c) a list of the amounts contained in each collecting box;

and shall, if required by the licensing authority, satisfy it as to the proper application of the proceeds of the collection.

(ii) The said person shall also, within the same period, at the expense of that person and after a qualified accountant has given his certificate under paragraph (i) (a) above, publish in such newspaper or newspapers as the licensing authority may direct, a statement showing the name of the person to whom the permit has been granted, the area to which the permit relates, the name of the charity or fund to benefit, the date of the collection, the amount collected and the amount of the expenses and payments incurred in connection with such collection.

(iii) The licensing authority may, if satisfied that there are special reasons for so doing, extend the period of one month referred to in paragraph (i) above.

(iv) For the purposes of this Regulation, a "qualified accountant" means a member of one or more of the following bodies:-

The Institute of Chartered Accountants in England and Wales
The Institute of Chartered Accountants of Scotland
The Association of Certified Accountants
The Institute of Chartered Accountants in Ireland.

17. These regulations shall not apply:-

(a) in respect of a collection taken at a meeting in the open air

or

(b) to the selling of articles in any street or public place when the articles are sold in the ordinary course of trade.

18. Any person who acts in contravention of any of the foregoing regulations, shall be liable on summary conviction to a fine not exceeding Level 1 of the Criminal Justice Act 1982.

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LICENSING AND REGISTRATION COMMITTEE

29 OCTOBER 2025

REPORT OF THE ASSISTANT DIRECTOR – CORPORATE POLICY & SUPPORT

A.3. SCRAP METAL POLICY – CONSULTATION ON A DRAFT
(report prepared by Michael Cook & Keith Simmons)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

The report invites the Committee to consider commencing the process for the adoption of a policy concerning Scrap Metal Licensing within the District. Through the report, the Committee is invited to approve a public consultation exercise on the draft Scrap Metal Policy laid out in the appendix to this report.

EXECUTIVE SUMMARY

Tendring District Council is the Licensing Authority for dealing with scrap metal licences which include site and collectors licences under the Scrap Metal Dealers Act 2013.

This report seeks approval from the Committee to consult on a possible new Scrap Metal Policy for the District.

Following consultation, a further report will be presented to the Committee with the results of the consultation and seeking approval for a recommendation to the Cabinet for adoption of such a Policy.

RECOMMENDATION(S)

It is recommended that the Committee:

(1) Endorses the intention for the Council to adopt a policy for Scrap Metal in the District; and
(2) approves the draft Scrap Metal Policy set out in the appendix to this report for public consultation.

REASON(S) FOR THE RECOMMENDATION(S)

The Council does not currently have a codified policy for Scrap Metal in the District. The establishment of such policy will assist all concerned by providing a policy reference document in respect of scrap metal. Prior to adoption of a policy, ultimately by Cabinet, consultation would be a legitimate expectation for those who hold licences. Through this consultation the views of interested parties on the content of a proposed policy can be obtained and the views can assist the Council to finalise such a policy prior to any adoption.

ALTERNATIVE OPTIONS CONSIDERED
There is no requirement to have a Scrap Metal Policy; however, it is good practice for the Council, as a licensing authority, to have a policy, which provides the framework for consistent decision-making.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES
The adoption of a policy in this area of licensing is intended to support the following themes from the Council's Corporate Plan 2024-28: • Pride in our area and services to residents • Working with Partners to improve quality of life
LEGAL REQUIREMENTS (including legislation & constitutional powers)
The Council is under no legal obligation to have a policy in place. However, this policy will assist the Council in achieving consistency, fairness and transparency in its decision making process. Application of the policy in the decision making process will enable the Council to minimise successful legal challenges and appeals. Licensing Officers and the Committee should have regard to all the circumstances of a particular case and would be entitled to have due regard to this policy.
FINANCE AND OTHER RESOURCE IMPLICATIONS
The financial implications associated with the recommendation of carrying out a public consultation on the draft Scrap Metal Policy can be financed from existing resources. This is also covered under the relevant fees payable by the Scrap Metal licences.
USE OF RESOURCES AND VALUE FOR MONEY

A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;	A policy approach will support financial sustainability in this licensing area.
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	The adoption of a policy by the Council ensures there is a clear governance framework for discretion exercised by officers on behalf of the Council.
C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.	Through codifying the Council's approach to this licensing area it should ensure consistency and thereby demonstrate secure economic, efficient and effective delivery of services.

