

Agenda

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General Purposes Licensing Committee

Date: **Thursday 5 September 2013**

Time: **5.30 pm**

Place: **Oxford Town Hall**

For any further information please contact:

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If you would like help to understand this document please call Sarah Claridge in advance of the meeting.

General Purposes Licensing Committee

Membership

Chair	Councillor Colin Cook
Vice Chair	Councillor Michael Gotch
	Councillor Mary Clarkson
	Councillor Van Coulter
	Councillor John Goddard
	Councillor Rae Humberstone
	Councillor Ben Lloyd-Shogbesan
	Councillor Mark Lygo
	Councillor Gwynneth Royce
	Councillor David Williams

The quorum for this meeting is 4, no substitutes are allowed.

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AGENDA

PART ONE PUBLIC BUSINESS

Pages

1 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

2 DECLARATIONS OF INTEREST

3 UPDATE ON TAXI LICENSING ACTIVITY APRIL 2013 - JULY 2013

1 - 6

The Head of Environmental Development has submitted a report which details a report to inform the Committee of the progress made by the Licensing Authority under the Licensing Act 2003 and Gambling Act 2005 between April 2013 and July 2013.

Officer recommendation: That the Committee NOTE the contents of the report; and makes any comments and recommendations regarding the future work of the Licensing Function.

4 HACKNEY CARRIAGE & PRIVATE HIRE VEHICLES: RESPONSES TO CONSULTATION ON EURO EMISSION STANDARD LEVELS & VEHICLE AGE LIMITS

7 - 98

The Head of Environmental Development has submitted a report which seeks the implementation of an upper age limit for Hackney Carriage and Private Hire Vehicles to reduce carbon emissions and improve vehicle safety in the City.

Officer recommendation: The Committee is recommended to:

- I. note the responses to the consultation held in relation to the proposal to implement age limits in relation to Hackney Carriage and Private Hire Vehicles licensed by the Authority;
- II. determine (if any) appropriate age limits in relation to the licensing of Hackney Carriage and Private Hire Vehicles; and
- III. recommend that such age limits be put to the City Executive Board and Full Council for adoption.

5 SCRAP METAL DEALERS ACT 2013

99 - 172

The Head of Environmental Development has submitted a report to inform the Committee of new legislation, approve any necessary changes to the Constitution and the setting of a licence fee for the administration and enforcement of the Scrap Metal Dealers Act 2013.

Officer recommendation: The Committee is recommended to:

- i) note the content of this report;
- ii) authorise Head of Environmental Development and Head of Law and Governance to make any necessary changes to the Constitution consequent to the implementation of Scrap Metal Dealers Act 2013.
- iii) approve the licence fees applicable for the two types of Scrap Metal Dealers as detailed at Paragraph 34 of this report.

6 MINUTES

173 - 176

Minutes from 21 May 2013

Recommendation: That the minutes of the meeting held on 21 May 2013 be APPROVED as a true and accurate record.

7 DATES OF FUTURE MEETINGS

The Committee NOTES the following future meeting date:

Tuesday 21st January 2014

DECLARING INTERESTS

General duty

You must declare any disclosable pecuniary interests when the meeting reaches the item on the agenda headed "Declarations of Interest" or as soon as it becomes apparent to you.

What is a disclosable pecuniary interest?

Disclosable pecuniary interests relate to your* employment; sponsorship (ie payment for expenses incurred by you in carrying out your duties as a councillor or towards your election expenses); contracts; land in the Council's area; licences for land in the Council's area; corporate tenancies; and securities. These declarations must be recorded in each councillor's Register of Interests which is publicly available on the Council's website.

Declaring an interest

Where any matter disclosed in your Register of Interests is being considered at a meeting, you must declare that you have an interest. You should also disclose the nature as well as the existence of the interest.

If you have a disclosable pecuniary interest, after having declared it at the meeting you must not participate in discussion or voting on the item and must withdraw from the meeting whilst the matter is discussed.

Members' Code of Conduct and public perception

Even if you do not have a disclosable pecuniary interest in a matter, the Members' Code of Conduct says that a member "must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself" and that "you must not place yourself in situations where your honesty and integrity may be questioned". What this means is that the matter of interests must be viewed within the context of the Code as a whole and regard should continue to be paid to the perception of the public.

*Disclosable pecuniary interests that must be declared are not only those of the member her or himself but also those of the member's spouse, civil partner or person they are living with as husband or wife or as if they were civil partners.

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To: General Purposes Licensing Committee

Date: 5 September 2013

Report of: Head of Environmental Development

Title of Report: Update on Taxi Licensing Activity
April 2013 – July 2013

Summary and Recommendations

Purpose of report: To inform Committee of the progress made by the Taxi Licensing Function between April 2013 and July 2013.

Report Approved by:

Finance: Paul Swaffield

Legal: Daniel Smith

Policy Framework: Vibrant Sustainable Economy

Recommendation(s): The Committee is recommended to note the contents of the report; and make any comments and recommendations regarding the future work of the Taxi Licensing Function.

Introduction

1. This report informs Committee of progress made by the Taxi Licensing Function under the duties of the Town & Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 between April 2013 and July 2013.
2. The report covers data on service volumes; details of Taxi Licensing hearing decisions; decisions made under delegated powers; information on volumes of drivers and vehicles and enforcement activity.
3. The tables below provide data on licence applications received and processed during the period for April 2013 and July 2013.

Licences Issued	Total April 2013 – July 2013
Hackney Carriage Driver	89
Private Hire Driver	249
Hackney Carriage Vehicle	51
Private Hire Vehicle	243
Private Hire Operator	10

Actions Undertaken	Total April 2013 – July 2013
Licensing Hearings	15
Enforcement Actions Commenced	149
Number of Prosecution Cases Started	2
Complaints about Drivers / Vehicles	77

Applications Granted by the Licensing Authority

4. A hearing is not required where an application has been lawfully made and no adverse information pertaining to the “fitness” of a person or vehicle to be licensed by this Authority has been found. There have been 333 driver, 300 vehicle, and 10 Operator licenses issued by the Head of Environmental Development under delegated authority during the reported period. 5 driver licences were granted following the applications being determined by the Hackney Carriage and Private Hire Licensing Sub-Committee.

Hackney Carriage & Private Hire Licensing Sub-Committee Hearings

5. When adverse information pertaining to the “fitness” of a person or vehicle to be licensed or to continue to be licensed by this Authority has been found then the matter is determined at a Sub-Committee Hearing.
6. Such adverse information may be derived from information relating to an application such as health concerns, relevant cautions or convictions, or from the enforcement records held by the Licensing Authority in relation to serious incidents, or repetitive failures to adhere to standard driver and vehicle conditions will call in to question a licence holders suitability to meet with this Authority’s description of a Fit and Proper person.
7. Whilst there is no legal definition the criteria the Authority consider relevant are set out in the Policy on the Relevance of Warnings, Offences, Cautions and Convictions states:

Fit and Proper Person: *A person who poses no threat to the general public, has a good knowledge of the City, is healthy, and is of a good character (including driving record) will be deemed fit and able to hold a licence.*

8. From April 2013 to July 2013, 8 Hearings were held to determine the fitness of new applicants and existing licence holders. The results of the Hearings are shown in the table below:

	Granted	Councillor Warning	Refused	Suspended	Revoked
New Driver	3	0	1		
Existing Driver	2	0	0	0	2

Appeals

9. The Licensing Authority received one application for appeal during the period covered in this report relating to the Sub-Committee decision to revoke a Private Hire Driver Licence following the driver being cautioned for an act of violence.
10. The Magistrate Court upheld the appeal following new information provided by the victim, and the driver was reissued with his licence.

Enforcement Activity

11. Between April 2013 and July 2013, the Licensing Team has carried out 149 enforcement interventions, issuing the following sanctions (in accordance with the Policy on the Relevance of Warnings, Offences, Cautions and Convictions):
- 5 Cases still pending (awaiting further intelligence reports)
 - 2 No further action taken due to credible driver explanations
 - 21 Verbal Advice given at scene of an incident
 - 46 Advisory Warnings
 - 23 First Level Warnings
 - 14 Second Level Warnings
 - 7 Final Warnings
 - 8 Requests to vehicles to undergo an additional COC (MOT) Test
 - 9 Notifications of referral to Sub-Committee
 - 2 Suspension Notices (driver)
 - 3 Suspension Notice (vehicle)
 - 7 Notifications of non-payment letters
 - 2 PACE interviews
12. The purpose of the “Warning” system is to educate licence holders as to their responsibilities and the need to uphold the Taxi Licensing objectives. Verbal advice and the four levels of “Warnings” may be issued by the Licensing Officers, and the level of “Warning” issued is dependent upon the nature of the incident, the severity of the matter,

whether there have been any previous incidents of non-compliance, and how the matter sits in relation to the Taxi Licensing objectives.

13. Verbal advice was given at the scene of a number of incidents relating to drivers committing basic Road Traffic Act offences whilst the Licensing Officers were carrying out their night time enforcement duties.
14. The majority of Advisory Warnings were issued due to minor breaches of driver / vehicle licence conditions i.e. failure to display Operator stickers, failure to have badge on display, minor cosmetic defects to vehicles, illegal parking, failing to inform the Authority of vehicle damage, etc.
15. Other issues found that resulted in higher levels of warnings were non-declaration of convictions on applications, excessive penalty points on DVLA driving licences, aggressive behaviour, poor driving standards, failures to comply with reasonable requests from the Licensing Officers, failures to adequately maintain a licensed vehicle (despite having been issued with a previous Warning).
16. As well as the disciplinary measures taken during the enforcement operations, 77 complaints were received from members of the public during this reporting period relating to poor customer service, rudeness, road traffic offences and plying for hire, and a breakdown of the actions taken by the Licensing Officers is detailed below:
 - 8 Cases are still active (at the time of writing this report)
 - 2 Referrals to neighbouring authorities
 - 41 No further action taken*
 - 12 Advisory Warnings
 - 5 First Level Warnings
 - 6 Second Level Warnings
 - 2 Final Warnings
 - 1 Referral to the Sub-Committee

** due to the version of events stated by the complainant and the driver being too dissimilar and no independent witness to verify either account, a record is kept on the driver file should similar issues be reported. It should also be noted that some complaints have been maliciously made about drivers and when the complaint has been challenged by the Licensing Officers, the complainant has not responded.*

Test Purchase Operations

17. Between April 2013 and July 2013, 4 Test Purchase Operations were carried out resulting in 2 drivers failing the Test Purchase. Resulting from the Operations 1 interview (under the Police & Criminal Evidence Act) was carried out by the Licensing Officers when investigating suspected offences of plying for hire and driving without the correct insurance (a Private Hire Vehicle is not insured for public hire, whereas a Hackney Carriage Vehicle is). The other driver was invited to a PACE interview but refused to attend each invitation.

18. Resulting from the above PACE interview and the failure of the other driver to attend a PACE interview both cases were forwarded to Law & Governance for consideration to prosecute drivers for the offence of plying for hire and driving without the correct insurance, and in the case of the driver who failed to attend the Licensing Officer has also sought to prosecute the driver for the offences of Obstructing an Authorised Officer and Attempting to Pervert the Course of Justice.

Prosecutions

19. During the period April 2013 to July 2013, 2 cases of plying for hire and driving without the correct insurance were heard in the Magistrates Court (relating to Test Purchase Operations and PACE interviews carried out prior to this reporting period).
20. In each case the licence holder was found guilty of both offences and issued with 6 penalty points to be endorsed on their DVLA Licence and a fine and ordered to pay costs.
21. All of these convictions have been / will be referred to the Hackney Carriage and Private Hire Licensing Sub-Committee in due course in order to determine what action should be taken in accordance with our Policy on the Relevance of Warnings, Offences, Cautions and Convictions in relation to the licence issued by the Authority.

Future Work

22. Consultation ended on 12th June 2013 in relation to the decision of this Committee on 17th October 2012 regarding the proposals for vehicle age limits. The result of this consultation will be reported back to the Committee later in this meeting for its recommendation to Council.

Legal Implications

23. There are no legal implications contained within this report.

Financial Implications

24. Any financial implications contained within this report will be met within existing budgets.

Recommendations

25. The Committee is recommended to note the contents of the report; and make any comments and recommendations regarding the future work of the Taxi Licensing Function.

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To: General Purposes Licensing Committee

Date: 5 September 2013

Report of: Head of Environmental Development

Title of Report: Hackney Carriage & Private Hire Vehicles: Responses to consultation on Euro Emission Standard Levels & Vehicle Age Limits

Summary and Recommendations

Purpose of report: To seek the implementation of an upper age limit for Hackney Carriage and Private Hire Vehicles to reduce carbon emissions and improve vehicle safety in the City.

Report Approved by:

Finance: Paul Swaffield

Legal: Daniel Smith

Policy Framework:

Vibrant Sustainable Economy

Cleaner, Greener Oxford

Recommendation(s):

Committee is recommended to:

- i) note the responses to the consultation held in relation to the proposal to implement age limits in relation to Hackney Carriage and Private Hire Vehicles licensed by the Authority;
- ii) determine (if any) appropriate age limits in relation to the licensing of Hackney Carriage and Private Hire Vehicles; and
- iii) recommend that such age limits be put to the City Executive Board and Full Council for adoption.

Introduction

1. On 15th June 2009, the General Purposes Licensing Committee approved the implementation of a new standard of licensing criteria for Hackney Carriage and Private Hire vehicles based on Euro Emission Standards.
2. At that time the highest Euro Emission Standard was Euro V, and the next date for implementation of further Euro Emission Standards would take effect locally from 1st January 2013 which would have lead to a number of licensed vehicles needing to be replaced due to their age, despite in some instances their emissions meeting the required Euro Emission Standards.

3. No further dates had been set ahead of 1st January 2013, and therefore a revised policy was required in order prevent older vehicles remaining within the licensing regime indefinitely, and ensuring that the Euro Emission Standards were not the only criteria for seeking an age limit policy.

Background

4. On 17th October 2012 the General Purposes Licensing Committee suspended the Euro Emission Standards criteria in its entirety, and implemented the following interim criteria:

New Vehicle Licences:

- a) No vehicle will be first licensed unless it is less than five years of age from the date of first registration.

Renewal of existing Vehicle Licences:

- b) All vehicles currently licensed shall be permitted to be re-licensed until 31st December 2013 irrespective of their age, whilst the Council consider the introduction of an upper age limit for all licensed vehicles or as directed by the introduction of National Standards as proposed by the Law Commission in its "reform of Taxi and Private Hire services".

5. When implementing the interim criteria, the General Purposes Licensing Committee requested that a consultation be carried out seeking the views of all licence holders as to the implementation of age limits applicable to Hackney Carriage and Private Hire Vehicles licensed by the Authority. The motivation for these changes being improved emission standards in the City, and improvements in vehicle safety standards.
6. Members are asked to note that the criteria for New Vehicle Licences did not differ from what was previously in force locally.

Consultation

7. The proposed vehicle age limits determined by the General Purposes Licensing Committee for consultation were as follows (Members are asked to note that the proposal for New Vehicle Licences remains unchanged from the currently imposed criteria):

New Vehicle Licences:

- a) From 1st January 2014, any vehicle must not be older than 5 years of age at the date of the grant of the vehicle licence.

Renewal of existing Vehicle Licences:

- b) From 1st January 2014, no vehicle shall be re-licensed if it has reached 8 years of age from the date of first registration.

8. As requested by the Committee a letter was sent to all Hackney Carriage and Private Hire drivers, proprietors, operators and the City of Oxford Licensed Taxi Cab Association (COLTA) informing them of the vehicle age limit proposal, seeking their views and asking if they had any alternative proposals. A copy of the letter sent to all licence holders is attached at **Appendix One**.
9. The consultation which ran from 1st May 2013 until 12th June 2013 and was also hosted on the Council website received a total of 170 responses. Copies of the responses received are attached to this report at **Appendix Two** to **Appendix Eight**. (Members are asked to note that some responses were copied and signed by multiple licence holders, but just one copy of each “style” of response has been appended).

Summary of Consultation Responses

10. The majority of respondents have not objected to an age limit of “under 5 years of age” for new licences, in fact the vast majority actively support this requirement, but have voiced their disapproval to the implementation of an upper age limit for the renewal of existing licences.
11. Some respondents do not believe that any age limits should be imposed at all, either to a new licence or to a renewal of an existing licence, however this was primarily the view of the Hackney Carriage trade derived from the fact that Black Cabs are purposefully built for longevity and the demands placed upon them.
12. Many respondents have cited the current downturn in the economy as a reason for not implementing what they perceive to be, too stringent age limit criteria. They believe they will not be able to budget for the additional payment costs of hire purchase schemes if they are required to replace vehicles more frequently, especially should such a policy be introduced on 1st January 2014.
13. A minority of respondents have agreed with the original proposal believing that it is important for the City to embrace technology that allows for improved emission standards and continually enhances vehicle safety.

Relevant Considerations

14. Oxford is a world class city, famed for its, beauty, heritage, educational facilities, and bustling night time economy. The quality of its licensed vehicles plays a part in Oxford maintaining that status, and as such a progressive and continual modernisation of the licensed fleet of vehicles would assist with reducing carbon emissions and improving vehicle safety.
15. The previously implemented Euro Emissions Standard criteria for vehicle ages led to widespread concern and confusion within the Hackney Carriage and Private Hire trade due to a number of vehicles,

of various ages, meeting the stated Euro Emission Standards, but having been manufactured at an earlier date than the mandatory date set for compliance.

16. In asking owners to replace their vehicles based on the vehicle being manufactured prior to the date that manufacturers had to comply with the Euro Emission Standards date despite the vehicle meeting with the latest Euro Emissions Standard, the criteria was found to be wanting. It also failed to consider the wider perspectives and options available to a Licensing Authority when setting criteria for licensed vehicles.
17. When looking at the criteria for licensed vehicles, an Authority may wish to take into account the number of miles travelled by each vehicle and the accumulated wear and tear to a vehicle in terms of its overall public appeal. The Authority may wish to harness the continuous technological advances in both vehicle safety and carbon reduction in order to put in place a policy that would be progressive, and provide a transparent signal to the trade that we are keen to see continuous improvement in the quality of the vehicles in the hackney carriage and private hire fleets.
18. When seeking to implement such an age limit policy, it is important to have an awareness of what our neighbours have by way of age criteria, in order to ensure that any policy set locally, would not have a detrimental impact on the Licensing Authority, and in turn the public, due to vehicle owners seeking to licence their vehicles in another district.
19. Table 1 below provides Members with the age criteria in place at our neighbouring Licensing Authorities.

Table 1.

LOCAL AUTHORITY	NEW HCV YEARS	RENEWAL HCV YEARS	NEW PHV YEARS	RENEWAL PHV YEARS
CHERWELL	Under 5	Under 7	Under 5	Under 7
WEST	Under 10	Under 10	Under 10	Under 10
SOUTH	No age limit*	No age limit*	No age limit*	No age limit*
VALE	No age limit*	No age limit*	No age limit*	No age limit*

*NOTE:

Both **South** and **Vale** have no age limits however they apply the following criteria having merged the two Licensing Authorities:

Vehicles under 3 years of age: 1 x MOT per year

Vehicles under 7 years of age: 2 x MOT per year

Vehicles over 7 years of age: 3 x MOT per year

20. Oxford is seen as being one of the leading Licensing Authorities in the country, and as such we have already established criteria for new driver applications that are more stringent and advanced than our near neighbours, ensuring that only the highest quality of applicant is

licensed having gained a significant degree of knowledge about his or her responsibilities in relation to public safety, disability awareness and customer service.

21. Table 2 below provides details of comparable Licensing Authorities, as well as those which are seen to be leaders in the field, and have implemented higher criteria in relation to driver applications. Members will note the variance in differing age limit policies in place.

Table 2.

LOCAL AUTHORITY	NEW HCV YEARS	EXISTING HCV YEARS	NEW PHV YEARS	EXISTING PHV YEARS
Aylesbury	Under 6	Under 10	Under 6	Under 10
Brighton & Hove	Under 7	Under 7	Under 10	Under 10
Bristol	Brand new	Under 8	Under 3 ½	Under 10
Exeter	Under 4	Under 12 for Black Cabs Under 8 for Saloons	Under 4	Under 8
London	Euro 5 compliant	Under 15	Under 5 and Euro 4 complaint	Under 10
Norwich	Under 5	Under 10	Under 5	Under 10
Southampton	Under 10 for Black Cabs Under 7 for Saloons	Under 10 for Black Cabs Under 7 for Saloons	Under 10 for Wheelchair Accessible Vehicles Under 7 for Saloons	Under 10 for Wheelchair Accessible Vehicles Under 7 for Saloons

Officer Proposal

22. Having reviewed the policies in place at other Licensing Authorities, and having considered the financial impact on the trade and the valid comments received during the consultation whilst still seeking to attain reductions in carbon emissions and embracing technological advancements in vehicle safety, Officers propose the following age limits as detailed in Table 3 and additional criteria to be implemented locally:

Table 3.

LOCAL AUTHORITY	NEW HCV YEARS	EXISTING HCV YEARS	NEW PHV YEARS	EXISTING PHV YEARS
Oxford	Under 5	Under 12*	Under 5	Under 10*

*Additional criteria: any vehicle that has reached 8 years of age or more must undertake a Certificate of Compliance Test every 4 months (as permitted by legislation).

23. Members are reminded that Oxford only permits purpose-built nationally recognised taxis to be licensed as Hackney Carriages. Such vehicles are specially manufactured to cover considerable mileage and are built for longevity. Private Hire vehicles licensed locally are no different to standard saloons, hatchbacks and people carriers and as such may not be built to endure the same level of service.
24. Members are also asked to note that the Law Commission is due to report on the Reform of Taxi and Private Hire Services at the end of 2013, however any proposed reforms are unlikely to come into force during the term of this Government.
25. As such, the age limits and Certificate of Compliance criteria proposed by Officers are recommended to take effect after the 1st January 2016. In setting such a date for implementation we can allow:
 - a) A two year lead in period for the trade to ensure their vehicles will meet with the new criteria;
 - b) A two year lead in period to assist vehicle owners to prepare financially for any requirement to replace their existing vehicles;
 - c) A two year period for the Licensing Authority to reassess the financial climate both locally and nationally;
 - d) A two year period for further progress in relation to the Law Commission proposed reforms to Taxi and Private Hire Services; and
 - e) Should the Law Commission in its reforms permit a Local Authority discretion to set an age limit policy, we will have brought in a policy that allows for a sensible rolling programme of renewals providing modern licensed vehicles to the travelling public.
26. If this proposal for age limits and Certificate of Compliance testing is approved by the Committee, the full set of “conditions of fitness” for licensed vehicles would then read:

New Vehicle Licences:

- a) Any vehicle presented for licensing must be less than 5 years of age from the date of its first registration.

Renewal of existing Vehicle Licences:

Hackney Carriage:

- b) From 1st January 2016, no vehicle shall be re-licensed if it is 12 years of age or more from the date of its first registration.

Private Hire:

- c) From 1st January 2016 no vehicle shall be re-licensed if it is 10 years of age or more from the date of its first registration.

- d) **DURATION OF CERTIFICATES OF COMPLIANCE**

1. Certificates of Compliance will be issued with a duration of a minimum of four months and a maximum of six months. **In general certificates will be issued with a duration of six months for vehicles less than 8 years of age, and issued with a duration of four months for vehicles of 8 years of age or more*.**
2. Certificates of Compliance may be renewed up to 14 days in advance of expiry, when, and only upon immediate production of the expiring certificate by the person presenting the vehicle for testing, the new certificate will be dated to expire six months, (or **four months for any vehicle that is of 8 years of age or more***), from the expiry date of the previous certificate.
3. The Council reserves the right to extend or shorten the above periods subject to the minimum and maximum durations given above. Each case will be decided upon its own merits.
4. It must be understood that it is unlawful for a Hackney Carriage or Private Hire vehicle licensed by the Council to be driven on the highway without a current Certificate of Compliance.

*Changes to the currently implemented “conditions of fitness” have been emboldened and underlined for Members ease of recognition.

Financial Considerations

27. There are no financial considerations contained within the content of this report that apply to the Authority.

Legal Considerations

28. The Local Government (Miscellaneous Provisions) Act 1976 at sections 47 and 48 allows the licensing authority to attach to vehicle licences such conditions as it considers reasonably necessary. Improving standards in vehicle safety and air quality are relevant factors in this respect. Any licence holder aggrieved by any condition attached to their licence may appeal to the Magistrates’ Court

Recommendations

29. The Committee is recommended to:
 - i) approve the proposals as detailed within this report, and
 - ii) recommend the proposals to the City Executive Board and Full Council for adoption. **19**

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Background Papers:

Appendix One: Consultation Letter

Appendix Two – Eight: Consultation Repsonses

Version 1.0

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APPENDIX ONE



Date: 23rd April 2013
Our Ref: Taxi Licensing
Your Ref: Consultation

Dear

HACKNEY CARRIAGE & PRIVATE HIRE: CONSULTATION

EURO EMISSIONS & VEHICLE AGE LIMITS

The General Purposes Licensing Committee requested that the Head of Environmental Development carry out consultation with the Hackney Carriage and Private Hire trade on proposed changes to the criteria for all Hackney Carriage & Private Hire Vehicles licensed by Oxford City Council.

These proposed changes are being considered by the City Council in order to reduce carbon emissions in keeping with other forms of public transport, to enhance the quality of vehicle safety offered to the public, and to promote Oxford as a world class city.

The Council is seeking your views as a stakeholder within the licensed taxi trade to the proposals put forward in this letter. Your responses will inform the decision on any changes to the criteria for Vehicle Age Limits, and will be considered alongside the wider financial climate and circumstances faced by licence holders. The decision as to whether to introduce new vehicle age limits will be considered by the Committee following the close of the consultation period in Summer 2013, so it is important that you make your views known.

The proposals are:-

a) New Vehicle Licence:

- **From 1st January 2014 a licence will not be granted if the vehicle is 5 years of age or more from the date of its first registration.**

b) Renewal of Vehicle Licence:

- **From 1st January 2014 no licence will be renewed if the vehicle is 8 years of age or more from the date of its first registration.**

The introduction of the upper age limit is intended to ensure that the vehicles operated as Taxis and Private Hire produce lower exhaust emissions, uphold the safety of the travelling public, and lead to a gradual modernisation of the operating fleet.

The consultation asks you:

1. Do you agree or disagree that Oxford City Council should have a plan to reduce carbon emissions and improve vehicle safety?
2. Do you agree or disagree that this can be achieved by putting an upper age limit on hackney carriages and private hire vehicles?
3. Do you agree or disagree with the proposals for an upper age limit of “under 5 years of age” for any vehicle submitted for a new licence?
4. Do you agree or disagree with the proposals for an upper age limit of “under 8 years of age” for any vehicle submitted for the renewal of an existing licence?
5. If you disagree with these proposals, please let us know how you would suggest we achieve our carbon emissions reduction and improvements in vehicle safety.

You can respond to this consultation in the following ways:

1. **In writing to: Licensing Authority, Oxford City Council, 3rd Floor St Aldate's Chambers, 109 St Aldate's, Oxford, OX1 1DS.**
2. **By email to: licensing@oxford.gov.uk**
3. **By submitting an online response via: [insert online consultation weblink](#)**

If you submit your response either in writing or by email, please put “Euro Emissions & Vehicle Age Limits” as the subject of your correspondence.

This consultation will run from 1st May 2013 until 12th June 2013.

The outcome from this consultation will be reported to the General Purposes Licensing Committee in Summer 2013 so that members are aware of your views when making their decisions.

Yours sincerely,



John Copley
Head of Environmental Development

APPENDIX TWO

From: COLTA OXFORD
Posted At: 10 June 2013 12:19
Posted To: licensing@oxford.gov.uk
Conversation: Age limits and Euro Emissions consultation
Subject: Age limits and Euro Emissions consultation
Dear Taxi Licensing team,

Thankyou for the opportunity to respond to the consultation document you sent out in relation to the afore-mentioned heading.

In relation to the age limits COLTA agrees a limit needs to be set in place around vehicle age and we would like to propose 10 and 15 years upper age limit respectivley.

This would reflect vehicle shelf life and durability in line with regular maintenance and MOT'S.

We firmly believe that the Black Cab's are designed to last a decent life span spanning into a couple of decades as long as they are looked after and serviced regularly including upkeep of the body and coach work.

With regards to the Euro Emission limits all of the Black Cab's pass the test level regularly and it is proven the TX1 LTI vehicle is less polluting than the TX4 and 5. With this in mind there is a clear corolation between the age limits we have requested as the vehicles meet the emissions standards, even at TX1 model standards.

However due to wear, tear and in some cases neglect, some Black Cab's may fall by the wayside in regards to looking and performing within the prescribed technical limits as set by local authoroty. For this reason there needs to be regulation of age limits etc, however a realistic set of reulations though which we have proposed as 10 and 15 years.

Please do not hesitate to contact me if any futher information is required.

Kind Regards,
n the behalf of COLTA.

The Licensing Authority
Oxford City Council

14 JUN 2013

Licensing Authority
Oxford City Council
Mr John Copley
3rd Floor, St Aldate's Chambers
Oxford, OX1 1DS

Dear Mr Copley,

Re: Euro Emissions & Vehicle Age Limits

I write with reference to the letter dated 23rd April 2013.

I am deeply concerned at your proposals which are unrealistic, unreasonable and out of touch with the pervading economic climate!

I don't think you have considered the reality of the financial situation experienced by the taxi drivers in Oxford. Any survey will show you that business is in decline and drivers are struggling to keep their heads above water.

I believe you are acting in haste and being unreasonable by pre-empting the final findings of the Taxi Law Commission Reform and you have given no valid legitimate reasons for doing so.

In your consultation letter you have asked 5 questions and my response is as follows:

1. I have no problem with the Council having a plan to reduce carbon emissions and improve vehicle safety. However, I fail to understand how my vehicle and my colleague's vehicles are deemed unsuitable and unsafe if they are 8 years or over of age, when our taxi vehicles undergo stringent twice yearly compliance tests. Perhaps the council would like to explain this to me and other taxi drivers?
2. I strongly disagree with your assertion that carbon emissions can be reduced and vehicle safety can be improved by imposing an upper age limit on Hackney carriages and Private Hire Vehicles.

I copy a quote from DFT Taxi and Private Hire Vehicle Licensing: Best Practice Guide; Para 32

"AGE LIMITS. It is perfectly possible for an older vehicle to be in good condition. So setting of an age limit beyond which a local authority will not license vehicles may be arbitrary and inappropriate. But a greater frequency of testing may be appropriate for older vehicles – for example twice – yearly tests for vehicles over 5 years old"

3. I have no objections for an upper age limit of "under 5 years of age" for any vehicle submitted for a new licence.
4. I strongly disagree with the proposal for an upper age limit of "under 8 years of age" for any vehicle submitted for a renewal of an existing licence. See my reply to No's 1 and 2.
5. I refer you to my reply to No's 1 and 2. Perhaps the council should consider targeting the real gas guzzlers that are causing emissions problems in Oxford and stop discriminating against the Taxi business who are subjected to stringent twice yearly compliance tests. I am referring to buses and coaches.

I would like the council to present evidence of how the quality of vehicle safety offered to the public has been in any way compromised by taxi vehicles that are 8 years or over of age to come to an arbitrary 8 year age cut off point.

I urge you to re-consider your proposals.

Yours sincerely

Licensing Authority
Oxford City Council
Mr John Copley
3rd Floor, St Aldate's Chambers
Oxford, OX1 1DS

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I don't think you have considered the reality of the financial situation experienced by the taxi drivers in Oxford. Any survey will show you that business is in decline and drivers are struggling to keep their heads above water.

My response to your consultation letter is as follows:

1. I have no problem with the Council having a plan to reduce carbon emissions and improve vehicle safety.
2. I strongly disagree with your assertion that carbon emissions can be reduced and vehicle safety can be improved by imposing an upper age limit on Hackney carriages and Private Hire Vehicles.
3. I have no objections for an upper age limit of "under 5 years of age" for any vehicle submitted for a new licence.
4. I strongly disagree with the proposal for an upper age limit of "under 8 years of age" for any vehicle submitted for a renewal of an existing licence. I think an **upper age limit of 12 years** would be fair and reasonable.

I urge you to re-consider your proposals.

Yours sincerely

The Licensing Authority
Oxford City Council

11 JUN 2013

1st May 2013

Licensing Authority
Oxford City Council
Mr John Copley
3rd Floor, St Aldate's Chambers
Oxford, OX1 1DS

Dear Mr Copley,

Re: Euro Emissions & Vehicle Age Limits

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I am deeply concerned at your proposals which are unrealistic, unreasonable and out of touch with the pervading economic climate!

I don't think you have considered the reality of the financial situation experienced by the taxi drivers in Oxford. Any survey will show you that business is in decline and drivers are struggling to keep their heads above water.

It is evident that you have not taken into account the spiralling cost of fuel, insurance, road tax, council plate, badge, 2 compliance tests and regular ongoing maintenance costs.

I believe you are being hasty and unreasonable by pre-empting the final findings of the Taxi Law Commission Reform and you have given no valid legitimate reasons for doing so.

In your consultation letter you have asked 5 questions and my response is as follows:

1. I have no problem with the Council having a plan to reduce carbon emissions and improve vehicle safety. However, I fail to understand how my vehicle and my colleague's vehicles are deemed unsuitable and unsafe if they are 8 years or over of age, when our taxi vehicles undergo stringent twice yearly compliance tests. Perhaps the council would like to explain this to me and other taxi drivers?
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5. I refer you to my reply to No's 1 and 2. Perhaps the council should consider targeting the real gas guzzlers that are causing emissions problems in Oxford and stop discriminating against the Taxi business who are subjected to stringent twice yearly compliance tests. I am referring to buses and coaches.

I take strong issue with paragraph 2 of the letter dated 23.04.2013. It is an established fact that Oxford is a world class city due to its history and reputation. I would like to understand how its status will be further enhanced by imposing arbitrary age limits on taxis operating in Oxford.

I would like the council to present evidence of how the quality of vehicle safety offered to the public has been in any way compromised by taxi vehicles that are 8 years or over of age to come to an arbitrary 8 year age cut off point. I am open to persuasion if compelling evidence is provided as requested.

I urge you to re-consider your proposals.

Yours sincerely

The Licensing Authority
Oxford City Council

12 JUN 2013

Licensing Authority
Oxford City Council
Mr John Copley
3rd Floor, St Aldate's Chambers
Oxford, OX1 1DS

Dear Mr Copley,

Re: Euro Emissions & Vehicle Age Limits

I write with reference to the letter dated 23rd April 2013.

I am deeply concerned at your proposals which are unrealistic, unreasonable and out of touch with the pervading economic climate!

I don't think you have considered the reality of the financial situation experienced by the taxi drivers in Oxford. Any survey will show you that business is in decline and drivers are struggling to keep their heads above water.

In your consultation letter you have asked 5 questions and my response is as follows:

1. I have no problem with the Council having a plan to reduce carbon emissions and improve vehicle safety. However, I fail to understand how my vehicle and my colleague's vehicles are deemed unsuitable and unsafe if they are 8 years or over of age, when our taxi vehicles undergo stringent twice yearly compliance tests. Perhaps the council would like to explain this to me and other taxi drivers?
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3. I have no objections for an upper age limit of "under 5 years of age" for any vehicle submitted for a new licence.

4. I strongly disagree with the proposal for an upper age limit of "under 8 years of age" for any vehicle submitted for a renewal of an existing licence. See my reply to No's 1 and 2.
5. I refer you to my reply to No's 1 and 2. Perhaps the council should consider targeting the real gas guzzlers that are causing emissions problems in Oxford and stop discriminating against the Taxi business who are subjected to stringent twice yearly compliance tests. I am referring to buses and coaches.

It's difficult to understand how the quality of vehicle safety offered to the public has been in any way compromised by taxi vehicles that are 8 years or over of age to come to an arbitrary 8 year age cut off point.

I urge you to re-consider your proposals.

Yours sincerely

Badge No:

Name
Badge

Date 25.05.13

Dear, Sir/Madam

I have read the letter that the General Purposes Licensing Committee has requested that the Head of Environmental Development carry out this consultation.

I would like to put my views on the Hackney Carriage & Private Hire Consultation.

Euro Emission & Age Limits.

Financially I believe this proposals should not go through.

I would disagree with this Consultation on the grounds of no to Age Limit & Euro Emission far to costly.

Economy has taken a big Drop & people are being more wisely in choice.

Kind Regards

The Licensing Authority
Oxford City Council

Licensing Authority

109 St. Aldates

Oxford OX1 1DS.

The Licensing Authority
Oxford City Council

Dear Sir Madam.

RE. HACKNEY CARRIAGE + Private Hire Hire CONSULTATION
EURO EMISSIONS + VEHICLE AGE LIMITS.

I AM WRITING TO YOU RE THE ABOVE AND YOUR PROPOSALS.

- ①: NEW VEHICLE LICENSE WILL NOT BE GRANTED IF THE VEHICLE IS 5 YEARS & OF AGE OR MORE FROM THE DATE OF FIRST REGISTRATION.
= I AGREE WITH THIS PROPOSAL. =

- ②: RENEWAL OF VEHICLE LICENSE. (JANUARY 2014)
NO LICENSE WILL BE RENEWED IF THE VEHICLE IS 8 YEARS OF AGE OR MORE FROM THE DATE OF FIRST REGISTRATION.
= I DO NOT AGREE WITH THIS PROPOSAL.

THE REASONS BEING IT IS TOO SEVERE DUE TO THE INITIAL HIGH COST OF THE VEHICLE AND THE EXPENSIVE UP KEEP OF THESE VEHICLES.
I THEREFORE FEEL A MORE REALISTIC AND FAIRER AGE LIMIT WOULD BE 10 YEARS.

I GENERALLY AGREE WITH THE PROPOSALS 1 TO 5 REGARDING LOWER EMISSIONS AND OF COURSE UP HOLDING THE SAFETY OF THE TRAVELLING PUBLIC LEADING TO A GRADUAL MODERNISATION OF THE FLEET.
MY ONLY OBJECTION IS AS I HAVE STATED ABOVE IS ITEM FOUR THE UPPER AGE LIMIT WHICH I FEEL SHOULD BE 10 YEARS INSTEAD OF 8 YEARS.

Yours Faithfully.

30-09-13

Dear Sir

I am writing to you regarding the age limit and Euro emissions exercise. It would be very damaging if this goes to fruition. My our taxis are MOT'd twice a year and the emission test are passed as well as the taxis's are keep in excellent condition. Business has also dropped due to the recession we are in. Other cities such as London and Reading have to change their taxis every 20 years, I feel this standard should also be applied to us in the city of Oxford as well.

The cost of a taxi is between £35 000 to £40 000 so changing a taxi every 5 or 8 years would have a serious affect on our lively hood.

I urge the council to help us oppose this proposal and set a 20 year limit like other cities.

In Summary

I agree that carbon emissions should be reduced using a cost affective strategy

I disagree that an upper age limit on hackney carriages and private hire vehicles will help this (reasons stated above)

I disagree for an upper age limit of "under 5 years" for new licence

I disagree for an upper age limit of "under 8 years of age" for renewal existing licence.

I disagree with both proposals as this will question the viability of the taxi business in Oxford, Also the proposal does not offer a subsidy to assist the proposal as it has with bus companies in Oxford which is unfair.

Regards

Ref.: Euro Emissions & Vehicle Age Limits

Dear Taxi Licensing team member,

I am writing in response to your letter dated 23rd April 2013 with reference to Consultation. With regard to point

1. I think it would be great if Oxford City Council would have a plan to reduce carbon emissions and to improve vehicle safety
2. Both these points could be achieved by putting an upper age limit on "taxis". Additionally, stricter guidelines with regard to emissions could be enforced at the six monthly MOT test. Maybe the council could introduce a reduced licence price for electric/hybrid cars?
3. I strongly agree with the proposals for an upper age limit of under 5 years for newly submitted vehicles for licensing
4. I strongly agree with the proposals for an upper age limit of under 8 years for any vehicle submitted for licence renewal

Further, with regard to safety, I believe that it is as important for a driver to be driving safely as it is for the vehicle to be safe. Hence I would like to repeat my suggestion of introducing a compulsory 'Advanced Driving Course' for hackney- and private hire badge holders. Since the council would be sending 100s of drivers to undertake the course, I am sure it could negotiate a favourable price with OAGAM or WSM. If the council took a percentage of the discount for administrative purposes, it's additional costs would be accounted for [e.g. the course costs £140, the council negotiates a 30% discount (the course would effectively then cost £98), the council keeps 5% (£7) for administration fees, the driver would be getting a 25% discount (and pay £105 for the course)]. Drivers should, and hopefully would be thankful for the opportunity to take a discounted advanced driving course and, more importantly, Oxford's roads would be safer.

I hope this has been useful to the Licensing Authority.

With kind regards and best wishes,

Hackney Carriage and Private Hire: Consultation

The consultation asks you:

1. Do you agree or disagree that Oxford City Council should have a plan to reduce carbon emissions and improve vehicle safety?

1. Please enlighten me as to how I can reduce my emissions

And make my vehicle safer.

EMISSIONS: I currently drive an 09 Toyota Avenis which according to Cowley Marsh testing equipment gives off emissions so low that the test sensors fail to register them.

SAFETY: My vehicle has an M.O.T (Certificate of Compliance) Twice a year which it continually passes, please feel free to tell me how this vehicle in your opinion is not safe and how you think it can be made safer?

2. Do you agree or disagree that this can be achieved by putting an upper age limit on hackney carriages and private hire vehicles?

2. Direct Quote from the DFT Taxi And Private Hire Vehicle Licensing: Best Practice Guide; Para 32

"AGE LIMITS. It is perfectly possible for an older vehicle to be in good condition. So setting of an age limit beyond which a local authority will not license vehicles may be arbitrary and inappropriate. But a greater frequency of testing may be appropriate for older vehicles – for example twice-yearly tests for vehicles over 5 years old."

3. Do you agree or disagree with the proposals for an upper age limit of "under 5 years of age" for any vehicle submitted for a new licence?

3. I agree there should be an upper age limit of 5 years for first registration.

4. Do you agree or disagree with the proposals for an upper age limit of "under 8 years of age" for any vehicle submitted for the renewal of an existing licence?

4. I strongly disagree with a renewal age limit of 8 years.

My vehicle's brand new on the road price is £24100. To be able to purchase a like for like vehicle every 8 years I would need a minimum of £58 per week

disposable income (£58x416=£24128). I don't have £58 a week disposable income, unless you would like me to work about 16 hours a day 7 days a week to make up the shortfall in my income? Why should I financially burden myself when I have a vehicle that produces near zero emissions and continues to pass a certificate of compliance?

5. If you disagree with these proposals, please let us know how you would suggest we achieve our carbon emissions reduction and improvements in vehicle safety.

5. Unless Oxford City Council is planning to start manufacturing vehicles to their own safety standards there is absolutely no way you can make a vehicle that passes a certificate of compliance any safer. As regard to the emissions, try removing about 50% of the empty busses and coaches that trundle through Oxford on an hourly basis. An empty private hire vehicle is only moving when it is on its way to pick up a fare.

Extract from Taxi Licensing response to the new law commission

"The Council also believes that age limits should be permitted to be imposed on all vehicles to ensure a continual improvement in line with safety standards, emission levels and the image of the City."

So having deduced that my vehicle has extremely low emissions and a high standard of safety I guess the only other thing would be the image? So would I be correct in assuming that what you are really saying is that a vehicle over 8 years old in your opinion no longer fits in with "The image of the city"

Dear Sir/Madam,

I am writing in response to your letter regarding age limit on Taxis.

I believe that you are fully aware of economic situation of the country. There is no much work for Taxis any where. A new Taxi costs about £43000 for 5 years plan i.e. about £25 per day. maintenance is about £15 a day plus insurance, council Lic. fee and badge fee etc. Fuel is about £1-45 a litre it needs about £25 a day for fuel. It makes about £65 a day cost to run a new Taxi - before we make any profit. The city is too small our average fare is about £6/50 and sometimes we have to wait forty five minutes or more for a job.

Practically it is not possible for us to change the vehicles every 8 years.

Reading has ²⁰15 years limit London got 15 years now we can have 8 years.

I believe that age limit should be minimum of 20 years.

As far as other transport (buses) are concerned they are subsidised, while we get nothing.

We got M.O.T. every 6 months - if a Taxi is not road worthy, how it passes the M.O.T.

I strongly oppose the idea of 8 years - it should be at least 20 years.

Licensing Authority
Oxford City Council

Thanks.

Oxford City Council
Licensing Authority
3rd floor ST. Aldate's Chambers
109 ST. Aldate's
Oxford
OX1 1DS

The Licensing Authority
Oxford City Council

- 5 JUN 2013

Dear sir/madam,

Reg. Euro Emissions & Vehicle Age Limits

1. I disagree that Oxford City Council should have a plan to reduce carbon emissions and improve vehicle safety.
2. I disagree that this can be achieved by putting an upper age limit on hackney carriages and P.H.V.
3. I disagree with the proposals for an upper age limit of fewer than 5 years of age for any vehicle submitted for a new licence.
4. I disagree with the proposals for an upper age limit of fewer than 8 years of age for any vehicle submitted for renewal of an existing licence.
5. You already do M.O.T. every six months for these checks, but I believe these questions should go to companies got financials of money.
6. As we know this business is self-employment so that earning is not guarantee and secured especially when

the earning comes from the operators who do their own business first. For example I borrowed £10,000 to buy my car and I made it a taxi also the car before I borrowed the same amount of money to buy the car and I also made it a taxi.