MILESTONES AND DELIVERY
The submission of this report itself marks a significant milestone in the adoption of a policy. The intended consultation and submission of the outcome of the consultation to the Committee will mark further milestones in this process.

ASSOCIATED RISKS AND MITIGATION

Application of the policy will provide clarity when determining applications and reduces the risk of challenge and appeal.

Consultation with relevant stakeholders will minimise the risk of challenge.

This policy will create an opportunity to develop close partnerships with the Police and Environment Agency to tackle environmental crime and metal theft.

OUTCOME OF CONSULTATION AND ENGAGEMENT

Consultation is critical to ensure that a new Scrap Metal Policy is clear and transparent for applicants, licence holders, responsible authorities and the public.

If the Committee approved the draft policy, we will consult with interested consultees by email, publicising the draft policy on the Council's website and use social media to inform the public of the consultation and direct them to the website.

We will analyse any comments received, prepare any changes considered appropriate to the policy and return to the Committee for approval and adoption.

EQUALITIES

In preparing this report, due consideration has been given to the Council's statutory Equality Duty to eliminate unlawful discrimination, advance equality of opportunity and foster good relations, as set out in Section 149(1) of the Equality Act 2010.

The Licensing Authority will have due regard to the public sector equality duty under the Equality Act 2010. Under this duty, the Authority (in the exercise of its functions) must have due regard to the need to:

- eliminate any form of unlawful discrimination (including direct or indirect discrimination, harassment, victimisation, and any other conduct prohibited under the Act);
- advance equality of opportunity between people who share a relevant characteristic and people who do not;
- foster good relations between people who share a protected characteristic and people who do not.

SOCIAL VALUE CONSIDERATIONS

None for this report.

IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2030

There are no environmental implications arising directly from the content of this report.

OTHER RELEVANT IMPLICATIONS	
Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.	
Crime and Disorder	The Council has a duty under Section 17 of the Crime and Disorder Act 1998 to do all that it reasonably can to prevent crime and disorder in its area.
Health Inequalities	There are no direct implications arising from the proposals set out in this report.
Area or Ward affected	All

PART 3 – SUPPORTING INFORMATION

BACKGROUND

The Scrap Metal Dealers Act 2013 came into effect on 1 October 2013 with transitional arrangements taking effect from 1 September 2013. The Scrap Metal Dealers Act 2013 requires that scrap metal sites and collectors are licensed by the local authority. The legislation was introduced to stem the increase in metal theft at the time.

The Scrap Metal Dealers Act 2013 (the Act) has been introduced to replace the previous regulatory scheme for scrap metal dealers and for vehicle dismantlers. It requires anyone who deals in scrap metal to obtain and display a relevant licence and gives the police and local authorities more powers of entry and inspection as well as allowing a more thorough application process where licenses can be refused and subsequently revoked if dealers are deemed ‘unsuitable’.

The Act provides for two types of Scrap Metal Dealer licences, a ‘Site Licence’ and a ‘Collector’s Licence’, both of which last for three years.

Site Licence

A site licence is applicable where the licence holder has a physical site(s) that they use to carry on their business as a scrap metal dealer. This licence allows the licence holder to accept scrap metal from any of the sites listed on the licence; and to transport scrap metal to and from the sites listed in the licence.

Collector’s Licence

A collector’s licence is applicable where the licence holder’s business consists of collecting scrap metal, for example by going from door to door asking for scrap. This licence allows the licence holder to collect scrap metal from within the boundaries of the local authority issuing the licence. A separate licence is required from each local authority within whose boundary a person wishes to operate.

There are currently 2 collectors and 12 sites licensed by the Council under this legislation.

PREVIOUS RELEVANT DECISIONS TAKEN BY COUNCIL/CABINET/COMMITTEE ETC.
Not Applicable
BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL
None

APPENDICES
Appendix A – Proposed Scrap Metal Policy

REPORT CONTACT OFFICER(S) *Include here the Name, Job Title and Email/Telephone details of the person(s) who wrote the report and who can answer questions on the content.*	
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Tendring District Council

SCRAP METAL POLICY

Adopted on XXXX
Tendring District Council: www.tendringdc.gov.uk

A.2 – APPENDIX A

1. INTRODUCTION

1.1 This policy sets out the guiding principles the Council will generally apply when making decisions on scrap metal applications. It also sets out information about the application process, what is expected of applicants and how people can make objections about applications. It also sets out the types of controls that are available to the Council when decisions are made about licence applications and explains what action can be taken if complaints are received.

1.2 The policy document is intended as a guide to applicants, licence holders, people who want to object to applications and members of the Licensing Committee who are responsible for determining contested applications. It also aims to guide and reassure the public and other public authorities, ensuring transparency and consistency in decision making."

2. BACKGROUND

2.1 The Scrap Metal Dealers Act 2013 came into force on 1 December 2013. It repeals previous legislation and creates a new regulatory regime for scrap metal recycling and vehicle dismantling.

2.2 The act defines a “scrap metal dealer” as a person who carries on a business which wholly or in part involves the buying and selling of scrap metal, whether or not the metal is sold in the form it was purchased.

2.3 This does not include manufacturing operations that sell metal as a by-product of the operation. However it does include the business of collecting scrap metal, i.e. door to door collectors.

2.4 The definition of a scrap metal dealer is wide and may include skip hire firms, and tradesman, such as plumbers and builders who sell scrap metal resulting from their businesses.

2.5 The Act identifies the local authority as the principal regulator and gives them powers to regulate, refuse and to revoke licences.

2.6 The Act states that “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. This definition does include platinum and other rare metals now being used in catalytic converters in vehicle exhausts.

2.7 The following is not considered to be “scrap metal”:

- gold
- silver, and
- any alloy of which two per cent or more by weight is attributable to gold or silver.

2.8 A dealer also includes someone carrying on the business as a motor salvage operator. This is defined as a business that:

- Wholly or in part recovers salvageable parts from motor vehicles for re-use 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 re-selling them
- Wholly or mainly buys or sells motor vehicles for the purpose of salvaging parts from them or repairing them and re-selling them.

3. TYPES OF LICENCE

3.1 In order for anyone to carry on a business as a scrap metal dealer, or collector they must have a licence. A licence is valid for three years from the date of issue. Trading without a licence is a criminal offence.

3.2 There are two types of licences specified in the Act:

Site Licence

All sites operating as a scrap metal business must be licensed. Each site must have a named site manager. A site licence allows the licence holder to transport scrap to and from the site from any local authority area.

Collector's Licence

This licence allows the holder to collect scrap within the area of the issuing local authority, (Tendring District Council) This licence does not permit the holder to operate a scrap metal site, nor does it allow collection outside of the area of the issuing authority. If a person collects scrap from numerous local authority areas, a collector's licence will be required from each local authority he/she collects scrap within.

A dealer can only hold **ONE** type of licence in any one local authority.

3.3 A site under the Act is defined as 'any premises used in the course of carrying on a business as a scrap metal dealer, (whether or not metal is kept there)'. This means a dealer will require a licence for an office, even if they do not operate a metal store or yard from those premises.

3.4 Holding a site or collector's licence does exempt the licensee from the requirements for any other licence or permit to operate their scrap metal business. i.e. waste carrier's certificate.