Finally, it always depends on the circumstances of each driver if can afford to buy or cannot.

Yours sincerely

From:
Posted At: 11 June 2013 16:07
Posted To: licensing@oxford.gov.uk
Conversation: Euro Emissions & Vehicle Age Limits
Subject: Euro Emissions & Vehicle Age Limits
Dear Sir/Madam

I, _____ as a hackney carriage driver _____ would like to put forward my views on the euro emissions and vehicle age limits. I do not agree that by putting up an upper age limit on hackney carriages will make a difference. This is because our vehicles have an MOT check twice a year, which ensures our maintenance in our vehicles and that they are in good working condition. Although, I do agree that new license holders should have an upper age limit of under 5 years of age. However, I strongly disagree with the proposal for an upper age limit of under 8 years of age for any vehicle submitted for the renewal of an existing license. This is because our vehicles are in good condition and they are consistently passing the MOT twice a year and are running efficiently, and they should still be on the road whilst they are doing so, which highlights that there's no need for an age limit. The council should also consider how the older cars, lorries and vans in the city that affect the carbon emissions as well.

Best Regards

From:
16:20 Posted To: licensing@oxford.gov.uk
Conversation: Age limit consultation
Subject: Age limit consultation

Posted At: 11 June 2013

Dear licensing officer

Regarding the age limit of Hackney carriage and private hire vehicle's there are many issues we can discuss but some are very important like Hackney carriages are purpose built cars they have no other use in public sector their safety features .they also built for long serving to the trade. In Oxford we have two MOTs plus time to time spot checks that gives more assurances that cars are up to a good standard.

From:
Posted
Posted To: licensing@oxford.gov.uk
Conversation: Taxi age limits
Subject: Taxi age limits
Licensing Authority
Oxford City Council
Mr John Copley
3rd Floor, St Aldate's Chambers
Oxford, OX1 1DS

Dear Mr Copley,

Re: Euro Emissions & Vehicle Age Limits

I write with reference to the letter dated 23rd April 2013.

I am deeply concerned at your proposals which are unrealistic, unreasonable and out of touch with the pervading economic climate!

I don't think you have considered the reality of the financial situation experienced by the taxi drivers in Oxford. Any survey will show you that business is in decline and drivers are struggling to keep their heads above water.

It is evident that you have not taken into account the spiralling cost of fuel, insurance, road tax, council plate, badge, 2 compliance tests and regular ongoing maintenance costs.

In your consultation letter you have asked 5 questions and my response is as follows:

I have no problem with the Council having a plan to reduce carbon emissions and improve vehicle safety. However, I fail to understand how my vehicle and my colleague's vehicles are deemed unsuitable and unsafe if they are 8 years or over of age, when our taxi vehicles undergo stringent twice yearly compliance tests. Perhaps the council would like to explain this to me and other taxi drivers?

I strongly disagree with your assertion that carbon emissions can be reduced and vehicle safety can be improved by imposing an upper age limit on Hackney carriages and Private Hire Vehicles.

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I have no objections for an upper age limit of “under 5 years of age” for any vehicle submitted for a new licence.

I strongly disagree with the proposal for an upper age limit of “under 8 years of age” for any vehicle submitted for a renewal of an existing licence. See my reply to No's 1 and 2.

I refer you to my reply to No's 1 and 2. Perhaps the council should consider targeting the real gas

guzzlers that are causing emissions problems in Oxford and stop discriminating against the Taxi business who are subjected to stringent twice yearly compliance tests. I am referring to buses and coaches.

I take strong issue with paragraph 2 of the letter dated 23rd April, 2013. It is an established fact that Oxford is a world class city due to its history and reputation. I would like to understand how its status will be further enhanced by imposing arbitrary age limits on taxis operating in Oxford.

I urge you to re-consider your proposals.

Yours sincerely

Sent from Samsung Mobile

From:
Posted At: 10 June 2013 15:52
Posted To: licensing@oxford.gov.uk
Conversation: Taxi license
Subject: Taxi license
Dear sir/Madam,

I am writing in regards to the age limit of Hackney carriage and private hire vehicle. In regards to this my opinion is that the purpose build taxis like tx1, tx2, tx4 are all built for the long servicing to trade their public safety. We will not find any other car/taxis like LTI. Oxford city council already keeps an eye on all the vehicles having MOT twice a year and spot checks are made regularly time to time. In regards with buying a taxi every 8-10 years will be impossible as i cannot afford it as they are too expensive. I hope you understand and hope to hear from you soon.

Many thanks,

From: _____ Posted At: 30 April 2013 15:51
Posted To: licensing@oxford.gov.uk
Conversation: Euro emissions and vehicle age limits
Subject: Euro emissions and vehicle age limits

In relation to the proposal of not allowing drivers to renew there vehicles if they are 8 years old, i would like to say this is highly unfair!!!! I purchased my car in 2009 and am Still paying for it (installment plan) , you are going to be putting me at risk of being unemployed as i would no longer have a vehicle to drive!, and how many other drivers would be in the same predicament, i would urge you to reconsider even proposing such a proposal, your sincerely,|

Sent from my iPhone

From:
Posted At: 27 April 2013 21:03
Posted To: licensing@oxford.gov.uk
Conversation: Hackney Carriage Consultation
Subject: Hackney Carriage Consultation

Date 01.05.2013

Carbon emissions of Oxford City.

You the Oxford City Council, The General Purpose Licensing Committee, Head of Environmental Development & Taxi Licensing Office should be working with the Hackney Carriage trade. By funding and finding a less cost effective way (more cheaper way) in reducing the Carbon emission in the Hackney Carriages of Oxford City.

The amount of income and growth in which our Oxford City Council , Local authorities & Taxi Licensing office has made. I can only hope that you put it back into the Hackney Trade only and help it grow once again.

How would you feel even though your Vehicle meets all the standard set by the local authorities In it's Safety checks for road worthy and it passed all the test. But you still had to change that vehicles because there is a age limit set on it now?

Special news the Hackney Carriage trade forecast of work is down and growth is unlikely to rise for the next 5 to 8 years from 2013, even with the pay rise which we got this year.

The Hackney Carriage trade of Oxford City is not what it was in work wise 20 to 50 Years ago.

The Hackney Carriage trade is completely dying out.

Why because our local city council and other authorities are more happy in developing the Private Hire and the buses sector.

From my point of view I disagree with the age limit and if the City of Oxford Council can't help in funding then I would disagree with everything that is put forward by the local authorities for the Hackney Carriage Consultation.

Kind Regards

From:|
Posted At: 03 May 2013 21:01
Posted To: licensing@oxford.gov.uk
Conversation: Consultation
Subject: Fwd: Consultation

Subject: Consultation

Licensing Authority
Oxford City Council
Mr John Copley
3rd Floor, St Aldate's Chambers
Oxford, OX1 1DS

Dear Mr Copley,

Re: Euro Emissions & Vehicle Age Limits

I write with reference to the letter dated 23rd April 2013.

I am deeply concerned at your proposals which are unrealistic, unreasonable and out of touch with the pervading economic climate!

I don't think you have considered the reality of the financial situation experienced by the taxi drivers in Oxford. Any survey will show you that business is in decline and drivers are struggling to keep their heads above water.

It is evident that you have not taken into account the spiralling cost of fuel, insurance, road tax, council plate, badge, 2 compliance tests and regular ongoing maintenance costs.

I believe you are being hasty and unreasonable by pre-empting the final findings of the law commission and you have given no valid legitimate reasons for doing so.

In your consultation letter you have asked 5 questions and my response is as follows:

1.

I have no problem with the Council having a plan to reduce carbon emissions and improve vehicle safety. However, I fail to understand how my vehicle and my colleague's vehicles

are deemed unsuitable and unsafe if they are 8 years or over of age, when our taxi vehicles undergo stringent twice yearly compliance tests. Perhaps the council would like to explain this to me and other taxi drivers?

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3.

I have no objections for an upper age limit of “under 5 years of age” for any vehicle submitted for a new licence.

4.

I strongly disagree with the proposal for an upper age limit of “under 8 years of age” for any vehicle submitted for a renewal of an existing licence. See my reply to No’s 1 and 2.

5.

I refer you to my reply to No’s 1 and 2. Perhaps the council should consider targeting the real gas guzzlers that are causing emissions problems in Oxford and stop discriminating against the Taxi business who are subjected to stringent twice yearly compliance tests. I am referring to buses and coaches.

I take strong issue with paragraph 2 of the letter dated 23.04.2013. It is an established fact that Oxford is a world class city due to its history and reputation. I would like to understand how its status will be further enhanced by imposing arbitrary age limits on taxis operating in Oxford.

I would like the council to present evidence of how the quality of vehicle safety offered to the public has been in any way compromised by taxi vehicles that are 8 years or over of age to come to an arbitrary 8 year age cut off point. I am open to persuasion if compelling evidence is provided as requested.

I urge you to re-consider your proposals.

Yours sincerely

From:
Date: 12 June 2013 19:54:27
Posted At: VEHICLE AGE LIMITS
Conversation: Euro emission & vehicle age limits.
Subject: Euro emission & vehicle age limits.

I write with my deep concerns regarding the above subject, as you are aware there is a world wide recession even some of the European countries are in a serious financial mess and are asking for a bail out.

In Oxford unofficial deregulation has taken place. There are over seven hundred to one thousand hackney carriages and private hire cars working in Oxford. It seems that our licensing department have never been able to control illegal plying for hire since the days of Bill Scott, I say bring back Bill Scott, to make matters worse even out of town taxis and private hires are now running around and some times sitting around waiting to pick people when they have no right to.

It amazes me that once in a while when ever there is going to be an enforcement by the licensing department the private hires know this already.

The licensing department and the private hire bases make good money so they are not too bothered.

As regards to age limits surely the cars should not be considered in the same light as the purpose built and built to last London style taxis. I drive a London style taxi it is in a very good condition, most parts are bolted on and bolted off I have even changed the passenger seats, in my view as long as it passes the M.O.T it is deemed good for purpose. In any case our six monthly test are very stringent and of high standards and ensures that very high standards are maintained in cabs.

I believe there is no need to introduce age limits on taxis.

I have never claimed of the government.

I'm sure the last thing you want is every one to claim low income, income support, housing benefits etc. of government.

From:
Date: 11 June 2013 21:32:04
Posted At: VEHICLE AGE LIMITS
Conversation: Euro emissions & age limit
Subject: Euro emissions & age limit

The vehicles in oxford are in good repair and are safe for public use. The emissions on some cabs are great some not. To tackle it by brining in new vehicles is not the solution people should have a choice.

The new vehicles are not great for hackney carriages they carry a lot of faults and the engine does not last after, 150000 miles or they emissions ain't the good. To tackle emissions if vehicles are in bad conditions we can have 3 mots a year for older vehicles.

The maintenance cost of new hackneys is very expensive. The age limit if it is necessary I would say 20years. I don't think that is the solution.

Sent from my iPhone

From:
Date: 07 June 2013 10:11:55
Posted At: VEHICLE AGE LIMITS
Conversation: Euro Emissions & Vehicle Age Limits
Subject: Euro Emissions & Vehicle Age Limits

In response to your proposed changes I agree that the Council should have a plan to reduce emissions however putting an upper age limit of 5/8 years is unacceptable. Hackney carriages are work horses! designed to last, most if not all Hackneys in Oxford are in good if not excellent cosmetic condition/mechanical condition and as for the emissions produced by the cabs the current MOT is more than sufficient to monitor emissions and to remove any cabs from service than don't meet those requirements.

Expecting proprietors to spend anything up to £30,000 every 5/8 years replacing the cabs is not only unreasonable but is something that COLTA will undoubtedly challenge with the full backing of all proprietors.

As for suggestions as to how to reduce carbon emissions and improve vehicle safety I don't think any major changes are needed, the current MOT is more than sufficient to monitor Hackney Carriages for Emissions, Safety and Cosmetic looks.

Subject: FW: Euro Emissions & vechile age limits
Date: 13 June 2013 21:06:47

-----Or

From: |

Posted

To: licensing@oxford.gov.uk

Posted To: licensing@oxford.gov.uk

Conversation: Euro Emissions & vechile age limits

Subject: Euro Emissions & vechile age limits

QUESTION 1 : YES

QUESTION 2 : NO

QUESTION 3 : YES

QUESTION 4 : THERE SHOULD BE NO UPPER AGE LIMIT OF 8 YEARS.

QUESTION 5 : AS LONG AS THE VECHILE PASSES THE COUNCIL'S OWN MOT THEN THE AGE OF THE VECHILE SHOULD NOT BE AN ISSUE.

From:
Date: 11 June 2013 20:31:21
Posted At: VEHICLE AGE LIMITS
Conversation: Taxi age limit
Subject: Taxi age limit

Hi,
There is no age limit of taxis anywhere in UK so why Oxford Taxi Licensing is thinking about this. As long as a taxi pass its MOT there should not be any problem. In my opinion there should not be any age limit of taxis. Thanks

Sent from Samsung Mobile

From:
Date: 12 June 2013 20:44:19
Posted At: VEHICLE AGE LIMITS
Conversation: Euro emission & age limits
Subject: Euro emission & age limits

As a owner of hackney carriage I write in response and of a concern to your letter dated 23rd April,2013.

Our standards in cabs I believe are higher than that of London.

We have M.O.T every six month to ensure that cabs are of the very high standards.

We have wheel chair accessible cabs.

We have swivel seat in our cabs.

We have built in step in our cabs.

We have built in child booster seat in our cabs.

We have five and six passenger carrier with ample luggage and leg room.

These London style taxis are built for this purpose and built to last therefore the minimum age limit on these cabs should be twenty (20) years or more.

From:
Posted At: 10 May 2013 14:47
Posted To: licensing@oxford.gov.uk
Conversation: Euro Emissions and Vehicle age limits
Subject: Euro Emissions and Vehicle age limits
Hi,

Reply to letter received.

1) I agree Oxford City council should take into consideration a plan to reduce carbon emissions and improve safety but then this should be something that applies to the whole of the UK not just Oxford.

2) I agree that Hackney carriages should have something done with regards to age limit because these vehicles are very heavy on emissions but with regards to private hire I think Oxford has a very good quality and to apply an 8 year rule from date of registration will cause an issue to drivers.

3) The 5 year from registration is fine.

4) The 8 year rule is not acceptable should increase to 10 years or if the 8 years goes ahead current drivers on the road should have the option to keep them up to 10 years as this is unfair. Or alter the time allowed dependent on the emissions as the new Toyota Prius from 08 plate and above are excellent obviously you are trying to achieve less emissions some of these models you don't have to pay tax as they are so efficient.

5) 5 Years from registration and 10 years from registration before they should be taken off the road is acceptable. As you will be fully aware the emissions of any vehicle up to 5 years are very good so in time this will reduce any emissions.

If you go ahead with the proposals I believe in my own personal opinion the Oxford Licensing department will lose huge revenue by drivers being forced to get licensed in another district that do not have the same rules.

From: _____
Date: 16 May 2013 15:58
Subject: Proposed Changes due to Emissions
To:
Cc:

Dear Sirs

Thank you for your letter in relation to the Euro Emissions and Vehicle Age Limits to Hackney and Private Hire Taxis.

I am writing to advise I strongly object to the proposed suggestions and raise my concerns below for both your points:

- a) With regard to new licences and the 3 year proposed limit, a 3 year old TX4 will have the same Euro Emissions as a 5 or 6 year old TX4 therefore this is unfair and unreasonable when an older vehicle can provide the same Emissions level. The limit should remain as it is.
- b) With regards to renewing licences, an 8 Year age limit is very unrealistic as there are several problems with this. This is highly unfair for people who have recently purchased a new vehicle who will have to replace this again in a shorter period of time. It is highly expensive to purchase a new taxi every 8 years taking depreciation into account and other factors into account. Also, with the high costs of Fuel and insurance being considered, it will be very difficult for most drivers to replace their vehicles resulting in people ending up without a job.

I hope you take my concerns into consideration and do not make the proposed changes.

Yours Faithfully

From:
Posted At: 09 May 2013 17:22
Posted To: licensing@oxford.gov.uk
Conversation: Euro Emissions & Vehicle Age Limits
Subject: Euro Emissions & Vehicle Age Limits

9th May 2013

Licensing Authority
Oxford City Council
Mr John Copley
3rd Floor, St Aldate's Chambers
Oxford, OX1 1DS

Dear Mr Copley,

Re: Euro Emissions & Vehicle Age Limits

I write with reference to the letter dated 23rd April 2013.

I am deeply concerned at your proposals which are unrealistic, unreasonable and out of touch with the pervading economic climate!

I don't think you have considered the reality of the financial situation experienced by the taxi drivers in Oxford. Any survey will show you that business is in decline and drivers are struggling to keep their heads above water.

It is evident that you have not taken into account the spiralling cost of fuel, insurance, road tax, council plate, badge, 2 compliance tests and regular ongoing maintenance costs.

I believe you are being hasty and unreasonable by pre-empting the final findings of the law commission and you have given no valid legitimate reasons for doing so.

In your consultation letter you have asked 5 questions and my response is as follows:

1. I have no problem with the Council having a plan to reduce carbon emissions and improve vehicle safety. However, I fail to understand how my vehicle and my colleague's vehicles are deemed unsuitable and unsafe if they are 8 years or over of age, when our taxi vehicles undergo stringent twice yearly compliance tests. Perhaps the council would like to explain this to me and other taxi drivers?

2. I strongly disagree with your assertion that carbon emissions can be reduced and vehicle safety can be improved by imposing an upper age limit on Hackney carriages and Private Hire Vehicles.

I copy a quote from DFT Taxi and Private Hire Vehicle Licensing: Best Practice Guide; Para 32

“AGE LIMITS. It is perfectly possible for an older vehicle to be in good condition. So setting of an age limit beyond which a local authority will not license vehicles may be arbitrary and inappropriate. But a greater frequency of testing may be appropriate for older vehicles – for example twice – yearly tests for vehicles over 5 years old”

3. I have no objections for an upper age limit of “under 5 years of age” for any vehicle submitted for a new licence.

4. I strongly disagree with the proposal for an upper age limit of “under 8 years of age” for any vehicle submitted for a renewal of an existing licence. See my reply to No’s 1 and 2.

5. I refer you to my reply to No’s 1 and 2. Perhaps the council should consider targeting the real gas guzzlers that are causing emissions problems in Oxford and stop discriminating against the Taxi business who are subjected to stringent twice yearly compliance tests. I am referring to buses and coaches.

I take strong issue with paragraph 2 of the letter dated 23.04.2013. It is an established fact that Oxford is a world class city due to its history and reputation. I would like to understand how its status will be further enhanced by imposing arbitrary age limits on taxis operating in Oxford.

I would like the council to present evidence of how the quality of vehicle safety offered to the public has been in any way compromised by taxi vehicles that are 8 years or over of age to come to an arbitrary 8 year age cut off point. I am open to persuasion if compelling evidence is provided as requested.

I urge you to re-consider your proposals.

Yours sincerely

From:|
Posted At: 03 May 2013 21:50
Posted To: licensing@oxford.gov.uk
Conversation: Consultation
Subject: Fwd: Consultation

Licensing Authority
Oxford City Council
Mr John Copley
3rd Floor, St Aldate's Chambers
Oxford, OX1 1DS

Dear Mr Copley,

Re: Euro Emissions & Vehicle Age Limits

I write with reference to the letter dated 23rd April 2013.

I am deeply concerned at your proposals which are unrealistic, unreasonable and out of touch with the pervading economic climate!

I don't think you have considered the reality of the financial situation experienced by the taxi drivers in Oxford. Any survey will show you that business is in decline and drivers are struggling to keep their heads above water.

It is evident that you have not taken into account the spiralling cost of fuel, insurance, road tax, council plate, badge, 2 compliance tests and regular ongoing maintenance costs.

I believe you are being hasty and unreasonable by pre-empting the final findings of the law commission and you have given no valid legitimate reasons for doing so.

In your consultation letter you have asked 5 questions and my response is as follows:

1.

I have no problem with the Council having a plan to reduce carbon emissions and improve vehicle safety. However, I fail to understand how my vehicle and my colleague's vehicles

are deemed unsuitable and unsafe if they are 8 years or over of age, when our taxi vehicles undergo stringent twice yearly compliance tests. Perhaps the council would like to explain this to me and other taxi drivers?

2.

I strongly disagree with your assertion that carbon emissions can be reduced and vehicle safety can be improved by imposing an upper age limit on Hackney carriages and Private Hire Vehicles.

I copy a quote from DFT Taxi and Private Hire Vehicle Licensing: Best Practice Guide; Para 32

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3.

I have no objections for an upper age limit of “under 5 years of age” for any vehicle submitted for a new licence.

4.

I strongly disagree with the proposal for an upper age limit of “under 8 years of age” for any vehicle submitted for a renewal of an existing licence. See my reply to No’s 1 and 2.

5.

I refer you to my reply to No’s 1 and 2. Perhaps the council should consider targeting the real gas guzzlers that are causing emissions problems in Oxford and stop discriminating against the Taxi business who are subjected to stringent twice yearly compliance tests. I am referring to buses and coaches.

I take strong issue with paragraph 2 of the letter dated 23.04.2013. It is an established fact that Oxford is a world class city due to its history and reputation. I would like to understand how its status will be further enhanced by imposing arbitrary age limits on taxis operating in Oxford.

I would like the council to present evidence of how the quality of vehicle safety offered to the public has been in any way compromised by taxi vehicles that are 8 years or over of age to come to an arbitrary 8 year age cut off point. I am open to persuasion if compelling evidence is provided as requested.

I urge you to re-consider your proposals.

Yours sincerely

Sent from my iPhone

From:
Posted At: 29 May 2013 20:52
Posted To: licensing@oxford.gov.uk
Conversation: Euro Emissions & Vehicle Age Limits
Subject: Euro Emissions & Vehicle Age Limits
Dear Taxi Licensing Authority,

Re:

We do not agree with the age limits on the vehicle, as it is not viable to buy a new Hackney Cab every eight years, they are very expensive it takes us five years to pay the hire purchase off.

I completely understand the purpose behind this but it just isnt viable.

Many Thanks

From:

Posted At: 06 June 2015 23:16

Posted To: licensing@oxford.gov.uk

Conversation: HACKNEY CARRIAGE & PRIVATE HIRE: CONSULTATION

Subject: RE:HACKNEY CARRIAGE & PRIVATE HIRE: CONSULTATION

Ref: Taxi Licensing

Dear Sirs/Madams

I am emailing you with regards to the Vehicle age limits. I am a Hackney Carriage driver, and would like to suggest that the limit for a hackney carriage licence should be at least 15 years for the below reasons:

1. A Hackney costs £40,000 (hence it is unfair to compare it to a private hire vehicle, as they only cost around £10,000-£12,000, which is 3 times less than the price of a Hackney).
2. We have to go through 2 MOT tests within a year, so Hackney's are mostly up to date in meeting the required standards.

In order to make sure all Hackneys are meeting the required standards you should do spot checks more often. And those that are not up to their standards should be taken off road / suspended until they meet the standards.

On average the weekly maintenance costs for a Hackney is £250-£300, which is very hard to manage especially in this financial climate/recession, and also business is currently down by 30%. I hope you will take the above points into your consideration, so we could come to a agreement. I look forward to hearing from you soon. Many thanks.

Best Regards

From
Posted At: 28 April 2013 10:44
Posted To: licensing@oxford.gov.uk
Conversation: Euro Emissions @ Vehicle Age Limits
Subject: Euro Emissions @ Vehicle Age Limits

i agree with your proposals for the upper age limit of under 5 years for any vehicle submitted for a new licence and also the upper age limit of under 8 years for vehicle submitted for a renewal of an existing license i think the it would be good for keeping the carbon emissions at a lower level and also for keeping the taxis and private hire in a more up to date condition for the general public to travel in safety and comfort thank you

From:
Posted At: 15 May 2013 12:48
Posted To: licensing@oxford.gov.uk
Conversation: EURO Emissions & Vehicle Age Limits
Subject: EURO Emissions & Vehicle Age Limits
Subject: EURO Emissions & Vehicle Age Limits

Please find my response to the hackney carriage & private hire consultation and thank you for allowing me the opportunity to respond.

1. I do agree that Oxford City Council should have a plan to reduce carbon emissions and improve vehicle safety.
2. I do not think that adding these age limits will improve vehicle safety and reduce carbon emissions.
3. I do not agree with the proposal for an upper age limit of “under 5 years of age” for any vehicle submitted for a new licence.
4. I do not agree with the proposals for an upper age limit of “under 8 years of age” for any vehicle submitted for the renewal of an existing licence.
5. In principle I am not against an age limit for vehicles as per the proposal but do not think it should be as proposed. For example the upper age limit for the renewal of an existing license should be under 14 years rather than under 8 years.

In addition to this the TX4 model of the London Taxi has brought further improvements during the years to the London taxi. The VM Motori diesel engine meets the Euro IV emission standard which means a much improved environmental performance. ABS brakes provide increased safety, while the passengers benefit from reduced noise levels.

There are a number of other refinements, such as improved ventilation (with the option of air conditioning), improved intercom system and an interior redesign to give a lighter, brighter ambience.

Therefore by having an existing model you are likely to conform to high standards of vehicle safety and have an environment friendly vehicle.

I take pride in my taxi and make sure it is maintained upto a high standard both in terms of vehicle safety, the environment and my customers. If there are taxi's not upto certain standards maybe they should be targeted by the City Council (e.g. spot checks) rather than general proposals which are costly for taxi drivers.

From:
Posted At: 30 April 2013 12:08
Posted To: licensing@oxford.gov.uk
Conversation: Taxi Age Limit
Subject: Taxi Age Limit

I will keep this brief as I am sure that you will have many hundreds of letters to consider. I personally as a driver am against the proposal. Although The EU are forcing you to reduce emissions in line with their own policy (which again I disagree with, and hopefully the government is not lying to us this time and give us our referendum so that we can pull out of the EU and be free of all these loony schemes, but that is for another day) in point 1 I fail to see how the OCC plan would improve vehicle safety because the TX1 which you wish to ban from the roads is a far better built and sturdier vehicle than the TX4 that you favour, and as such offers better safety for the passenger and driver. point 2 No. Point 3 Yes. Point 4 No. Point 5. A simple answer for the Carfax area, which is the main cause of pollution in The City Centre, would be to remove the loading bays along the North side of High Street, and to move the bus dropping off points further East away from Carfax, this would alleviate the all day long traffic jams caused by the 2 above very badly designed bays. The longer action needed is for the London and Airport buses to be routed either North or South from Gloucester Green, and NOT down the High Street which has already suffered enormous damage caused by the weight of The Oxford Tube, and fully laded airport buses only a few years after £millions was spent rebuilding the road. In Queen Street a new bus stop is needed East of Bonn Square to take away the pressure on St Aldates which now resembles Cornmarket Street of old with buses blocking the road all day and sometimes all night long. Their are very few Black Cab movements through Carfax as we use the North or South routes to avoid the congestion. Now to the Taxi Trade. The entire world looks up to the London Taxi Trade as the model that all licensing authorities aspire to. But as usual Oxford has to be different and be the guinea Pig for all Harebrained schemes, from the Rubber Road in Cornmarket Street in the 50s right up to the modern day, with cornmarket voted 2nd worst street in Britain, my point being that it seems that all decisions made solely by O.C.C. are not only wrong but financially lead to bankruptcy. I feel that the London Model should be followed, where you can still find FX'S on the road. The main challenge to your proposal (and maybe a costly legal one) will come from your decision to grant The L.T.C. a monopoly on Taxi sales in Oxford. Their vehicle is the most unreliable on the road, having had recalls, and an awful record in Oxford for the proprietors forced to buy one, not to mention the financial problems of the parent company. You will need to licence the Mercedes as well if you were to bring in an age limit. As you know it is good enough for London, so should be good enough for the rest of the World let alone Oxford. One last thing for you to contemplate, the Multi-national bus companies that clog up our streets get subsidies to buy their buses, subsidies to run certain services, and are just implementing their 7th fare increase in just over 5 years. The Taxi trade enjoys none of the above privileges, and also over the last 3 years until last month had only had 1 fare increase of 1.5% on a £10 journey, whilst having to suffer a near 50% rise in fuel costs. If your proposal is implemented you will be looking at another 10% rise in fares to cover the £140 a week loan repayments on a new cab. And my last gripe is aimed directly at licensing who provide only 14 working rank spaces for 107 licensed taxis. I.E. Gloucester Green. The ranks at St Giles and The High Street are useless as people will not walk to them and instead flag down a cab either by Waterstones or Carfax. You need to provide a daytime rank in Broad Street in the space currently occupied by the Tour Bus sales booth, and make Carfax at 24 Hour Rank, it works perfectly well on a Sunday, so what is your objection to a 24/7 rank?. I hope you take these points on board, as you are not likely to get anything as constructive from the COLTA secretary who is about as much use as an ashtray on a motorbike, but he makes your life easier.

From:
Posted At: 02 May 2013 19:34
Posted To: licensing@oxford.gov.uk
Conversation: Taxi Licensing
Subject: ref: Taxi Licensing
To John Copley

In reply to your letter sent to me i would like to point say that i do not agree with reducing the age limit of taxis to 5 years. i feel it should be 15. As our vehicles have 2 MOT every year to ensure they are safe, as part of those MOTs emissions and the general look of the vehicle is apart of the test. so as long as we are passing it shouldn't be a issue. however i understand you would like the vehicles to look presentable which is why i recommend a 15 year age limit as i feel there is no reason a 14 year old vehicle can still well presentable and if there are any issues in its looks or emissions efficacy this will be flagged up in the MOT.

kind regards

From:
Posted At: 11 June 2013 22:00
Conversation: Euro Emissions&Vehicle Age Limits
Posted To: VEHICLE AGE LIMITS

Subject: Euro Emissions&Vehicle Age Limits

Dear Sir madam

First of all thank you very much for asking my point of view on euro emission & vehicle age limits. I agree with the proposals for an upper age limit of " under 5 years of age". But i disagree with the proposals for an upper age limit " under 8 years of age" if it is possible please could you keep 10 year limit because it difficult to save money to buy another taxi in three years.

Some cars come from other city councils but there cars are very old and they work with same city, same company, how could you improve to reduce carbon in oxford. I know some local taxi drivers even when the oxford city council stop to renew their vehicle these driver then take there taxis to other city council to renew there taxi plates and start to work back in oxford again. I am advising you to leave the age limit to 10 years. please try stop other city council drivers working back in oxford.If oxford city council don't take any action then oxford city workers will join other city councils to get vehicle plates and work back in oxford.

thank you for taking your time for reading this.

From:
Posted At: 12 June 2013 12:08
Posted To: licensing@oxford.gov.uk
Conversation: 2013 Oxford City Council Hackney Consultation
Subject: 2013 Oxford City Council Hackney Consultation
Date 12.06.2013

Dear Sir/Madam

I have read your letter regarding the consultation letter on the Age Limit and Euro Emission on Hackney Carriages.

I myself disagree with the whole proposals because this age limit would put a big effect on me in buying a new cab which cost £40000

Or by me to arrange for a loan which i believe would financially make it unworkable.

Then to claim or make the money back would mean meter fare price would have to go up again.

Already its unfair because cost have gone up in every section.

So i am not happy at all.

I would like or discuss a plan to reduce Carbon Emission because i feel and for others around me to breath fresh air.

And for the Safety issue i would say there is not much we can change

Yours Sincerely

Sent from my Samsung Galaxy Note II LTE on Three

From:
Posted At: 29 April 2013 17:11
Posted To: licensing@oxford.gov.uk
Conversation: Cab age
Subject: Cab age

I am writing to you in regards to the age limit of taxis. I believe as far as the vehicles are up to standard engine wise and body wise or otherwise the cabs should not have to be changed. The council has a great team of M.O.T. staff which also goes along with the M.O.T. of taxis twice a year to make sure the taxis are up to date, so with this in place i believe there should not be an age limit on taxis as we are or remain up to date with vehicles.

Thank you and regards

Sent from my iPhone

From:|
Posted At: 12 June 2013 08:50
Posted To: licensing@oxford.gov.uk
Conversation: Consul
Subject: Consultation

Dear Sir/Madam

Further to the above Consultation, my response is, as follows:-

1. Yes, I agree to the reduction of emissions, but believe the existing safety criteria is sufficient.
2. Yes, I agree the upper age limit should be capped, but only in consultation with the drivers on a voting basis.
3. No, I do not agree to the upper age limit of 5 years. Any proposals should be done by a vote of the current license holders.
4. No, I do not agree with the upper age limit of 8 years for renewal, I believe it should be between 10-15 years.
5. The council should part subsidise any exhaust changes to enable vehicles to be compliant with Euro emissions. Also, the current thorough process of MOT testing is sufficient to ensure vehicle safety.

Regards,

From:
Posted At: 12 June 2013 13:42
Posted To: licensing@oxford.gov.uk
Conversation: euro emissions and vehicle age limits
Subject: euro emissions and vehicle age limits

Licensing Authority,

I am responding to the letter I received dated 23/04/2013 with regards to the consultation on emissions and vehicle age limits for hackney carriage and private hire vehicles.

I do not agree with the proposals put forward by the head of environmental development for climate change mitigation. I believe that the proposals are a knee jerk reaction and do not believe that they have been properly thought through as to how much difference they would make. Some stats to show what difference these proposals would make would have been appreciated.

At the moment hackney carriage vehicles go through a very stringent MOT every six months. Very close detail is paid to conditions of vehicle including mechanical, interior and exterior to make sure vehicles are in good condition and appearance to represent Oxford city gracefully. I disagree that the upper age limits of 5 and 8 years would improve vehicle safety because the current set up is more than adequate to make sure the vehicles are upholding the safety of the travelling public well.

At the moment there are older vehicles in service in London (the top destination for tourists in 2012,ref conde nast traveller) representing the borough well.

And what about the financial implication to the licence holders in the current financial climate, which I believe has not been thought through at all when the propasal suggests that the changes should be bought in from Jan 2014- approximately 5 to 6 months after the end of consultation. For your information a 5 year old LTI costs in the region of £15 to £20000.How would a licence holder look to finance for this amount in the current climate when banks are not lending so openly.In such a short period of time a licence holder may have to look else where for employment.

Therefore, i disagree with these proposals in current form and believe they have not been thought through properly taking all aspects in to cosideration.

I would suggest;

- : making more roads traffic free

- : reduce busses on the road at certain times of the day. I have lost count of the number of busses I see on a daily basis that are travelling with only a few passengers on board. There are so many busses about at off peak times that the congestion they cause and ultimately how much pollution they cause from vehicles that are jammed up behind them. The roads in Oxford are narrower than in some towns because of which we have so much congestion. May be we need to look at parking bays for busses cut into the pavements to keep other traffic flowing.

- :When a new vehicle is licenced,Only allow vehicles to be licenced under certain engine size.The trend from manufacturers is to reduce the engine capacity of their vehicles to bring down their emissions.

- : put a cieling on maximum CO2 PER G/KM for vehicles to emit, encouraging licence holders to bring in cleaner vehicles when replacing their vehicles.

- : LTI vehicles (ie black cabs) do not have the most efficient vehicles on the market in terms of CO2 or fuel efficiency. Why not allow Lti vehicles to be

replaced by passenger cars to be hackney carriage licensed vehicles. That would significantly reduce the carbon footprint.

:put a ceiling on maximum number of private hire vehicle licences.

:Educate all vehicle users on how to use their vehicles more efficiently, therefore reducing emissions and improving economy of their vehicles.

:Any proposal should give a good notice of time. I would suggest 2 to 4 years depending on the proposal. This would then give everybody a good opportunity to evaluate their own circumstances and make their decision.

I hope my views are taken in to consideration when making any changes.

Kind regards.

From:|
Posted At: 29 May 2013 10:48
Posted To: licensing@oxford.gov.uk
Conversation: Hackney Carriage & Private Hire: Consultation
Subject: RE: Hackney Carriage & Private Hire: Consultation

To Whom It May Concern,

I am writing to discuss my views on the 'Euro emissions & vehicle age limit' consultation. I, as a Hackney driver of 24 years, strongly disagree with the proposals listed. I believe that the proposals are ill thought and are detrimental to the livelihoods of hundreds of drivers across Oxfordshire.

The following are my views on the proposals suggested;

New Vehicle Licence:

From 1st January 2014 a licence will not be granted if the vehicle is 5 years or of age or more from the date of its first registration.

Renewal of Vehicle Licence:

From 1st January 2014 no licence will be renewed if the vehicle is 8 years of age or more from the date of its first registration.

These proposals will mean that me, and hundreds of other drivers, will have to spend a circa £40, 000, every 8 years, in order to gain a licence to earn our livelihoods; after paying the 5 year loan the total will be around £47,000. This money will come from our own pockets and will reduce our living standards. Will the Council help us in purchasing our vehicles through subsidies? I probably don't think so because it would be unfair on the tax payer. Bus companies can pay to introduce new buses because they are one business therefore can use their size to negotiate better rates of price whereas our taxis are bought by individuals thus reducing our bargaining power. This will also lead to a glut of working, and in good order, taxis on the second hand marketing leading to a loss of value when it comes to the point of sale after 8 years.

Work for us driver has already gone down because of cross border Private Hire working in Oxford pinching our trade; our enforcement team is not doing enough because these cars are increasing in number each day.

Financially it will make sense for us Hackney drivers to purchase Private Hire vehicles as they tend to be cheaper (about £15,000 v £40,000) This will mean that Oxford will lose an iconic vehicle. A city as iconic as Oxford deserves a Hackney Taxi.

Another point I want to make is regards to carbon emissions. Our taxis are MOT'd every 6 months and are subjected to strict emission tests, already, therefore the fleet of taxis are in good working conditions. Surely emission costs of building a brand new taxi outweigh the emission cost of running a taxi older than 8 years? It is unfair to just look at the emissions when the taxis are working but the entire life emission of the taxis should be considered; and in that sense these proposals make absolute no sense and stink of proposals for the sake of proposals.

My final point is Oxford is a small city compared to London, Manchester,

Glasgow etc, those cities have a much larger taxi fleet but their taxis wouldn't be subjected to such strict emissions controls then why should ours be? Surely action must be taken in larger cities before it is stemmed down to smaller cities like ours?

In conclusion these proposals are ill thought and will strike the very livelihoods of a hundred drivers and hundreds of families depending upon them. Our taxis are already tested, twice a year, against strict emissions tests and most tend to pass so why have these emissions rules now? Also one must look at the entire emissions life span of a taxi, from manufacture to disposal and not just the emissions that come from the exhaust pipe; and in that sense these proposals are in complete contradiction to your aims behind them.

Regards

From:
Posted At: 28 May 2013 12:28
Posted To: licensing@oxford.gov.uk
Conversation: Taxi licensing
Subject: Taxi licensing

- 1) Do you agree or disagree that Oxford city council should have plan to reduce carbon emissions and improve vehicle safety.....Agree
- 2) Do you agree or disagree that this can be achieved by putting an upper age limit on hackney carriages and private hire vehicles? Disagree
- 3) Do you agree or disagree with the proposals for "an upper age limit of" under 5 years of age" for any vehicle submitted for new licence? Agree
- 5) Do you agree or disagree with the proposals for "an upper age limit of" under 8 years of age" for any vehicle submitted for the renewal of an existing licence? Disagree
- 6) 5) If you disagree with these proposals, Please let us know how you would suggest we achieve our carbon emissions reduction and improvements in vehicle safety..

P.S Sorry to say this but the way things are going in the business not many people will be able to afford all these expenses.

All I can say is if vehicle owner maintain the vehicle I don't see the need to keep changing them, I'm sure you have read about what is going with LTI. So how will the owner of LTI cab be able to keep changing from old to new???

From:
Posted At: 07 May 2013 19:35
Posted To: licensing@oxford.gov.uk

Conversation: Totally disagree because tx1 have better cleaner emissions than tx4s and there's not enough business too fork out forty thousand pounds every eight years
Subject: Totally disagree because tx1 have better cleaner emissions than tx4s and there's not enough business too fork out forty thousand pounds every eight years

Sent from my iPhone

Subject: FW: HACKNEY CARRIAGE & PRIVATE HIRE: CONSULTATION
Date: 07 June 2013 08:22:02

From:
Posted At: 06 June 2013 23:16
Posted To: licensing@oxford.gov.uk
Conversation: HACKNEY CARRIAGE & PRIVATE HIRE: CONSULTATION
Subject: RE:HACKNEY CARRIAGE & PRIVATE HIRE: CONSULTATION

Ref: Taxi Licensing

Dear Sirs/Madams

I am emailing you with regards to the Vehicle age limits. I am a Hackney Carriage driver, and would like to suggest that the limit for a hackney carriage licence should be at least 15 years for the below reasons:

1. A Hackney costs £40,000 (hence it is unfair to compare it to a private hire vehicle, as they only cost around £10,000-£12,000, which is 3 times less than the price of a Hackney).
2. We have to go through 2 MOT tests within a year, so Hackney's are mostly up to date in meeting the required standards.

In order to make sure all Hackneys are meeting the required standards you should do spot checks more often. And those that are not up to their standards should be taken off road / suspended until they meet the standards.

On average the weekly maintenance costs for a Hackney is £250-£300, which is very hard to manage especially in this financial climate/recession, and also business is currently down by 30%. I hope you will take the above points into your consideration, so we could come to a agreement. I look forward to hearing from you soon. Many thanks.

Best Regards

From:
Posted At: 11 June 2013 22:30
Conversation: Hackney Carriage & Private Hire vehicle 2013 Consultation Oxford City Council
Posted To: VEHICLE AGE LIMITS

Subject: Hackney Carriage & Private Hire vehicle 2013 Consultation Oxford City Council

Date 11.06.2013

Dear Sir/Madam

I have read your letter that the General Purposes Licensing Committee has requested that the Head of Environmental Development carry out this Hackney Carriage & Private Hire Vehicle Consultation in the Summer of 2013.

I would like to make my views known regarding the Hackney Carriages Consultation and on the following Euro Emission & Age Limits.

With the New Vehicle Licence I agree that the vehicle should not be more than 5 years old because that's what we're doing at the moment.

The Renewal Of The Vehicle License I would Disagree because we feel there should not be an age limit set.

I would Agree if there could be a plan to reduce Carbon Emissions and Improve Vehicle Safety By having inner comfort areas of the vehicle more improved on and by looking at Catalytic Converter Systems or another type of alternative idea rather than an age limit set on the Hackney Carriage Vehicles.

I would Disagree because this can not be achieved by putting an upper age limit on Hackney Carriages nor it will achieve a limit of under age of 8 years.

I could Agree with a proposal if we really need an age limit of such vehicle that would submit a vehicle license to be renewed for an existing license.

Oxford city and its council authorities have the best system in place already for these public services vehicles for they Safety check and Emission Tests. Which these public service vehicle are meeting the Standard Set.

We feel our Oxford City Council Authorities have improved more on Vehicle Safety and on Road Safety than any other Big City In The UK.

Financially we believe in business wise the Proposals put forward by the General Purposes Licensing Committee to request that the Head Of Environmental Development have a look in to is Unworkable and unaffordable.

We have agreed and disagreed on some question because we feel we and the local council authorities need to look at the long term effects and the wider picture on where the Taxi Trade is going at the Moment and its future coming.

Yours Sincerely

Sent from my iPad

30-09-13

Dear Sir

I am writing to you regarding the age limit and Euro emissions exercise. It would be very damaging if this goes to fruition. My our taxis are MOT'd twice a year and the emission test are passed as well as the taxis's are keep in excellent condition. Business has also dropped due to the recession we are in. Other cities such as London and Reading have to change their taxis every 20 years, I feel this standard should also be applied to us in the city of Oxford as well.

The cost of a taxi is between £35 000 to £40 000 so changing a taxi every 5 or 8 years would have a serious affect on our lively hood.

I urge the council to help us oppose this proposal and set a 20 year limit like other cities.

In Summary

I agree that carbon emissions should be reduced using a cost affective strategy

I disagree that an upper age limit on hackney carriages and private hire vehicles will help this (reasons stated above)

I disagree for an upper age limit of “under 5 years” for new licence

I disagree for an upper age limit of “under 8 years of age” for renewal existing licence.

I disagree with both proposals as this will question the viability of the taxi business in Oxford, Also the proposal does not offer a subsidy to assist the proposal as it has with bus companies in Oxford which is unfair.

Regards

From:
Posted At: 05 June 2013 05:51
Posted To: licensing@oxford.gov.uk
Conversation: Age limit
Subject: Age limit

Dear sir/madam

I am writing to you to request an age limit should not be put on taxis as this would put great burden on many taxi drivers and the cost of running these taxis are very expensive as it is.

Thank you

Sent from my iPhone

From: www-data [mailto:www-data@occ2.oxil.co.uk] Posted At: 04 June 2013 12:51
Posted To: licensing@oxford.gov.uk
Conversation: Contact Via Website
Subject: Contact Via Website

You have received a contact message from the Oxford City Council Website as follows:

Address:

Telephone N _____

Comments: Regarding age limit off Hackney carriages. I would like to put my point of view by saying a 15 year age limit should be implented. In london this has been implemented with no problems. As long as the cab is capable of passing mot every 6months then there shouldn't be an issue. We as a family have spent £27000 on a new cab and the only way for us to make most off the vehicle financially would be to put a 15 year age limit on the Hackney carriage.