4. SUITABILITY OF APPLICANT

4.1 The Council must determine if an applicant is a suitable person to carry on the business as a scrap metal dealer.

4.2 The Council may have regard to any information which it consider to be relevant, this may include:

- Whether the applicant or site manager has been convicted of any relevant offence; or
- Whether the applicant or site manager has been the subject of any relevant enforcement action; or
- Whether there has been any refusal of an application of the issue or renewal of a scrap metal licence, and the reasons for the refusal; or
- Whether there has been any refusal of an application for a relevant environmental permit or registration, and the reasons for the refusal; or
- If there has been any previous revocation of a scrap metal licence, and the reasons for the revocation; or
- Whether the applicant has demonstrated there will be adequate procedures in place to ensure compliance with the Act.

4.3 When establishing the applicant's suitability, the Council may consult with the following agencies:

- Essex Police
- Her Majesty's Revenue and Customs
- Environmental Agency
- The Council's Environmental Health Department
- Essex County Council Trading Standards
- Any Other Licensing Authority

4.4 Relevant offences or relevant enforcement action are those listed under the Scrap Metal Dealers Act 2013 (Prescribed Relevant Offences and Relevant Enforcement Action) Regulations 2013.

5. APPLICATION PROCEDURE

5.1 An application form, available from the Council's website or from the Licensing Team must be completed, together with the correct fee and a current Basic Disclosure of Criminal Convictions. A Basic Disclosure will be valid for 3 months from the date of issue

5.2 A licence once granted is valid for 3 years.

5.3 A renewal application must be received before the expiry of the current licence.

5.4 If a licence application is refused, the licence expires when no appeal is possible, or an appeal is determined or withdrawn.
5.5 A licence may be varied form one type to another, i.e. site licence to collector's licence.
5.6 The Council may request additional information is provided for the consideration of the application.
5.7 Failure to provide such information may result in the application being refused.
5.8 The fee is set by the Council under guidance issued by the Home Office with the approval of the Treasury.
5.9 Fees are set after taking into account the cost of processing, administering and compliance costs associated with the licence. The Council is committed to reviewing fees on a regular basis.

6. RIGHT TO MAKE REPRESENTATIONS

6.1 If the Council proposes to refuse an application or to revoke/vary a licence a notice must be issued to the applicant/licensee setting out what the authority proposes to do and the reasons for this. The notice must also state that within the period specified the applicant/licensee can either:
- make representations about the proposal; or
- inform the authority that the applicant/licensee wishes to do so.

6.2 The period specified in the notice must be not less than 14 days beginning with the date on which the notice is given to the applicant/licensee. Within this time the applicant/licensee must notify the Council that they do not wish to make representations. Should this period expire the applicant/licensee has not made representations, or informed the authority of their wish to do so the authority may refuse the application, or revoke or vary the licence.
6.3 If, within the 14 day period the applicant/licensee informs the authority that they wish to make a representation, the Council will allow a further period of 14 days for the applicant/licensee to make representations. The Council may refuse the application or revoke or vary the licence if they fail to make representations within this period.
6.4 If the applicant/licensee notifies the authority that they wish to make oral representations, the authority must give them the opportunity of appearing before, and being heard by, a person appointed by the authority.
6.5 The Council may revoke a scrap metal dealer's licence in certain circumstances.

7. APPEALS

7.1 An applicant may appeal to the magistrates' court against a refusal of an application or variation.
7.2 The licensee may appeal to the magistrates' court against the inclusion on the licence of a condition under Section 3(8) of the Act, or a revocation or variation of a licence under Section 4 of the Act.
7.3 The appeal procedure will be in accordance with the Magistrates' Courts Act 1980, and must be lodged within 21 days of receipt of the decision notice.
7.4 On appeal the magistrates' court may confirm, vary or reverse the Council's decision, and give such directions as it considers appropriate having regard to the provisions of the Act.