Customer reference number: Hackney carriage age limit

From:
Posted At: 07 May 2013 18:03
Posted To: licensing@oxford.gov.uk
Conversation:
Subject:
To whom this may concern,

Upon reading your letter to introduce a New Vehicle Age Limit I have considered it not to be such a good decision, I agree that the Oxford City Council should take up a sense of responsibility trying to reduce the carbon emission but this new idea proposed will be extremely costly and much of a burden for us taxi drivers as currently work levels have reduced massively.

Taxis go through MOT every 6 months to check the suitability for the roads and for the public and this increases road safety. I have also noticed the newer generation of taxi makes are causing more mechanical problems and are becoming increasingly expensive to run.

The age of the taxi should not be something that needs to be looked on as a problem to be changed. In London you see Taxis of ages more than 20 and this is evidence that older vehicles are safe to drive. I agree that carbon emission is an on going problem for the world but if this decision is carried out it will cause much stress and financial burden on the taxi drivers.

I hope you can consider my view point and will be looking forward to see what action you take,

yours sincerely,

From:
Posted At: 28 May 2013 12:28
Posted To: licensing@oxford.gov.uk
Conversation: Taxi licensing
Subject: Taxi licensing

- 1) Do you agree or disagree that Oxford city council should have plan to reduce carbon emissions and improve vehicle safety.....Agree
- 2) Do you agree or disagree that this can be achieved by putting an upper age limit on hackney carriages and private hire vehicles? Disagree
- 3) Do you agree or disagree with the proposals for an upper age limit of "under 5 years of age" for any vehicle submitted for new licence? Agree
- 5) Do you agree or disagree with the proposals for an upper age limit of "under 8 years of age" for any vehicle submitted for the renewal of an existing licence? Disagree
- 6) 5) If you disagree with these proposals, Please let us know how you would suggest we achieve our carbon emissions reduction and improvements in vehicle safety..

P.S Sorry to say this but the way things are going in the business not many people will be able to afford all these expenses.

All I can say is if vehicle owner maintain the vehicle I don't see the need to keep changing them, I'm sure you have read about what is going with LTI. So how will the owner of LTI cab be able to keep changing from old to new???

From
21:43 Posted To: licensing@oxford.gov.uk
Conversation: Consultation
Subject: Consultation

Posted At: 07 May 2013

1. I agree when the O.C.C modernization plan includes swap of classic PHVs for hybrid ones.
2. I disagree.
3. I disagree.
4. I disagree.
5. By introducing more hybrid vehicles as PHVs, cancellation for instance: road signs of obligatory turn in only one direction for PHVs and Hackney Carriages, all PHVs and HCs should be provided with codes enabling to cross over hydraulic road blocks, focusing attention on swap of all fashioned buses on hybrid ones, traffic lights modernization to introduce new ones provided with approaching sensors.

Posted At: 03 June 2013 19:40
Posted To: licensing@oxford.gov.uk
Conversation: EURO EMISSIONS & VEHICLE AGE LIMITS
Subject: EURO EMISSIONS & VEHICLE AGE LIMITS

1. I disagree

2. I disagree

3. I disagree

4. I disagree - There should be an age limit of 15 years for any vehicle submitted for a new license.

5. At the moment economic climate is not good therefore people are struggling with finances and people like myself are unable to afford new vehicles which cost around £35,000.

Concerning vehicle safety there is already 6 months MOT service in place, therefore there will any issues will be picked up in this.

Oxford is a small city and has limited business for taxi drivers as the busy days are only Friday's and Saturdays. Also many of the bus services are now 24 hours.

From:
Posted At: 02 May 2013 23:03
Posted To: licensing@oxford.gov.uk
Conversation: Consultation
Subject: Consultation

Licensing Authority
Oxford City Council
Mr John Copley
3rd Floor, St Aldate's Chambers
Oxford, OX1 1DS

Dear Mr Copley,

Re: Euro Emissions & Vehicle Age Limits

I write with reference to the letter dated 23rd April 2013.

I am deeply concerned at your proposals which are unrealistic, unreasonable and out of touch with the pervading economic climate!

I don't think you have considered the reality of the financial situation experienced by the taxi drivers in Oxford. Any survey will show you that business is in decline and drivers are struggling to keep their heads above water.

It is evident that you have not taken into account the spiralling cost of fuel, insurance, road tax, council plate, badge, 2 compliance tests and regular ongoing maintenance costs.

I believe you are being hasty and unreasonable by pre-empting the final findings of the law commission and you have given no valid legitimate reasons for doing so.

In your consultation letter you have asked 5 questions and my response is as follows:

1.

I have no problem with the Council having a plan to reduce carbon emissions and improve vehicle safety. However, I fail to understand how my vehicle and my colleague's vehicles are deemed unsuitable and unsafe if they are 8 years or over of age, when our taxi vehicles undergo stringent twice yearly compliance tests. Perhaps the council would like to explain this to me and other taxi drivers?

2.

I strongly disagree with your assertion that carbon emissions can be reduced and vehicle safety can be improved by imposing an upper age limit on Hackney carriages and Private Hire Vehicles.

I copy a quote from DFT Taxi and Private Hire Vehicle Licensing: Best Practice Guide; Para 32

“AGE LIMITS. It is perfectly possible for an older vehicle to be in good condition. So setting of an age limit beyond which a local authority will not license vehicles may be arbitrary and inappropriate. But a greater frequency of testing may be appropriate for older vehicles – for example twice – yearly tests for vehicles over 5 years old”

3.

I have no objections for an upper age limit of “under 5 years of age” for any vehicle submitted for a new licence.

4.

I strongly disagree with the proposal for an upper age limit of “under 8 years of age” for any vehicle submitted for a renewal of an existing licence. See my reply to No’s 1 and 2.

5.

I refer you to my reply to No’s 1 and 2. Perhaps the council should consider targeting the real gas guzzlers that are causing emissions problems in Oxford and stop discriminating against the Taxi business who are subjected to stringent twice yearly compliance tests. I am referring to buses and coaches.

I take strong issue with paragraph 2 of the letter dated 23.04.2013. It is an established fact that Oxford is a world class city due to its history and reputation. I would like to understand how its status will be further enhanced by imposing arbitrary age limits on taxis operating in Oxford.

I would like the council to present evidence of how the quality of vehicle safety offered to the public has been in any way compromised by taxi vehicles that are 8 years or over of age to come to an arbitrary 8 year age cut off point. I am open to persuasion if compelling evidence is provided as requested.

I urge you to re-consider your proposals.

Yours sincerely

From:
Posted At: 15 May 2013 15:11
Posted To: licensing@oxford.gov.uk
Conversation: consultation
Subject: consultation

dear john copley,

we have already reduced business cause plenty of taxi drivers, operator and honestly you guys making lot of money, i am sure you will forgive me for this, for the subjected matter i simply dis agree.

manv thanks

From:
Posted To: licensing@oxford.gov.uk
Conversation: Contact Via Website
Subject: Contact Via Website

Posted At: 26 April 2013 12:34

You have received a contact message from the Oxford City Council Website as follows:

Comments: Hi my plate I think age limit should be 10 year if age limit is 8 year
than u have change car every three years That will be that will be not easy Thanks.

Customer reference number:

From:
Posted At: 29 May 2013 10:48
Posted To: licensing@oxford.gov.uk
Conversation: Hackney Carriage & Private Hire: Consultation
Subject: RE: Hackney Carriage & Private Hire: Consultation

To Whom It May Concern,

I am writing to discuss my views on the 'Euro emissions & vehicle age limit' consultation. I, as a Hackney driver of 24 years, strongly disagree with the proposals listed. I believe that the proposals are ill thought and are detrimental to the livelihoods of hundreds of drivers across Oxfordshire.

The following are my views on the proposals suggested;

New Vehicle Licence:

From 1st January 2014 a licence will not be granted if the vehicle is 5 years or of age or more from the date of its first registration.

Renewal of Vehicle Licence:

From 1st January 2014 no licence will be renewed if the vehicle is 8 years of age or more from the date of its first registration.

These proposals will mean that me, and hundreds of other drivers, will have to spend a circa £40, 000, every 8 years, in order to gain a licence to earn our livelihoods; after paying the 5 year loan the total will be around £47,000. This money will come from our own pockets and will reduce our living standards. Will the Council help us in purchasing our vehicles through subsidies? I probably don't think so because it would be unfair on the tax payer. Bus companies can pay to introduce new buses because they are one business therefore can use their size to negotiate better rates of price whereas our taxis are bought by individuals thus reducing our bargaining power. This will also lead to a glut of working, and in good order, taxis on the second hand marketing leading to a loss of value when it comes to the point of sale after 8 years.

Work for us driver has already gone down because of cross border Private Hire working in Oxford pinching our trade; our enforcement team is not doing enough because these cars are increasing in number each day.

Financially it will make sense for us Hackney drivers to purchase Private Hire vehicles as they tend to be cheaper (about £15,000 v £40,000) This will mean that Oxford will lose an iconic vehicle. A city as iconic as Oxford deserves a Hackney Taxi.

Another point I want to make is regards to carbon emissions. Our taxis are MOT'd every 6 months and are subjected to strict emission tests, already, therefore the fleet of taxis are in good working conditions. Surely emission costs of building a brand new taxi outweigh the emission cost of running a taxi older than 8 years? It is unfair to just look at the emissions when the taxis are working but the entire life emission of the taxis should be considered; and in that sense these proposals make absolute no sense and stink of proposals for the sake of proposals.

My final point is Oxford is a small city compared to London, Manchester,

Glasgow etc, those cities have a much larger taxi fleet but their taxis wouldn't be subjected to such strict emissions controls then why should ours be? Surely action must be taken in larger cities before it is stemmed down to smaller cities like ours?

In conclusion these proposals are ill thought and will strike the very livelihoods of a hundred drivers and hundreds of families depending upon them. Our taxis are already tested, twice a year, against strict emissions tests and most tend to pass so why have these emissions rules now? Also one must look at the entire emissions life span of a taxi, from manufacture to disposal and not just the emissions that come from the exhaust pipe; and in that sense these proposals are in complete contradiction to your aims behind them.

Regards

To the Head of Environmental Development
Oxford City Council
Oxford

Thursday 6th June 2013

RE: Euro Emissions & Vehicle age limits

Dear Sir,

In response to your letter regarding consultation for Hackney Carriage & Vehicles.
My opinion is as follows:

- 1) I believe there should be a national policy in place to reduce CO2 emissions and improve vehicle safety. This policy should apply to all vehicles nationwide.
- 2) I disagree that this can be achieved by enforcing an upper vehicle age limit on existing licences. If imposed there will be a huge unfair discrepancy between vehicle ages in Oxford compared to vehicles in other areas e.g. London, Reading.
- 3) I agree with proposals for an upper vehicle age limit of under 5 years for new licenses. This will ensure that the operating fleet will be gradually modernised.
- 4) I strongly disagree with an upper age limit of 8 years for renewal of existing licenses. As an owner driver of a Hackney Carriage Vehicle I believe an outlay of £45 000 every 8 years is not economically viable in this trade.
- 5) The present twice annual M.O.T ensures that vehicles are safe, road worthy and aesthetically suitable. In my opinion an upper age limit of a vehicle should be in line with places like London, and set at 15 years. This would ensure emissions are kept under control.

Yours sincerely,

From
Posted At: 03 June 2013 18:25
Posted To: licensing@oxford.gov.uk
Conversation: Euro Emissions & Vehicle Age Limits
Subject: Euro Emissions & Vehicle Age Limits

Licensing Authority
Oxford City Council
Mr John Copley
3rd Floor, St Aldate's Chambers
Oxford, OX1 1DS

Dear Mr Copley,

Re: Euro Emissions & Vehicle Age Limits

I write with reference to the letter dated 23rd April 2013.

I am deeply concerned at your proposals which are unrealistic, unreasonable and out of touch with the pervading economic climate!

I don't think you have considered the reality of the financial situation experienced by the taxi drivers in Oxford. Any survey will show you that business is in decline and drivers are struggling to keep their heads above water.

I believe you are being hasty and unreasonable by pre-empting the final findings of the Taxi Law Commission Reform and you have given no valid legitimate reasons for doing so.

In your consultation letter you have asked 5 questions and my response is as follows:

1. I have no problem with the Council having a plan to reduce carbon emissions and improve vehicle safety. However, I fail to understand how my vehicle and my colleague's vehicles are deemed unsuitable and unsafe if they are 8 years or over of age, when our taxi vehicles undergo stringent twice yearly compliance tests. Perhaps the council would like to explain this to me and other taxi drivers?
2. I strongly disagree with your assertion that carbon emissions can be reduced and vehicle safety can be improved by imposing an upper age limit on Hackney carriages and Private Hire Vehicles.

I copy a quote from DFT Taxi and Private Hire Vehicle Licensing: Best Practice Guide; Para 32

"AGE LIMITS. It is perfectly possible for an older vehicle to be in good condition. So

setting of an age limit beyond which a local authority will not license vehicles may be arbitrary and inappropriate. But a greater frequency of testing may be appropriate for older vehicles – for example twice – yearly tests for vehicles over 5 years old”

3. I have no objections for an upper age limit of “under 5 years of age” for any vehicle submitted for a new licence.

4. I strongly disagree with the proposal for an upper age limit of “under 8 years of age” for any vehicle submitted for a renewal of an existing licence. See my reply to No’s 1 and 2.

5. I refer you to my reply to No’s 1 and 2. Perhaps the council should consider targeting the real gas guzzlers that are causing emissions problems in Oxford and stop discriminating against the Taxi business who are subjected to stringent twice yearly compliance tests. I am referring to buses and coaches.

I would like the council to present evidence of how the quality of vehicle safety offered to the public has been in any way compromised by taxi vehicles that are 8 years or over of age to come to an arbitrary 8 year age cut off point.

I urge you to re-consider your proposals.
Yours sincerely

From:

Posted At: 13 May 2013 13:15

Posted To: licensing@oxford.gov.uk

Conversation: EURO EMISSIONS & AGE LIMITS

Subject: EURO EMISSIONS & AGE LIMITS

To whom this may concern

I think that your new vehicle licenses are both unworkable and very unreasonable

a) And b) i personally think that they should be left to the government to decide when they release findings of their consultations , i think you are jumping the gun a bit too quickly , as no one has that kind of money to replace cars that quickly due to the economic climate of the country (the cars that are cross bordering work will cement themselves in to Oxford city and you will not be able to govern the age of the vehicles from cross bordering hackney vehicles therefore impacting on the quality cars that we have in Oxford by being overrun by Lots of older vehicles from outside the oxford city borders

1) Regarding the question on consultation on whether oxford city should have a plan to reduce carbon emissions (i think oxford city should look at the sheer amount of buses which pollute far more than our PHV cars , and as regards to safety can you produce REAL figures which show how many passengers or public have been injured by PHV /HC , and at same time for BUSES and COACHES) also how many MOT'S do the buses and coach companies go through every year ??AGREE ACROSS ALL PUBLIC HIRE NOT JUST TAXIS

2) DISAGREE that this can be achieved by putting an upper limit on age , as we have two MOT'S a year and all the vehicles that are made for use as motor vehicles in Europe pass the best and most stringent SAFETY (FOR PASSENGERS AND ROAD USERS) the most strictest EMISSIONS tests before they are manufactured)

3) AGREE with the current 5 year limit for new vehicle license (works perfectly)

4) DISAGREE

THERE IS NOTHING WRONG WITH THE WAY THAT TAXIS/PHV ARE RUN AT THE MOMENT

BY MAKING THE WHOLE TAXI/PHV CHANGE VEHICLES BECAUSE YOU PERSONALLY DON'T LIKE OLDER YET PERFECTLY RUNNING TAXIS/PHV WILL NOT SOLVE ANYTHING!!

THE MASSIVE CARBON FOOTPRINT BURDEN YOU WILL PUT ON OXFORD BY CHANGING VEHICLES THAT ARE ALREADY RUNNING SAFELY AND EFFICIENTLY WILL BE IMMENSE AND WILL TAKE DECADES TO NULLIFY

THE GOVERNMENT HAS ALREADY A CONSULTATION IN PROGRESS, I THINK IT'S SENSIBLE TO WAIT FOR THE OUTCOME BEFORE YOU TRY AND MAKE A LOT OF PEOPLE SPEND MONEY THAT THEY DON'T HAVE ON CARS WHICH WILL CREATE A MASSIVE CARBON FOOTPRINT AND OUTPUT THE SAME AMOUNT OF EMISSIONS THAT YOU HAVE AT THE MOMENT WHICH WILL DO ABSOLUTELY NOTHING TO ENHANCE OXFORD AS A WORLD CLASS CITY (YOU COULD FIX THE ROADS IN OXFORD WHICH ARE WORSE THAN SOME THIRD WORLD COUNTRIES , AND STOP ROADWORKS IN SUMMER WHEN WE HAVE THE MOST AMOUNT OF TOURISTS THAT VISIT THIS GREAT CITY) THAT WOULD HELP TO ENHANCE THE CITY

From
Posted At: 03 June 2013 18:27
Posted To: licensing@oxford.gov.uk
Conversation: Euro Emissions & Vehicle Age Limits
Subject: Euro Emissions & Vehicle Age Limits

Licensing Authority
Oxford City Council
Mr John Copley
3rd Floor, St Aldate's Chambers
Oxford, OX1 1DS

Dear Mr Copley,

Re: Euro Emissions & Vehicle Age Limits

I write with reference to the letter dated 23rd April 2013.

I am deeply concerned at your proposals which are unrealistic, unreasonable and out of touch with the pervading economic climate!

I don't think you have considered the reality of the financial situation experienced by the taxi drivers in Oxford. Any survey will show you that business is in decline and drivers are struggling to keep their heads above water.

I believe you are being hasty and unreasonable by pre-empting the final findings of the Taxi Law Commission Reform and you have given no valid legitimate reasons for doing so.

In your consultation letter you have asked 5 questions and my response is as follows:

1. I have no problem with the Council having a plan to reduce carbon emissions and improve vehicle safety. However, I fail to understand how my vehicle and my colleague's vehicles are deemed unsuitable and unsafe if they are 8 years or over of age, when our taxi vehicles undergo stringent twice yearly compliance tests. Perhaps the council would like to explain this to me and other taxi drivers?
2. I strongly disagree with your assertion that carbon emissions can be reduced and vehicle safety can be improved by imposing an upper age limit on Hackney carriages and Private Hire Vehicles.

I copy a quote from DFT Taxi and Private Hire Vehicle Licensing: Best Practice Guide; Para 32

"AGE LIMITS. It is perfectly possible for an older vehicle to be in good condition. So

setting of an age limit beyond which a local authority will not license vehicles may be arbitrary and inappropriate. But a greater frequency of testing may be appropriate for older vehicles – for example twice – yearly tests for vehicles over 5 years old”

3. I have no objections for an upper age limit of “under 5 years of age” for any vehicle submitted for a new licence.

4. I strongly disagree with the proposal for an upper age limit of “under 8 years of age” for any vehicle submitted for a renewal of an existing licence. See my reply to No’s 1 and 2.

5. I refer you to my reply to No’s 1 and 2. Perhaps the council should consider targeting the real gas guzzlers that are causing emissions problems in Oxford and stop discriminating against the Taxi business who are subjected to stringent twice yearly compliance tests. I am referring to buses and coaches.

I would like the council to present evidence of how the quality of vehicle safety offered to the public has been in any way compromised by taxi vehicles that are 8 years or over of age to come to an arbitrary 8 year age cut off point.

I urge you to re-consider your proposals.
Yours sincerely

From:
Posted At: 13 May 2013 19:20
Posted To: licensing@oxford.gov.uk
Conversation: Euro Emissions & vehicle age limits
Subject: Euro Emissions & vehicle age limits

Dear Mr Copley

I agree Oxford City Council should plan to reduce carbon emissions and improve vehicle safety; however as owners of these vehicles it is not finically feasible for us to replace a vehicle every 8 years as proposed.

We have already suffered a loss of earnings (up to 30%) as a result of the recession and spiralling cost of maintaining the vehicles such as; insurance, fuel and repairs. We are already finding it increasingly difficult to keep our heads above water.

I would welcome OCC to adopt certain polices from councils such as Reading and allow vehicles to be in service up to 15 to 20 years providing they change the emission systems and are well maintained and road worthy.

In regards to safety, we are already complying with 2 M.O.T inspections every year. In my opinion this is adequate to ensure vehicles are in good condition.

Reading council have approved an emissions system which would be supplied and fitted by authorised persons, who will provide a 3 year warranty. The system costs approximately £1,500.

We would be willing to consider similar proposals in Oxford.

I disagree with an 'upper age limit' on hackney carriages due to the fact hackney vehicles are more expensive to buy and run compared to private hire vehicles. Also hackney carriages are purpose built to be long lasting as well as having swivel seats and easy and convenient disabled access. It would therefore be unfair to put these vehicles in the same category.

I feel the 8 year limit would damage the trade even further and may lead to drivers not maintaing there vehicles probably, due to the financial strains of making payments on the new vehicles, rising costs and decrease in earnings. Which may also result in owners giving up the trade altogether, this would be sad to see as many of the drivers have been in this profession over 20/30 years.

In relation to 'new vehicle licence' I agree with this proposal and agree vehicles should be relatively new when getting a new licence.

From:
Posted At: 16 May 2013 12:19
Posted To: licensing@oxford.gov.uk
Conversation: " Euro Emissions & Vehicle Age Limits"
Subject: " Euro Emissions & Vehicle Age Limits"

I'm writing off my concerns of Age limits of taxi hire cabs I been thinking long and hard on your proposal and find it hard to agree. I Don't find it financial worth it and would be very hard to coup with all the expentetures
I propose a NO limited on age of vehicles and would be accepted on as long as the mot passes the vehicle would be in very Good condition
. Thank you

From:
Posted At: 16 May 2013 01:04
Posted To: licensing@oxford.gov.uk
Conversation: Euro emissions & Vehicle age limits
Subject: Euro emissions & Vehicle age limits

Hi I have received the letter regarding age limits for vehicles and I am against the proposal as the current rules are fine. We should have 10 years for renewal of an existing license & the the upper age limit to license a new vehicle should be six years.

The consultation asks

1. Carbon emission is already low on any vehicles after the year 2000. The mot in Oxford is every six months which is more than enough for vehicle safety. As in Oxford mot station is already very strict compared to other parts of the uk. That is why a lot of drivers are coming- from other parts of uk to drive in oxford as they have it easy at the mot station in there city & can drive in oxford this should be stopped we have an age limit but if you put the age limits up all the drivers will go to other council & plate the vehicles there & drive in Oxford meaning a loss for Oxford city council.
2. No this cannot be achieved as stated above. All the drivers that cannot afford new cars & are still paying the finances on there cars like myself will either have to go unemployed & loose there cars for which they have not payed for in full, or go to another city & plate the cars there & drive in Oxford.
3. I disagree with the upper age limit of 5 years for a vehicle for a new license as stated above drivers will go elsewhere to plate vehicles & still drive in Oxford. I think it should remain 6 years to plate a new car for a new license.
4. I disagree with this upper age limit of 8 years & it should remain as it is as long as the vehicle passes the mot & is running fine why take it off the road. Like I said the mot in Oxford is very strict & owners spend time & money to maintain their vehicles to the highest standards as it is there car to drive & there own safety. Drivers are still paying there finances or loans they have taken to buy their cars. It would put them in a situation where they would loose there cars n become unemployed.
5. All cars made are build to safety standards which are required by law to have safety & low emissions to a certain standard. Otherwise the government would have a system in place were they would have to scrap every car which they thought was causing safety issues or poor emissions in the UK.

I would urge that this proposal should not be put through by the licensing department after all it is the employment of drivers you would be putting on the line. Drivers will be without a job not being able to afford there house rent going on unemployment benefits & the council would have to pay there rent, or people would not be able to afford the morgages taken out on the and in this time of recession that is the last thing we need.

From:
Posted At: 05 June 2013 13:41
Posted To: licensing@oxford.gov.uk
Conversation: "EURO EMISSIONS & VEHICLE AGE LIMITS"
Subject: "EURO EMISSIONS & VEHICLE AGE LIMITS"
Dear

EURO EMISSIONS & VEHICLE AGE LIMITS

Q 1 agree

Q 2disagree

Q 3.....agree

Q 4.....disagree (potential to increase to ten years)

Q 5 I agree with Co2 emission control in Oxford but i think this can be achieved by some other ways instead of just putting vehicle age limit up, for example the flow-thru filter is easily attached to the tailpipe of the

vehicle. The filter matrix is treated with a basic chemical compound. The vehicle exhaust is then diverted into the carbon-capture filter, which traps CO2 in a flow-by chemical reaction. The filter matrix acts as a carbon

sink, capturing harmful CO2. Once the filter is saturated with carbon, it can be easily removed from the device and exchanged for a new filter or rinsed and recharged with base material for reuse. Expect to capture

7% or about one half of the total 14% CO2 by volume coming out of the pipe. A typical 2 litre diesel vehicle less than five year old emits co2 136/139 g/km and similar ten years old vehicle emits co2 153/155 g/km, I

think this can be achieved more efficiently/economically and it will give some breathing space to most hard working cabbies in Oxford in current difficult financial climate.

Yours Sincerely.

From:
Posted At: 26 April 2013 17:02
Posted To: licensing@oxford.gov.uk
Conversation: Hackney Carriage Oxford City
Subject: Hackney Carriage Oxford City

I have read your letter date 23.04.2013
Regarding the New Licence and Renewal of Vehicle Licence.

As a Day Shift driver my point of view I disagree with the new ideas, which our taxi licensing Oxford & City Council is pushing forward from the date 01.01.2014.

Firstly buses are not owned by a individual person who drives them?
Cost Oxford County Council covers most of them?

Secondly Our City Council Public Service Vehicles are not owned by a individual person who drives them in they working day shift? and the cost of payment to safety does not come from the individual person.

Tax as a public business for bus company and other transport register with City Council & County Council get away with it by paying a low fee & Most of our buses are not to the high standard by age or emissions nor are our City Council Public service Vehicles????

Income for bus company is why more than we earn.

When you say in your letter, These proposed changes are being considered by the City Council in Oxford ? in order to reduce carbon emissions in keeping with other forms of public transport, which one do you mean? To enhance the quality of vehicle safety offered to the public, and to promote Oxford as a world Class City.....?

What our council of Oxford should be doing is checking vehicle safety and emissions test for vehicle that come in to Oxford city itself like other Taxi, Private Hire, buses & coaches Making money from them and please don't ask for more money from the Taxi Trade in the Oxford City.

There should be no age limit on Hackney Carriages as long as they pass they M.O.T and other city council safety test.

Sent from my iPad

To: General Purposes Licensing Committee

Date: 5 September 2013

Report of: Head of Environmental Development

Title of Report: Scrap Metal Dealers Act 2013

Summary and Recommendations

To inform Committee of new legislation, approve any necessary changes to the Constitution and the setting of a licence fee for the administration and enforcement of the Scrap Metal Dealers Act 2013.

Report Approved by:

Finance: Paul Swaffield

Legal: Daniel Smith

Policy Framework: A Vibrant and Sustainable Economy

The Committee is recommended to:

- i) Note the content of this report;
- ii) Authorise Head of Environmental Development and Head of Law and Governance to make any necessary changes to the Constitution consequent to the implementation of Scrap Metal Dealers Act 2013.
- iii) Approve the licence fees applicable for the two types of Scrap Metal Dealers as detailed at Paragraph 34 of this report.

Introduction

1. The Scrap Metal Dealers Act 2013 (the Act) was passed on 28th February 2013 and is due to come into force later this year on 1st October 2013. A copy of the Act is attached at **Appendix One**.
2. The Act repealed the Scrap Metal Dealers Act 1964 and consolidates scrap metal dealers & motor salvage operators under one licensing regime. Local Authorities will continue to act as the main regulator but the new Act gives Licensing Authorities more powers, including the power to refuse a license and powers to revoke licenses if the dealer is considered unsuitable. Both the Local Authority and the Police have been given powers to enter and inspect premises.

Background

3. There has been an increase in metal theft with the increased value of metal across the UK as a whole. A wide range of sectors have been hit including

national transport, electricity and telephone links, street furniture, memorials, commercial and residential buildings including churches and schools.

4. The Government introduced initial changes in 2012 that took steps to prohibit cash payments for scrap metal and amend the powers of entry into unregistered scrap metal sites and increase the existing financial penalties for offences under the Scrap Metal Dealers Act 1964. These changes were brought in under the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

Secretary of State Guidance

5. The Home Office is expected to issue guidance to Local Authorities (not yet published at the time of this report being presented to the Committee). Ahead of this guidance being issued, the Local Government Association has provided an explanation of the new Act, and this is attached at **Appendix Two**.

Summary of the Act

Definitions

6. The Act defines a “scrap metal dealer” as a person who is for the time being carrying on a business as a scrap metal dealer, whether or not authorised by a licence.
7. It further states that “scrap metal” includes:
 - (a) any old, waste or discarded metal or metallic material, and
 - (b) any product, article or assembly which is made from or contains metal and is broken, worn out or regarded by its last holder as having reached the end of its useful life.
8. The following is not considered to be “scrap metal”:
 - (a) gold,
 - (b) silver, and
 - (c) any alloy of which 2 per cent or more by weight is attributable to gold or silver.

Requirement to obtain a Licence

9. Section 1 of the Act requires that a scrap metal dealer obtains a licence from the Local Authority in order to carry on business as a scrap metal dealer. It will be an offence to carry on a business as a scrap metal dealer in breach of the requirement to hold a licence. This offence is punishable on summary conviction with a fine not exceeding level 5 on the standard scale.
10. Section 2 provides further detail in respect of the licence, including that there will be two types of licence, one for a site and the other for a mobile collector (for those carrying on business otherwise than at a site). A power is provided for the Secretary of State to prescribe the form and content of the licences in Regulations.

Site Licence

11. A site licence will be issued by the Local Authority in whose area a scrap metal site is situated and will require all of the sites at which the licensee carries on the business as a scrap metal dealer within the Local Authority area to be identified and a site manager to be named for each site. In doing so, they will be permitted to operate from those sites as a scrap metal dealer, including transporting scrap metal to and from those sites from any Local Authority area.

Mobile Collector's Licence

12. A mobile collector's licence will authorise the licensee to operate as a mobile collector in the area of the issuing Local Authority, permitting them to collect any scrap metal as appropriate. This includes commercial as well as domestic scrap metal.
13. The licence does not permit the collector to collect from any other Local Authority area; a separate licence would need to be obtained from each Local Authority in whose area the individual wished to collect in. A licence also does not authorise the licensee to carry on a business at a site within any area - should a collector wish to use a fixed site, they would need to obtain a site licence from the relevant Local Authority.
14. There is no restriction as to the location where the collector may transport and sell their metals.

Duration of Licence

15. A licence will be issued for a period of three years from the date of issue.

Fit and Proper Test

16. Section 3 requires that the Licensing Authority has to be satisfied that an applicant is a suitable person to carry on business as a scrap metal dealer. In considering suitability, the Local Authority must consult with:

- Any other Local Authority (if an application has been made or license issued to the same applicant),
- The Environment Agency, and
- The Police

In order to assess the following criteria:

- Whether the applicant or any site manager has been convicted of any relevant offence.
- Whether the applicant or any site manager has been the subject of any relevant enforcement action
- Any previous refusal for issue of or renewal of a scrap metal license.
- Any previous refusal for an environment permit ore registration
- Any previous revocation of scrap metal license.

- Whether the applicant has demonstrated that there will be adequate procedures to comply with the Act

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

Conditions attached to a Licence

17. Section 3 also allows Local Authorities, when issuing a licence, to impose prescribed conditions if the licensee or site manager has been convicted of a relevant offence. Subsection (8) specifies the two conditions that can be imposed by Local Authorities on a licence, namely:
 - (a) that the dealer must not receive scrap metal except between 9 a.m. and 5 p.m. on any day; and
 - (b) that all scrap metal received must be kept in the form in which it is received for a specified period, not exceeding 72 hours, beginning with the time when it is received.

Revocation of a Licence

18. Section 4 provides the Licensing Authority with the discretion to revoke a licence on particular grounds, including where the Local Authority is no longer satisfied that the licensee is a suitable person to carry on the business as a scrap metal dealer. The revocation of a licence can only be carried out by a Local Authority as the Licensing Authority.

Variation of a Licence

19. Section 4 also allows the Licensing Authority to vary a licence, imposing the conditions stipulated in Paragraph 17 above, if the licensee or a site manager is convicted of a relevant offence.

Duty to provide Relevant Information

20. Section 6 places a duty on the Local Authority to supply any such information as requested relating to a scrap metal licence to any other Local Authority in England and Wales, the Environment Agency, the Natural Resources Body for Wales and to police forces.

National Register of Scrap Metal Dealers

21. Section 7 requires that a register of licences issued under the Act should be maintained by the Environment Agency in England and the Natural Resources Body for Wales in Wales. Local Authorities will provide the appropriate information on all licences issued in their geographic areas in order that this register can be updated regularly. The register will be made openly accessible to the public and will include: the name of the Authority which issued the licence; the name of the licensee; any trading name; the type of licence; the site(s) covered by the licence and the expiry date of the licence.

Duties of Licence Holder

22. Section 10 requires that the licensee display a copy of their licence. For site operators this must be in a prominent place in an area accessible to the public. For mobile collectors, it must be in a manner which enables the licence to be easily read by a person outside the vehicle. A criminal offence is committed by any scrap metal dealer who fails to fulfil these requirements. This offence is punishable on summary conviction with a fine not exceeding level 3 on the standard scale.
23. Section 11 places a requirement on scrap metal dealers, site managers and employees who have been delegated the responsibility to do so, to verify the identity of the person they are receiving metal from and the person's address. This verification must be done by reference to data, documents or other information obtained from a reliable or independent source, such as the Identity and Passport Service, the Driver and Vehicle Licensing Agency, a bank or utility company etc. The Secretary of State will prescribe in regulations the data or documents which are sufficient, or not sufficient as the case may be, for verifying identity.
24. It will be an offence not to obtain and verify the seller's identity, punishable by a fine not exceeding level 3 on the standard scale. The offence will apply to the scrap metal dealer, the site manager and any person, who under arrangements made by either the scrap metal dealer or the site manager, has responsibility for fulfilling this requirement on behalf of the business.
25. Section 13 sets out the record-keeping requirements in respect of any scrap metal received by a scrap metal dealer in the course of their business. Information that is required to be recorded includes the type of metal being purchased; the time/date of the transaction; personal information on the seller; who is acting on behalf of the dealer and proof of the non-cash transaction. Failure to comply with the requirements of this section is an offence attracting a penalty up to level 5 on the standard scale.
26. The Act also prohibits the payment of cash for metals

Administrative Function of the Licensing Authority

27. A flowchart to assist Officers in determining whether a person requires a licence is attached at **Appendix Three**, and a draft application form for such persons to complete is attached at **Appendix Four**.

Enforcement Powers

28. Local Authority and Police Officers have been given powers to inspect licensed premises and can require production of any scrap metal at the premises, inspect records kept and take copies of those records.
29. The Act provides both the Police and the Local Authority with powers to issue closure notices to unlicensed scrap metal dealing premises and apply to a justice of the peace for a closure order.

Licence Fees

30. The current legislation only permits registration with basic information and no fee payable. The new Act requires more detailed information to be submitted on application and will allow the Local Authority to set a fee. The fee may be set locally and must be set at cost recovery of considering and determining the application; and when setting a fee Local Authorities must have regard to the guidance that will be issued by the Secretary of State.
31. In assessing the costs incurred in administering this regime Officers have taken advice from the Guidance issued by the Secretary of State, a copy of which is attached at **Appendix Five**.
32. To summarise the Guidance issued by the Secretary of State, income from licence fees can only be used to pay for the costs of carrying out the licensing process and must not exceed these costs. Local Authorities should specify different fees for each type of application including the assessment of an application for a licence, an application to vary a licence*, and an application for licence renewal.

*the 2013 Act allows a variation from a Site Licence to a Mobile Collectors Licence and vice versa. However, Officers believe that such a variation should be considered as a New Application for the respective licence being sought.

33. Fees should reflect the following costs:
 - time spent on assessment and administration
 - experience of licensing officers
 - storage (paper and electronic)
 - consultation on suitability of an applicant (including liaising with other Licensing Authorities)
 - reviewing relevant offences
 - format of licences
 - hearings
 - legal and other Council services associated with the function
34. The table below provides details of the proposed licence fees* that have been calculated to cover the administrative time and materials involved in considering applications (including any consultation period) and to cover the costs of Officers carrying out compliance and enforcement checks of Scrap Metal Dealers within the city over the 3 year period of a licence. A breakdown of the costs associated with administering and enforcing this licensing function are attached at **Appendix Six**.

APPLICATION	Site Licence	Mobile Collectors Licence
New / Renewal	£1200.00	£900.00
Variation (Admin Changes)	£100.00	£100.00

*the licence fee does not include any charges required for a Basic Disclosure which the applicant would obtain as part of the application process at his or her own cost.

35. Members are asked to approve the implementation of these fees. A spreadsheet detailing the full costs associated with each licence fee is attached at **Appendix Six**.

Transitional Arrangements

36. Listed below is the timeframe and guidance for the ending of the Scrap Metal Dealer Act 1964, and the commencement of the Scrap Metal Dealer Act 2013.
- All scrap metal dealers can apply for a scrap metal dealer's licence from 1st October 2013.
 - A scrap metal dealer who is currently registered under the Scrap Metal Dealers Act 1964 or Vehicles (Crime) Act 2001 needs to submit an application on or by 15th October and will be deemed to have a temporary licence which is valid until a licence decision is issued. We recommend that a formal licence decision is issued by local authorities by 1st December 2013.
 - Local Authorities will complete checks to assess applicants' suitability to hold a licence between 15th October 2013 and 1st December 2013.
 - If a registered scrap metal dealer does not submit an application on or by 15th October 2013 their deemed licence will lapse on 16th October 2013. A deemed temporary licence which has lapsed does not give rise to a right to appeal. The dealer must submit an application and wait for a licence to be issued before they can trade legally.
 - A Local Authority can impose conditions on a deemed temporary licence pending an appeal for the refusal of a licence.
 - Scrap metal dealers who are not registered under the Scrap Metal Dealers Act 1964 or the Vehicles (Crime) Act 2001 can apply for a scrap metal dealer's licence from 1st October 2013 but must wait for a licence to be issued before they can trade legally.
 - The offence of buying scrap metal for cash will come into force on 1st October 2013.
 - Local Authority officers and police officers will have the right to enter and inspect sites from 1st October 2013.
 - The majority of the other enforcement provisions within the Act will come into force on 1st December 2013.
37. This information has been made available on the Council website, and all currently registered relevant persons have been sent a letter informing them of the new provisions and the need to ensure that they make any relevant application to the Licensing Authority within the timeframe listed at Paragraph 36.

Financial Implications

38. The setting of the licence fees and the associated costs of maintaining the Scrap Metal Dealer Licensing function will impact on the Licensing Authority, and the costs incurred by the Authority are sought to be recovered through the licence fees detailed at Paragraph 34 of this report.

Legal Implications

39. Any legal implications regarding this matter are covered within the 2013 Act.

Recommendations

40. The Committee is recommended to:
- i) Note the content of this report;
 - ii) Authorise Head of Environmental Development and Head of Law and Governance to make any necessary changes to the Constitution consequent to the implementation of Scrap Metal Dealers Act 2013.
 - iii) Approve the licence fee applicable for a Scrap Metal Dealer as detailed at Paragraph 34 of this report (subject to any guidance to be issued by the Secretary of State).

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Background Papers:

- Appendix One:** Scrap Metal Dealers Act 2013
- Appendix Two:** LGA Guidance
- Appendix Three:** Application Flowchart
- Appendix Four:** Draft Application Form
- Appendix Five:** Secretary of State: Fees Guidance
- Appendix Six:** Costs to administer the Scrap Metal Dealer licensing function

Version 1.0



Scrap Metal Dealers Act 2013

CHAPTER 10

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Scrap Metal Dealers Act 2013

2013 CHAPTER 10

An Act to amend the law relating to scrap metal dealers; and for connected purposes. [28th February 2013]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Licensing of scrap metal dealers

1 Requirement for licence to carry on business as scrap metal dealer

- (1) No person may carry on business as a scrap metal dealer unless authorised by a licence under this Act (a “scrap metal licence”).
- (2) See section 21 for the meaning of “carry on business as a scrap metal dealer”.
- (3) A person who carries on business as a scrap metal dealer in breach of subsection (1) is guilty of an offence and is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

2 Form and effect of licence

- (1) A scrap metal licence is to be issued by a local authority.
- (2) A licence must be one of the following types—
 - (a) a site licence, or
 - (b) a collector's licence.
- (3) A site licence authorises the licensee to carry on business at any site in the authority's area which is identified in the licence.
- (4) A site licence must—
 - (a) name the licensee,
 - (b) name the authority,

- (c) identify all the sites in the authority's area at which the licensee is authorised to carry on business,
 - (d) name the site manager of each site, and
 - (e) state the date on which the licence is due to expire.
- (5) A collector's licence authorises the licensee to carry on business as a mobile collector in the authority's area.
- (6) A collector's licence must—
 - (a) name the licensee,
 - (b) name the authority, and
 - (c) state the date on which the licence is due to expire.
- (7) A licence is to be in a form which—
 - (a) complies with subsection (4) or (6), and
 - (b) enables the licensee to comply with section 10 (display of licence).
- (8) The Secretary of State may in regulations prescribe further requirements as to the form and content of licences.
- (9) A person may hold more than one licence issued by different local authorities, but may not hold more than one licence issued by any one authority.

3 Issue of licence

- (1) A local authority must not issue or renew a scrap metal licence unless it is satisfied that the applicant is a suitable person to carry on business as a scrap metal dealer.
- (2) In determining whether the applicant is a suitable person, the authority may have regard to any information which it considers to be relevant, including in particular—
 - (a) whether the applicant or any site manager has been convicted of any relevant offence;
 - (b) whether the applicant or any site manager has been the subject of any relevant enforcement action;
 - (c) any previous refusal of an application for the issue or renewal of a scrap metal licence (and the reasons for the refusal);
 - (d) any previous refusal of an application for a relevant environmental permit or registration (and the reasons for the refusal);
 - (e) any previous revocation of a scrap metal licence (and the reasons for the revocation);
 - (f) whether the applicant has demonstrated that there will be in place adequate procedures to ensure that the provisions of this Act are complied with.
- (3) In this section—
 - (a) "site manager" means an individual proposed to be named in the licence as a site manager,
 - (b) "relevant offence" means an offence which is prescribed for the purposes of this section in regulations made by the Secretary of State, and
 - (c) "relevant enforcement action" means enforcement action which is so prescribed.

- (4) In determining whether a company is a suitable person to carry on business as a scrap metal dealer, a local authority is to have regard, in particular, to whether any of the following is a suitable person –
 - (a) any director of the company;
 - (b) any secretary of the company;
 - (c) any shadow director of the company (that is to say, any person in accordance with whose directions or instructions the directors of the company are accustomed to act).
- (5) In determining whether a partnership is a suitable person to carry on business as a scrap metal dealer, a local authority is to have regard, in particular, to whether each of the partners is a suitable person.
- (6) The authority must also have regard to any guidance on determining suitability which is issued from time to time by the Secretary of State.
- (7) The authority may consult other persons regarding the suitability of an applicant, including in particular –
 - (a) any other local authority;
 - (b) the Environment Agency;
 - (c) the Natural Resources Body for Wales;
 - (d) an officer of a police force.
- (8) If the applicant or any site manager has been convicted of a relevant offence, the authority may include in the licence one or both of the following conditions –
 - (a) that the dealer must not receive scrap metal except between 9 a.m. and 5 p.m. on any day;
 - (b) that all scrap metal received must be kept in the form in which it is received for a specified period, not exceeding 72 hours, beginning with the time when it is received.
- (9) “Specified” means specified in the condition.

4 Revocation of licence and imposition of conditions

- (1) The authority may revoke a scrap metal licence if it is satisfied that the licensee does not carry on business at any of the sites identified in the licence.
- (2) The authority may revoke a licence if it is satisfied that a site manager named in the licence does not act as site manager at any of the sites identified in the licence.
- (3) The authority may revoke a licence if it is no longer satisfied that the licensee is a suitable person to carry on business as a scrap metal dealer.
- (4) Section 3(2) to (7) apply for the purposes of subsection (3).
- (5) If the licensee or any site manager named in a licence is convicted of a relevant offence, the authority may vary the licence by adding one or both of the conditions set out in section 3(8).
- (6) A revocation or variation under this section comes into effect when no appeal under paragraph 9 of Schedule 1 is possible in relation to the revocation or variation, or when any such appeal is finally determined or withdrawn.

- (7) But if the authority considers that the licence should not continue in force without conditions, it may by notice provide—
 - (a) that, until a revocation under this section comes into effect, the licence is subject to one or both of the conditions set out in section 3(8), or
 - (b) that a variation under this section comes into effect immediately.
- (8) In this section “the authority” means the local authority which issued the licence.

5 Further provision about licences

Schedule 1 (which makes further provision about licences) has effect.