8. REVOCATION AND IMPOSING CONDITIONS

8.1 The Council may revoke a scrap metal licence if it is satisfied the licence holder does not carry on a scrap metal business at any of the sites named on the licence.
8.2 The Council may revoke a scrap metal licence if it is satisfied the site manager named on the licence does not act as a site manager at any of the named sites on the licence.
8.3 The Council may revoke a scrap metal licence if it is no longer satisfied the licence holder is no longer a suitable person to carry on the business.
8.4 If the licence holder, or site manager named on a licence is convicted of a relevant offence, the authority may impose one or both of the following conditions:
- The dealer must not receive scrap metal except between 9am and 5pm on any day;
- All scrap metal received must be kept in the form in which it was received for a specified period, not exceeding 72 hours, beginning with the time when it was received.

8.5 A revocation or variation only comes into effect when no appeal under the Act is possible, or when such appeal has been determined or withdrawn.

8.6 If the authority considers the licence should not continue without the addition of one or more of the conditions in section 8.4, the licence holder will be given notice:

- that, until a revocation comes into effect, the licence is subject to one or both of the conditions, or
- that a variation comes into immediate effect.

9. CLOSURE OF UNLICENSED SITES

9.1 If an authorised officer of the Council is satisfied premises are being used by a scrap metal dealer in the course of their business and the premises are unlicensed, they may issue a closure notice.

9.2 After a period of 7 days, the authorised officer may apply to a justice of the peace for a closure order.

The court must be satisfied the premises will continue to be used by a scrap metal dealer, or there is a reasonable likelihood that the premises will be.

A closure order will close the premises immediately, and the premises will remain closed to the public until the Council makes a termination of closure order by certificate. The scrap metal dealer must cease his business immediately. It will require the defendant to pay a sum into the court, which not be released until the person has complied with the requirements of the order.

Such an order may have a condition relating to the admission of people into the premises, or may include a provision the court considers appropriate.

A copy of the order must be placed on the premises in a prominent position by the Council.

9.3 Once the requirements of the order have been complied with and the Council is satisfied the need for the order has ceased, a certificate may be made. This ceases the order and the sum of money paid into the court is released.

A copy of the certificate must be given to any person the closure order was made against, give a copy to the court and place a copy on the premises.

A copy must be given to anyone who requests one.

9.4 Anyone issued with a closure order may complain to a justice of the peace. The court may discharge the order, if it is satisfied there is no longer a need for a closure order.

The licensing authority may be required by the court to attend and answer the complaint made.

Notice of the hearing must be given to all people issued with the closure order.

9.5 Appeal may be made to the Crown Court against:

a) a closure order;
b) a decision not to make a closure order;
c) a discharge order; or
d) a decision not to make a discharge order.

Any appeal must be lodged within 21 days beginning on the day on which the order or decision was made.

Appeal a) and b) may be made by any person who was issued with an order. Appeal c) and d) may be made by the Licensing Authority.

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

9.7 An authorised officer of the Authority may enter the premises at any reasonable time to ensure compliance with the order. They may use reasonable force if necessary.

9.8 An authorised officer must produce evidence of their identity or evidence of their authority to exercise the powers under the Act, if requested to do so.

10. ENFORCEMENT AND COMPLIANCE

10.1 The Act provides a Police Constable and an Officer from the Council with a right to enter and inspect the premises of licensed and unlicensed scrap metal dealers.
10.2 The Act does not provide an Officer of the Council with the power to inspect premises of licensed and unlicensed scrap metal dealers outside the area of the authority.
10.3 The Council delivers a wide range of compliance services aimed at safeguarding the environment and the community and at providing a 'level playing field' on which businesses can fairly trade.
10.4 The administration and compliance of the licensing regime is one of these services.
10.5 The council recognises the interest of both citizens and businesses and will work closely, with partners, to assist licence holders to comply with the law. However, proportionate but firm action will be taken against those who commit serious offences or consistently break the law.

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