6 Supply of information by authority

- (1) This section applies to information which has been supplied to a local authority under this Act and relates to a scrap metal licence or to an application for or relating to a licence.
- (2) The local authority must supply any such information to any of the following persons who requests it for purposes relating to this Act—
 - (a) any other local authority;
 - (b) the Environment Agency;
 - (c) the Natural Resources Body for Wales;
 - (d) an officer of a police force.
- (3) This section does not limit any other power the authority has to supply that information.

7 Register of licences

- (1) The Environment Agency must maintain a register of scrap metal licences issued by authorities in England.
- (2) The Natural Resources Body for Wales must maintain a register of scrap metal licences issued by authorities in Wales.
- (3) Each entry in the registers must record—
 - (a) the name of the authority which issued the licence,
 - (b) the name of the licensee,
 - (c) any trading name of the licensee,
 - (d) the address of any site identified in the licence,
 - (e) the type of licence, and
 - (f) the date on which the licence is due to expire.
- (4) The registers are to be open for inspection to the public.
- (5) The Environment Agency or the Natural Resources Body for Wales may combine its register with any other register maintained by it.

8 Notification requirements

- (1) An applicant for a scrap metal licence, or for the renewal or variation of a licence, must notify the authority to which the application was made of any

changes which materially affect the accuracy of the information which the applicant has provided in connection with the application.

- (2) A licensee who is not carrying on business as a scrap metal dealer in the area of the authority which issued the licence must notify the authority of that fact.
- (3) Notification under subsection (2) must be given within 28 days of the beginning of the period in which the licensee is not carrying on business in that area while licensed.
- (4) If a licensee carries on business under a trading name, the licensee must notify the authority which issued the licence of any change to that name.
- (5) Notification under subsection (4) must be given within 28 days of the change occurring.
- (6) An authority must notify the relevant environment body of—
 - (a) any notification given to the authority under subsection (2) or (4),
 - (b) any variation made by the authority under paragraph 3 of Schedule 1 (variation of type of licence or matters set out in licence), and
 - (c) any revocation by the authority of a licence.
- (7) Notification under subsection (6) must be given within 28 days of the notification, variation or revocation in question.
- (8) Where an authority notifies the relevant environment body under subsection (6), the body must amend the register under section 7 accordingly.
- (9) An applicant or licensee who fails to comply with this section is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (10) It is a defence for a person charged with an offence under this section to prove that the person took all reasonable steps to avoid committing the offence.
- (11) In this section “the relevant environment body” means—
 - (a) for an authority in England, the Environment Agency;
 - (b) for an authority in Wales, the Natural Resources Body for Wales.

9 Closure of unlicensed sites

Schedule 2 (which makes provision for the closure of sites at which a scrap metal business is being carried on without a licence) has effect.

Conduct of business

10 Display of licence

- (1) A scrap metal dealer who holds a site licence must display a copy of the licence at each site identified in the licence.
- (2) The copy must be displayed in a prominent place in an area accessible to the public.
- (3) A scrap metal dealer who holds a collector’s licence must display a copy of the licence on any vehicle that is being used in the course of the dealer’s business.

- (4) The copy must be displayed in a manner which enables it easily to be read by a person outside the vehicle.
- (5) A scrap metal dealer who fails to comply with this section is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

11 Verification of supplier's identity

- (1) A scrap metal dealer must not receive scrap metal from a person without verifying the person's full name and address.
- (2) That verification must be by reference to documents, data or other information obtained from a reliable and independent source.
- (3) The Secretary of State may prescribe in regulations –
 - (a) documents, data or other information which are sufficient for the purpose of subsection (2);
 - (b) documents, data or other information which are not sufficient for that purpose.
- (4) If a scrap metal dealer receives scrap metal in breach of subsection (1), each of the following is guilty of an offence –
 - (a) the scrap metal dealer;
 - (b) if the metal is received at a site, the site manager;
 - (c) any person who, under arrangements made by a person within paragraph (a) or (b), has responsibility for verifying the name and address.
- (5) It is a defence for a person within subsection (4)(a) or (b) who is charged with an offence under subsection (4) to prove that the person –
 - (a) made arrangements to ensure that the metal was not received in breach of subsection (1), and
 - (b) took all reasonable steps to ensure that those arrangements were complied with.
- (6) A person guilty of an offence under subsection (4) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (7) A person who, on delivering scrap metal to a scrap metal dealer, gives a false name or false address is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

12 Offence of buying scrap metal for cash etc

- (1) A scrap metal dealer must not pay for scrap metal except –
 - (a) by a cheque which under section 81A of the Bills of Exchange Act 1882 is not transferable, or
 - (b) by an electronic transfer of funds (authorised by credit or debit card or otherwise).
- (2) The Secretary of State may by order amend subsection (1) to permit other methods of payment.
- (3) In this section paying includes paying in kind (with goods or services).

- (4) If a scrap metal dealer pays for scrap metal in breach of subsection (1), each of the following is guilty of an offence –
 - (a) the scrap metal dealer;
 - (b) if the payment is made at a site, the site manager;
 - (c) any person who makes the payment acting for the dealer.
- (5) It is a defence for a person within subsection (4)(a) or (b) who is charged with an offence under this section to prove that the person –
 - (a) made arrangements to ensure that the payment was not made in breach of subsection (1), and
 - (b) took all reasonable steps to ensure that those arrangements were complied with.
- (6) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

13 Records: receipt of metal

- (1) This section applies if a scrap metal dealer receives any scrap metal in the course of the dealer's business.
- (2) The dealer must record the following information –
 - (a) the description of the metal, including its type (or types if mixed), form, condition, weight and any marks identifying previous owners or other distinguishing features;
 - (b) the date and time of its receipt;
 - (c) if the metal is delivered in or on a vehicle, the registration mark (within the meaning of section 23 of the Vehicle Excise and Registration Act 1994) of the vehicle;
 - (d) if the metal is received from a person, the full name and address of that person;
 - (e) if the dealer pays for the metal, the full name of the person who makes the payment acting for the dealer.
- (3) If the dealer receives the metal from a person, the dealer must keep a copy of any document which the dealer uses to verify the name or address of that person.
- (4) If the dealer pays for the metal by cheque, the dealer must keep a copy of the cheque.
- (5) If the dealer pays for the metal by electronic transfer –
 - (a) the dealer must keep the receipt identifying the transfer, or
 - (b) if no receipt identifying the transfer was obtained, the dealer must record particulars identifying the transfer.

14 Records: disposal of metal

- (1) This section applies if a scrap metal dealer disposes of any scrap metal in the course of the dealer's business.
- (2) For these purposes metal is disposed of –
 - (a) whether or not it is in the same form in which it was received;
 - (b) whether or not the disposal is to another person;
 - (c) whether or not the metal is despatched from a site.

- (3) Where the disposal is in the course of business under a site licence, the dealer must record the following information –
 - (a) the description of the metal, including its type (or types if mixed), form and weight;
 - (b) the date and time of its disposal;
 - (c) if the disposal is to another person, the full name and address of that person;
 - (d) if the dealer receives payment for the metal (whether by way of sale or exchange), the price or other consideration received.
- (4) Where the disposal is in the course of business under a collector's licence, the dealer must record the following information –
 - (a) the date and time of the disposal;
 - (b) if the disposal is to another person, the full name and address of that person.

15 Records: supplementary

- (1) The information mentioned in sections 13(2) and (5) and 14(3) and (4) must be recorded in a manner which allows the information and the scrap metal to which it relates to be readily identified by reference to each other.
- (2) The records mentioned in section 13(3) and (4) must be marked so as to identify the scrap metal to which they relate.
- (3) The dealer must keep the information and other records mentioned in sections 13(2) to (5) and 14(3) and (4) for a period of 3 years beginning with the day on which the metal is received or (as the case may be) disposed of.
- (4) If a scrap metal dealer fails to fulfil a requirement under section 13 or 14 or this section, each of the following is guilty of an offence –
 - (a) the scrap metal dealer;
 - (b) if the metal is received at or (as the case may be) despatched from a site, the site manager;
 - (c) any person who, under arrangements made by a person within paragraph (a) or (b), has responsibility for fulfilling the requirement.
- (5) It is a defence for a person within subsection (4)(a) or (b) who is charged with an offence under this section to prove that the person –
 - (a) made arrangements to ensure that the requirement was fulfilled, and
 - (b) took all reasonable steps to ensure that those arrangements were complied with.
- (6) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Supplementary

16 Right to enter and inspect

- (1) A constable or an officer of a local authority may enter and inspect a licensed site at any reasonable time on notice to the site manager.
- (2) A constable or an officer of a local authority may enter and inspect a licensed site at any reasonable time, otherwise than on notice to the site manager, if –

- (a) reasonable attempts to give such notice have been made and have failed, or
 - (b) entry to the site is reasonably required for the purpose of ascertaining whether the provisions of this Act are being complied with or investigating offences under it and (in either case) the giving of notice would defeat that purpose.
- (3) Subsections (1) and (2) do not apply to residential premises.
- (4) A constable or an officer of a local authority is not entitled to use force to enter premises in the exercise of the powers under subsections (1) and (2).
- (5) A justice of the peace may issue a warrant authorising entry (in accordance with subsection (7)) to any premises within subsection (6) if the justice is satisfied by information on oath that there are reasonable grounds for believing that entry to the premises is reasonably required for the purpose of –
 - (a) securing compliance with the provisions of this Act, or
 - (b) ascertaining whether those provisions are being complied with.
- (6) Premises are within this subsection if –
 - (a) the premises are a licensed site, or
 - (b) the premises are not a licensed site but there are reasonable grounds for believing that the premises are being used by a scrap metal dealer in the course of business.
- (7) The warrant is a warrant signed by the justice which –
 - (a) specifies the premises concerned, and
 - (b) authorises a constable or an officer of a local authority to enter and inspect the premises at any time within one month from the date of the warrant.
- (8) A constable or an officer of a local authority may, if necessary, use reasonable force in the exercise of the powers under a warrant under subsection (5).
- (9) A constable or an officer of a local authority may –
 - (a) require production of, and inspect, any scrap metal kept at any premises mentioned in subsection (1) or (2) or in a warrant under subsection (5);
 - (b) require production of, and inspect, any records kept in accordance with section 13 or 14 and any other records relating to payment for scrap metal;
 - (c) take copies of or extracts from any such records.
- (10) Subsection (11) applies if a constable or an officer of a local authority (“the officer”) seeks to exercise powers under this section in relation to any premises.
- (11) If the owner, occupier or other person in charge of the premises requires the officer to produce –
 - (a) evidence of the officer’s identity, or
 - (b) evidence of the officer’s authority to exercise those powers,the officer must produce that evidence.
- (12) In the case of an officer of a local authority, the powers under this section are exercisable only in relation to premises in the area of the authority.
- (13) A person who –

- (a) obstructs the exercise of a right of entry or inspection under this section, or
 - (b) fails to produce a record required to be produced under this section,
- is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

17 Offences by bodies corporate

- (1) Where an offence under this Act is committed by a body corporate and is proved –
 - (a) to have been committed with the consent or connivance of a director, manager, secretary or other similar officer, or
 - (b) to be attributable to any neglect on the part of any such individual,the individual as well as the body corporate is guilty of the offence and is liable to be proceeded against and punished accordingly.
- (2) Where the affairs of a body corporate are managed by its members, subsection (1) applies in relation to the acts and omissions of a member in connection with that management as if the member were a director of the body corporate.

18 Review of Act

- (1) Before the end of 5 years beginning with the day on which section 1 comes into force, the Secretary of State must –
 - (a) carry out a review of this Act, and
 - (b) publish a report of the conclusions of the review.
- (2) The report must in particular –
 - (a) set out the objectives intended to be achieved by this Act,
 - (b) assess the extent to which those objectives have been achieved, and
 - (c) assess whether it is appropriate to retain or repeal the Act or any of its provisions in order to achieve those objectives.

19 Consequential amendments

- (1) The following are repealed –
 - (a) the Scrap Metal Dealers Act 1964;
 - (b) paragraph 6 of Schedule 9 to the Local Government (Wales) Act 1994;
 - (c) paragraph 1 of Schedule 3 to the Vehicle Excise and Registration Act 1994;
 - (d) in the Vehicles (Crime) Act 2001 –
 - (i) Part 1,
 - (ii) section 35, and
 - (iii) paragraphs 1 and 2 of the Schedule;
 - (e) in paragraph 168 of Schedule 17 to the Communications Act 2003, “16(2)(a),”;
 - (f) sections 145 to 147 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012.
- (2) In Schedule 3 to the Regulatory Enforcement and Sanctions Act 2008 (enactments specified for the purposes of Part 1 of that Act), for “Scrap Metal Dealers Act 1964 (c. 69)” substitute “Scrap Metal Dealers Act 2013”.

20 Orders and regulations

- (1) Any power to make an order or regulations under this Act is exercisable by statutory instrument.
- (2) A statutory instrument containing an order or regulations under this Act, other than an order under section 12(2), 21(8) or 23(2), is subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) A statutory instrument containing an order under section 12(2) or 21(8) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (4) Any power to make an order or regulations under this Act—
 - (a) may be exercised so as to make different provision for different purposes;
 - (b) includes power to make such incidental, supplementary, consequential, transitory, transitional or saving provision as the Secretary of State considers appropriate.

21 “Carrying on business as a scrap metal dealer” and “scrap metal”

- (1) The following provisions apply for the purposes of this Act.
- (2) A person carries on business as a scrap metal dealer if the person—
 - (a) carries 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 was bought, or
 - (b) carries on business as a motor salvage operator (so far as that does not fall within paragraph (a)).
- (3) For the purposes of subsection (2)(a), a person who manufactures articles is not to be regarded as selling scrap metal if that person sells scrap metal only as a by-product of manufacturing articles or as surplus materials not required for manufacturing them.
- (4) For the purposes of subsection (2)(b), a person carries on business as a motor salvage operator if the person carries on a business which consists—
 - (a) wholly or partly in recovering salvageable parts from motor vehicles for re-use or sale and subsequently selling or otherwise disposing of the rest of the vehicle for scrap,
 - (b) wholly or mainly in buying written-off vehicles and subsequently repairing and reselling them,
 - (c) wholly or mainly in buying or selling motor vehicles which are to be the subject (whether immediately or on a subsequent re-sale) of any of the activities mentioned in paragraphs (a) and (b), or
 - (d) wholly or mainly in activities falling within paragraphs (b) and (c).
- (5) “Scrap metal dealer” means a person who is for the time being carrying on business as a scrap metal dealer, whether or not authorised by a licence.
- (6) “Scrap metal” includes—
 - (a) any old, waste or discarded metal or metallic material, and
 - (b) any product, article or assembly which is made from or contains metal and is broken, worn out or regarded by its last holder as having reached the end of its useful life.

- (7) But the following are not scrap metal—
 - (a) gold,
 - (b) silver, and
 - (c) any alloy of which 2 per cent or more by weight is attributable to gold or silver.
- (8) The Secretary of State may by order amend the definition of “scrap metal” for the purposes of this Act (whether by amending subsection (6) or (7) or otherwise).

22 Other definitions

- (1) The following provisions apply for the purposes of this Act.
- (2) “Licensed site” means a site identified in a scrap metal licence.
- (3) “Local authority” means—
 - (a) in relation to England, the council of a district, the Common Council of the City of London or the council of a London borough;
 - (b) in relation to Wales, the council of a county or a county borough.
- (4) “Mobile collector” means a person who—
 - (a) carries on business as a scrap metal dealer otherwise than at a site, and
 - (b) 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.
- (5) “Officer of a police force” includes a constable of the British Transport Police Force.
- (6) “Premises” includes any land or other place (whether enclosed or not).
- (7) “Relevant environmental permit or registration”, in relation to an application made to a local authority, means—
 - (a) any environmental permit under regulation 13 of the Environmental (Permitting) Regulations 2010 (S.I. 2010/675) authorising any operation by the applicant in the local authority’s area;
 - (b) any registration of the applicant under Schedule 2 to those Regulations in relation to an exempt waste operation (within the meaning of regulation 5 of those Regulations) carried on in that area;
 - (c) any registration of the applicant under Part 8 of the Waste (England and Wales) Regulations 2011 (S.I. 2011/988) (carriers, brokers and dealers of controlled waste).
- (8) “Relevant offence” and “relevant enforcement action” have the meaning given by section 3(3).
- (9) “Site” means any premises used in the course of carrying on business as a scrap metal dealer (whether or not metal is kept there).
- (10) “Site manager”, in relation to a site at which a scrap metal dealer carries on business, means the individual who exercises day-to-day control and management of activities at the site.
- (11) An individual may be named in a licence as site manager at more than one site; but no site may have more than one site manager named in relation to it.

- (12) “Trading name” means a name, other than that stated in the licence under section 2(4)(a) or (6)(a), under which a licensee carries on business as a scrap metal dealer.

23 Extent, commencement and short title

- (1) This Act extends to England and Wales.
- (2) The provisions of this Act, except section 20 and this section, come into force on such day as the Secretary of State may appoint by order.
- (3) Different days may be appointed for different purposes.
- (4) This Act may be cited as the Scrap Metal Dealers Act 2013.

SCHEDULES

SCHEDULE 1

Section 5

FURTHER PROVISION ABOUT LICENCES

Term of licence

- 1 (1) A licence expires at the end of the period of 3 years beginning with the day on which it is issued.
- (2) But if an application to renew a licence is received before the licence expires, the licence continues in effect and –
 - (a) if the application is withdrawn, the licence expires at the end of the day on which the application is withdrawn;
 - (b) if the application is refused, the licence expires when no appeal under paragraph 9 is possible in relation to the refusal or any such appeal is finally determined or withdrawn;
 - (c) if the licence is renewed, it expires at the end of the period of 3 years beginning with the day on which it is renewed or (if renewed more than once) the day on which it is last renewed.
- (3) Sub-paragraphs (1) and (2) are subject to section 4 (revocation of licence).
- (4) The Secretary of State may by order substitute different periods for the periods specified in sub-paragraphs (1) and (2)(c).

Applications

- 2 (1) A licence is to be issued or renewed on an application, which must be accompanied by –
 - (a) if the applicant is an individual, the full name, date of birth and usual place of residence of the applicant,
 - (b) if the applicant is a company, the name and registered number of the applicant and the address of the applicant's registered office,
 - (c) if the applicant is a partnership, the full name, date of birth and usual place of residence of each partner,
 - (d) any proposed trading name,
 - (e) the telephone number and e-mail address (if any) of the applicant,
 - (f) the address of any site in the area of any other local authority at which the applicant carries on business as a scrap metal dealer or proposes to do so,
 - (g) details of any relevant environmental permit or registration in relation to the applicant,
 - (h) details of any other scrap metal licence issued (whether or not by the local authority) to the applicant within the period of 3 years ending with the date of the application,

- (i) details of the bank account which is proposed to be used in order to comply with section 12 (scrap metal not to be bought for cash etc), and
 - (j) details of any conviction of the applicant for a relevant offence, or any relevant enforcement action taken against the applicant.
- (2) If the application relates to a site licence, it must also be accompanied by –
 - (a) the address of each site proposed to be identified in the licence (or, in the case of an application to renew, of each site identified in the licence whose renewal is sought), and
 - (b) the full name, date of birth and usual place of residence of each individual proposed to be named in the licence as a site manager (other than the applicant).
- (3) If the application relates to a site licence, the references in sub-paragraph (1)(g), (h) and (j) to the applicant are to be read as including any individual proposed to be named in the licence as a site manager.
- (4) The Secretary of State may by order amend sub-paragraph (1) or (2) to alter the requirements as to what information must accompany an application.

Variation of licence

- 3
 - (1) A local authority may, on an application, vary a licence by changing it from one type to the other.
 - (2) If there is a change in any of the matters mentioned in section 2(4)(a), (c) or (d) or (6)(a), the licensee must make an application to vary the licence accordingly.
 - (3) But the power to amend the name of the licensee does not include the power to transfer the licence from one person to another.
 - (4) An application under this paragraph –
 - (a) is to be made to the authority which issued the licence, and
 - (b) must contain particulars of the changes to be made to the licence.
 - (5) A licensee who fails to comply with sub-paragraph (2) is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
 - (6) It is a defence for a person charged with an offence under this paragraph to prove that the person took all reasonable steps to avoid committing the offence.

Further information

- 4
 - (1) The local authority may request (either when the application is made or later) that the applicant provide such further information as the authority considers relevant for the purpose of considering the application.
 - (2) If an applicant fails to provide information requested under sub-paragraph (1), the authority may decline to proceed with the application.

Offence of making false statement

- 5 An applicant who in an application or in response to a request under paragraph 4(1) –
- (a) makes a statement knowing it be false in a material particular, or
 - (b) recklessly makes a statement which is false in a material particular,
- is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Fee

- 6 (1) An application must be accompanied by a fee set by the authority.
- (2) In setting a fee under this paragraph, the authority must have regard to any guidance issued from time to time by the Secretary of State with the approval of the Treasury.

Right to make representations

- 7 (1) If a local authority proposes –
- (a) to refuse an application made under paragraph 2 or 3, or
 - (b) to revoke or vary a licence under section 4,
- the authority must give the applicant or licensee a notice which sets out what the authority proposes to do and the reasons for it.
- (2) In this paragraph and paragraph 8 the applicant or licensee is referred to as “A”.
- (3) A notice under sub-paragraph (1) must also state that, within the period specified in the notice, A may either –
- (a) make representations about the proposal, or
 - (b) inform the authority that A wishes to do so.
- (4) The period specified in the notice must be not less than 14 days beginning with the date on which the notice is given to A.
- (5) The authority may refuse the application, or revoke or vary the licence under section 4, if –
- (a) within the period specified in the notice, A informs the authority that A does not wish to make representations, or
 - (b) the period specified in the notice expires and A has neither made representations nor informed the authority that A wishes to do so.
- (6) If, within the period specified in the notice, A informs the authority that A wishes to make representations, the authority –
- (a) must allow A a further reasonable period to make representations, and
 - (b) may refuse the application, or revoke or vary the licence under section 4, if A fails to make representations within that period.
- (7) If A makes representations (either within the period specified in the notice under sub-paragraph (1) or within the further period under sub-paragraph (6)), the authority must consider the representations.

- (8) If A informs the authority that A wishes to make oral representations, the authority must give A the opportunity of appearing before, and being heard by, a person appointed by the authority.

Notice of decision

- 8 (1) If the authority refuses the application, or revokes or varies the licence under section 4, it must give A a notice setting out the decision and the reasons for it.
- (2) A notice under this paragraph must also state –
- (a) that A may appeal under paragraph 9 against the decision,
 - (b) the time within which such an appeal may be brought, and
 - (c) in the case of a revocation or variation under section 4, the date on which the revocation or variation is to take effect.

Appeals

- 9 (1) An applicant may appeal to a magistrates' court against the refusal of an application made under paragraph 2 or 3.
- (2) A licensee may appeal to a magistrates' court against –
- (a) the inclusion in a licence of a condition under section 3(8), or
 - (b) the revocation or variation of a licence under section 4.
- (3) An appeal under this paragraph is to be made within the period of 21 days beginning with the day on which notice of the decision to refuse the application, to include the condition, or to revoke or vary the licence under section 4, was given.
- (4) The procedure on an appeal under this paragraph is to be by way of complaint for an order and in accordance with the Magistrates' Courts Act 1980.
- (5) For the purposes of the time limit for making an appeal under this paragraph, the making of the complaint is to be treated as the making of the appeal.
- (6) On an appeal under this paragraph, the magistrates' court may –
- (a) confirm, vary or reverse the authority's decision, and
 - (b) give such directions as it considers appropriate having regard to the provisions of this Act.
- (7) The authority must comply with any directions given by the magistrates' court under sub-paragraph (6).
- (8) But the authority need not comply with any such directions –
- (a) until the time for making an application under section 111 of the Magistrates' Courts Act 1980 (application by way of case stated) has passed, or
 - (b) if such an application is made, until the application is finally determined or withdrawn.

SCHEDULE 2

Section 9

CLOSURE OF UNLICENSED SITES

Interpretation

- 1 (1) For the purposes of this Schedule, a person has an interest in premises if the person is the owner, leaseholder or occupier of the premises.
- (2) In the case of a local authority, the powers conferred by this Schedule are exercisable only in relation to premises in the authority's area; and "the local authority", in relation any premises, is to read accordingly.

Closure notice

- 2 (1) This paragraph applies if a constable or the local authority is satisfied –
 - (a) that premises are being used by a scrap metal dealer in the course of business, and
 - (b) that the premises are not a licensed site.
- (2) But this paragraph does not apply if the premises are residential premises.
- (3) The constable or authority may issue a notice (a "closure notice") which –
 - (a) states that the constable or authority is satisfied as mentioned in sub-paragraph (1),
 - (b) gives the reasons for that,
 - (c) states that the constable or authority may apply to the court for a closure order (see paragraphs 4 and 5), and
 - (d) specifies the steps which may be taken to ensure that the alleged use of the premises ceases.
- (4) The constable or authority must give the closure notice to –
 - (a) the person who appears to the constable or authority to be the site manager of the premises, and
 - (b) any person (other than the person in paragraph (a)) who appears to the constable or authority to be a director, manager or other officer of the business in question.
- (5) The constable or authority may also give the notice to any person who has an interest in the premises.
- (6) Sub-paragraph (7) applies where –
 - (a) a person occupies another part of any building or structure of which the premises form part, and
 - (b) the constable or authority reasonably believes, at the time of giving the notice under sub-paragraph (4), that the person's access to that other part would be impeded if a closure order were made in respect of the premises.
- (7) The constable or authority must give the notice to that person.

Cancellation of closure notice

- 3 (1) A closure notice may be cancelled by a notice (a "cancellation notice") issued by a constable or the local authority.

- (2) A cancellation notice takes effect when it is given to any one of the persons to whom the closure notice was given.
- (3) The cancellation notice must also be given to any other person to whom the closure notice was given.

Application for closure order

- 4 (1) Where a closure notice has been given under paragraph 2(4), a constable or the local authority may make a complaint to a justice of the peace for a closure order (see paragraph 5).
- (2) A complaint under this paragraph may not be made –
 - (a) less than 7 days after the date on which the closure notice was given, or
 - (b) more than 6 months after that date.
- (3) A complaint under this paragraph may not be made if the constable or authority is satisfied that –
 - (a) the premises are not (or are no longer) being used by a scrap metal dealer in the course of business, and
 - (b) there is no reasonable likelihood that the premises will be so used in the future.
- (4) Where a complaint has been made under this paragraph, the justice may issue a summons to answer to the complaint.
- (5) The summons must be directed to any person to whom the closure notice was given under paragraph 2(4).
- (6) If a summons is issued under sub-paragraph (4), notice of the date, time and place at which the complaint will be heard must be given to all the persons to whom the closure notice was given under paragraph 2(5) and (7).
- (7) The procedure on a complaint under this paragraph is to be in accordance with the Magistrates' Courts Act 1980.

Closure order

- 5 (1) This paragraph applies if, on hearing a complaint under paragraph 4, the court is satisfied that the closure notice was given under paragraph 2(4) and that –
 - (a) the premises continue to be used by a scrap metal dealer in the course of business, or
 - (b) there is a reasonable likelihood that the premises will be so used in the future.
- (2) The court may make such order as it considers appropriate for the closure of the premises (a “closure order”).
- (3) A closure order may, in particular, require –
 - (a) that the premises be closed immediately to the public and remain closed until a constable or the local authority makes a certificate under paragraph 6;
 - (b) that the use of the premises by a scrap metal dealer in the course of business be discontinued immediately;

- (c) that any defendant pay into court such sum as the court determines and that the sum will not be released by the court to that person until the other requirements of the order are met.
- (4) A closure order including a requirement mentioned in sub-paragraph (3)(a) may, in particular, include such conditions as the court considers appropriate relating to –
 - (a) the admission of persons onto the premises;
 - (b) the access by persons to another part of any building or other structure of which the premises form part.
- (5) A closure order may include such provision as the court considers appropriate for dealing with the consequences if the order should cease to have effect under paragraph 6.
- (6) As soon as practicable after a closure order is made, the complainant must fix a copy of it in a conspicuous position on the premises in respect of which it was made.
- (7) A sum which has been ordered to be paid into court under a closure order is to be paid to the designated officer for the court.

Termination of closure order by certificate of constable or authority

- 6 (1) This paragraph applies where –
 - (a) a closure order has been made, but
 - (b) a constable or the local authority is satisfied that the need for the order has ceased.
- (2) The constable or authority may make a certificate to that effect.
- (3) The closure order ceases to have effect when the certificate is made.
- (4) If the closure order includes a requirement under paragraph 5(3)(c), any sum paid into court under the order is to be released by the court to the defendant (whether or not the court has made provision to that effect under paragraph 5(5)).
- (5) As soon as practicable after making a certificate, the constable or authority must –
 - (a) give a copy of it to any person against whom the closure order was made,
 - (b) give a copy of it to the designated officer for the court which made the order, and
 - (c) fix a copy of it in a conspicuous position on the premises in respect of which the order was made.
- (6) The constable or authority must give a copy of the certificate to any person who requests one.

Discharge of closure order by court

- 7 (1) Any of the following persons may make a complaint to a justice of the peace for an order that a closure order be discharged (a “discharge order”) –
 - (a) any person to whom the relevant closure notice was given under paragraph 2;

- (b) any person who has an interest in the premises but to whom the closure notice was not given.
- (2) The court may not make a discharge order unless it is satisfied that there is no longer a need for the closure order.
- (3) Where a complaint has been made under this paragraph, the justice may issue a summons directed to—
 - (a) such constable as the justice considers appropriate, or
 - (b) the local authority,requiring that person to appear before the magistrates' court to answer to the complaint.
- (4) If a summons is issued under sub-paragraph (3), notice of the date, time and place at which the complaint will be heard must be given to all the persons to whom the closure notice was given under paragraph 2 (other than the complainant).
- (5) The procedure on a complaint under this paragraph is to be in accordance with the Magistrates' Courts Act 1980.

Appeals

- 8
- (1) An appeal may be made to the Crown Court against—
 - (a) a closure order;
 - (b) a decision not to make a closure order;
 - (c) a discharge order;
 - (d) a decision not to make a discharge order.
 - (2) Any appeal under this paragraph must be made before the end of the period of 21 days beginning with the day on which the order or the decision in question was made.
 - (3) An appeal under this paragraph against a closure order or a decision not to make a discharge order may be made by—
 - (a) any person to whom the relevant closure notice was given under paragraph 2;
 - (b) any person who has an interest in the premises but to whom the closure notice was not given.
 - (4) An appeal under this paragraph against a decision not to make a closure order or against a discharge order may be made by a constable or (as the case may be) the local authority.
 - (5) On an appeal under this paragraph the Crown Court may make such order as it considers appropriate.

Enforcement of closure order

- 9
- (1) A person is guilty of an offence if the person, without reasonable excuse,—
 - (a) permits premises to be open in contravention of a closure order, or
 - (b) otherwise fails to comply with, or does an act in contravention of, a closure order.
 - (2) If a closure order has been made in respect of any premises, a constable or an authorised person may (if necessary using reasonable force) —

- (a) enter the premises at any reasonable time, and
 - (b) having entered the premises, do anything reasonably necessary for the purpose of securing compliance with the order.
 - (3) Sub-paragraph (4) applies if a constable or an authorised person (“the officer”) seeks to exercise powers under this paragraph in relation to any premises.
 - (4) If the owner, occupier or other person in charge of the premises requires the officer to produce –
 - (a) evidence of the officer’s identity, or
 - (b) evidence of the officer’s authority to exercise those powers,the officer must produce that evidence.
 - (5) A person who intentionally obstructs a constable or an authorised person in the exercise of powers under this paragraph is guilty of an offence.
 - (6) A person guilty of an offence under this paragraph is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
 - (7) In this paragraph “an authorised person” is a person authorised for the purposes of this paragraph by the local authority.
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Foreword

Metal theft has, over the last few years, had a significant impact on communities, businesses and councils themselves. A survey we conducted in early 2012 showed that seven out of ten councils had been the victims of metal theft, and that this cost councils over £5.25 million in 2010/11.

Co-ordinated action by the police, councils, the Environment Agency/Natural Resources Wales (NRW) and other organisations since 2011, particularly through Operation Tornado, has been successful in reducing metal theft rates. This joint work has been aided by a fall in the price of metals since they peaked in early 2011. However the high metal prices we have seen recently, driven by industrialisation in China, are likely to continue to be a feature of the world economy over the next decade, and possibly longer, as other countries like India and Brazil follow a similar pattern of growth.

That is why the Local Government Association – following requests from our members, along with a range of other bodies – pressed the government to reform the regulation of scrap metal dealers. The result was the Scrap Metal Dealers Act 2013, taken through Parliament by Richard Ottaway MP as a private members' bill.

Much of the thrust of British Transport Police's Operation Tornado was to get dealers to voluntarily adopt measures (such as proper checks on the identities of sellers) that went on to inform, influence and be included in the Act; so we know that this legislation will make a difference to levels of metal theft in England and Wales.

There are undoubted challenges for councils in introducing a new licensing regime in a comparatively short timescale, and then enforcing it. However, it is in our own interests to make this legislation work. We have seen the results of high metal prices and an environment where thieves felt there was little risk of being caught. We have seen communications and trains disrupted, precious memorials desecrated, artwork stolen, church and library roofs vandalised, manhole covers, gully covers and road signage stolen. Money we could have spent on other vital local services has instead been taken up replacing what has been lost. Motivated by this I am sure councils will go that extra mile to ensure the Scrap Metal Dealers Act 2013 is implemented successfully.

Cllr Mehboob Khan,
Chair of the LGA's Safer and Stronger Communities Board

Introduction

The Scrap Metal Dealers Act 2013 replaces the previous registration system for scrap metal dealers created by the 1964 Scrap Metal Dealers Act. In its place it establishes a new licensing regime. This scheme will be run and administered by local authorities, and is based on the legislation for alcohol licences created in the 2003 Licensing Act. Every scrap metal dealer will be required to have a licence, and operating without one will be a criminal offence. Under the new legislation the definition of scrap metal dealers is extended so it now includes motor salvage operators, and the provisions in the Vehicles (Crime) Act 2001 under which they operate will end once the new Act comes into effect.

Whereas under the 1964 Act councils have to register anyone who notifies them that they are operating as a scrap metal dealer, councils will be able to refuse to grant a licence where the applicant is judged not to be a suitable person to operate as a scrap metal dealer. This ability to regulate who is, and who is not, a scrap metal dealer is designed to improve the operating standards of those dealers who do not operate in the same way as the majority of reputable dealers. The transition from the requirement on dealers to register to holding a licence provides an opportunity to ensure that those dealers who have been operating illegally are no longer able to do so.

The Home Office is looking to commence the new regime from 1 October 2013, but with a transitional period to ensure a smooth hand over from the old regime to the new with minimal disruption to scrap metal dealers. That imposes a challenging timetable for councils in implementing the legislation. This guide is designed to assist local authorities so that they are ready to issue the new scrap metal dealers licences in time for enforcement of the licensing regime from 1 December. It forms part of a set of guides to help councils understand their responsibilities under the new Act, and the role councils have in tackling metal theft.

The other guides are:

- Enforcement guide: An explanatory guide to enforcing the new licensing regime.
- Fees guide: A toolkit that assists with the setting of licence fees that comply with the requirements of the EU Services Directive and the Provision of Services Regulations 2009.
- Getting in on the Act: A short outline of the new Act and how it differs from the 1964 Act.
- Councillor handbook: A guide to help councillors to understand their role and responsibilities in tackling instances of metal theft.

- **Tackling metal theft toolkit:** A toolkit that outlines additional strategies and tools that go beyond the limitations of the 2013 Act and can be used more broadly to tackle instances of metal theft.

We hope that you find this a useful document. Should you have any questions please contact either Mark Norris (mark.norris@local.gov.uk) or Ian Leete (ian.leete@local.gov.uk) at the LGA.

Licences

In order for anyone to carry on business as a scrap metal dealer they have to have a licence. These licences will last for three years. Trading without a licence is a criminal offence.

If convicted of trading without a licence the offender can be fined. The fine will be at Level 5 on the standard scale. Amendments to the size of the fines that courts can impose in the Legal Aid, Sentencing and Punishment of Offenders Act 2012 mean that when the provisions come into force, a fine at that level will be unlimited.

There are two types of licence specified in the Act:

- **Site licence**
All the sites where a licensee carries on business as a scrap metal dealer have to be identified, and a site manager has to be named for each site. This licence allows the licensee to transport scrap metal to and from those sites from any local authority area.
- **Collector's licence**
This allows the licensee to operate as a collector in the area of the issuing local authority. It does not allow the collector to operate in any other local authority area, so a separate licence has to be obtained from each council the collector wishes to operate in. The licence does not authorise the licensee to operate a site; to do so they will need a site licence from the relevant local authority.

It should be noted that a dealer can only hold one type of licence in any one local authority area. They have to decide whether they are going to have a site or a mobile licence in any one area. They cannot hold both a site and mobile collector's licence from the same council (s2(9)).

Timetable for transition to new regime

The licensing regime created by the Scrap Metal Dealers Act 2013 will commence on 1 October 2013. In order to provide time for councils to process applications without existing businesses being in a position where they cannot operate, the Home Office is implementing a transition process.

The transition arrangements will be implemented by a commencement order which will be made in August 2013. This order will allow councils to set a licence fee for applications from 1 September. It will also specify that the remaining sections in the Act commence on 1 October, apart from the majority of criminal offences and enforcement-related provisions, which will come into force on 1 December. The exception to this will be the ban on using cash to pay for scrap metal which will also come into force on 1 October. Any dealer currently registered under the 1964 Scrap Metal Dealers Act, or a motor salvage operator already registered under the 2001 Vehicles (Crime) Act, will be deemed to have a licence under the 2013 Act until the council grants a licence or sends the dealer notice of its decision to refuse the licence, provided they submit an application on or before the 15 October. If they do not submit an application their deemed licence will lapse on 16 October. If they wish to trade in the future they would then need to submit an application, but would not be able to legally trade until a licence had been granted.

While their application is being considered by the local authority, these dealers will be able to operate as if they have a licence. No date will be specified in the regulations setting out when councils will have to have made a decision on applications made between 1 and 15 October. We recommend that decisions on whether to grant or refuse a licence to previously registered dealers are made before 1 December 2013. Dealers will therefore be able to continue to trade without disruption during the transition period without fear of being prosecuted for operating illegally. While an actual transitional licence need not be issued, sending the dealer an acknowledgement that the application has been received on or before 15 October 2013 should enable a dealer to satisfy the police that during this period they were legally able to operate.

Where an applicant is not registered under the Scrap Metal Dealers Act 1964 or the Vehicles (Crime) Act 2001 before 1 October then they will not be able to trade legally after 1 October until a licence has been issued. Full enforcement of the provisions in the 2013 Act will commence from 1 December 2013.

The transition timeline is:

- The Commencement Order will be made in August.
- This will allow local authorities to set a licence fee from 1 September.
- The main provisions of the Act commence on 1 October including the offence of buying scrap metal for cash.
- Dealers and motor salvage operators registered immediately before 1 October will be deemed to have a licence under the Act from 1 October.
- Provided the dealer submits an application for a licence on or before 15 October their deemed licence will last until the council either issues them with a licence or gives them notice of the decision to

refuse them a licence, although they will be able to continue trading pending an appeal against the decision not to grant a licence.

- Where a dealer submits an application on or before 15 October but does not supply all the required information with the application form then the deemed licence remains in effect after 15 October.
- Where a dealer with a deemed licence fails to submit an application on or before 15 October the deemed licence will lapse on 16 October.
- Other scrap metal dealers, not previously registered, will be able to apply for a licence from 1 October but will have to wait until a licence is granted before they can legally trade.
- Local authorities will complete suitability checks on applicants and decide whether to issue licences. We recommend that decisions on whether to grant or refuse a licence to previously registered dealers are made before 1 December.
- All other enforcement provisions within the Act commence on 1 December.

There are two implications for councils arising from this transitional timetable. They will need to be in a position to accept applications for licences from 1 October. To do that councils will have had to have agreed the fees they will charge applicants no later than the end of September.

There is also the question for councils about how they deal with renewals of registrations under the 1964 Scrap Metal Dealers Act and Vehicles (Crime) Act 2001. We have been advised by the Home Office that any registrations that expire in August or September will need to be renewed for the dealer or operator to take advantage of the temporary licence provision in the transitional arrangements. We would therefore advise that councils continue to renew registrations for both the 1964 Scrap Metal Dealers Act and Vehicles (Crime) Act 2001 but do not charge a fee for the motor salvage operators in view of the Scrap Metal Dealers Act 2013 coming into force on 1 October.

What is a scrap metal dealer, what is a site, what is a mobile collector and what is scrap metal?

The 2013 Act defines a scrap metal dealer, a site, a mobile collector and scrap metal.

A dealer is defined under s21(2) of the Act as someone carrying on a business which consists wholly or in part of buying or selling scrap metal, whether or not the metal is sold in the form in which it is bought. However a manufacturing business that sells scrap metal created only as a by-product of the processes it uses, or because it has a surplus of materials, is not caught by this definition (see s21(3)).

The definition of scrap metal dealer is deliberately quite widely drawn, and there are no further details provided in the Act or the explanatory notes about who potentially might have to apply for a licence. Does it, for example, include

firms that hire out skips, or to tradesmen like plumbers or builders who sell scrap metal resulting from any work they do?

The answer to this question varies according to individual circumstances to a certain extent, but generally where the sale of the metal is incidental to the main type of work or business undertaken then a licence will not be needed. In the case of most tradesmen such as plumbers and electricians and some skip hire firms the sale of scrap metal is not an integral part of their business and they will not require to be licensed as a scrap metal dealer. Where though there is a reasonable expectation, for example, that the material deposited in the skip will contain significant amounts of scrap metal, such as skips used where there is demolition activity or ones sited at engineering manufacturing establishments and plumbers' yards, then the skip hire company will generally require a scrap metal dealers licence.

In considering whether a scrap metal dealers licence is needed, questions that local authorities may wish to take into account include:

- Is the applicant 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)?
- Do they 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?

The Home Office's and LGA's view is that household waste collections by councils 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') are not caught by these provisions. As councils have a statutory obligation to collect household waste any resulting sales of scrap metal are incidental to this objective. Additionally only 7.3 per cent of the material recycled by councils is metal or metal objects so it is merely a small proportion of the recycled material councils deal with. Any income from this would only offset a fraction of the cost of running a waste collection service and the landfill charges councils incur.

Dealers under the legislation are further divided into two categories based on the two different types of licence: those operating from fixed sites; and those who are mobile collectors. A collector is defined (by s22(4)) 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 door to door visits.

A site is defined in the Act (s22(9)) as 'any premises used in the course of carrying on business as a scrap metal dealer (whether or not metal is kept there)'. Due to the wording of the definition this means that someone who trades in scrap metal and is thus defined as a dealer under s21(2) will need a site licence for their office even if they do not operate a scrap metal store or yard.

A dealer also includes someone carrying on 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 selling them off
- wholly or mainly buys or sells motor vehicles for the purpose of salvaging parts from them or repairing them and selling them off.

Scrap metal itself 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 is not intended to include second hand goods, but these could be caught by the definition if they are made from or contain metal that is broken or worn out. It will be a question in each case as to whether items fall within the definition. The definition does however include platinum and a range of other rare metals now being used in catalytic converters although gold or silver are not included in the definition of scrap metal. Jewellers or businesses trading in second hand gold and silver jewellery or products are not therefore caught by this definition.

The boundary of what is scrap metal and what is a second hand good containing metal will probably be something that is explored further as the legislation is implemented. There is some concern that some motor salvage operators may argue they are trading in second hand cars, rather than breaking up cars for scrap to avoid the ban on buying scrap metal for cash. Councils will have to take a view according to the circumstances of the case, and perhaps after consultation with police and Environment Agency/NRW colleagues, as to whether a person, partnership or company is really buying or selling scrap metal, or trading in second hand goods and whether they need to apply for a licence or not. Issuing a certificate of destruction would clearly indicate a vehicle is scrap and a trader should not in those circumstances pay cash for it. Where a certificate is not issued, factors such as whether the car has a valid MOT and is driveable without repair, and also whether the dealer has facilities for repairing vehicles and a history of selling vehicles, will indicate if it is second hand or scrap.

Licence applications

Schedule 1 of the Act sets out what information must accompany an application for a scrap metal dealers 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 (if any) 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 cashless transactions – 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.

There are practical reasons why this information has to be supplied. Either it relates to details that have to be included on the licence if it is granted, it helps in the assessment of an applicant's suitability to hold a licence, or it has to be provided to the Environment Agency/Natural Resources Wales for inclusion on the register of scrap metal dealers.

Although the local authority has to be supplied with this information this is not the limit of what it can ask for. Under Schedule 1, paragraph 4(1) councils are entitled to request any further information they regard as relevant to considering the application. If therefore they believe they need more information before they can reach a decision they can request it. Where a council is considering seeking additional information from all applicants, the short timescale for previously registered dealers to submit applications (to take advantage of the deemed licence in the transition period) means that local authorities in this position should consider making their application forms and guidance on completing them available at the earliest opportunity. If councils do not make the application forms and guidance available in good time, there may be legal challenges/complaints from dealers who were previously registered who fail to put in an application by 15 October, and claim that this is the fault of the local authority for not making these essential documents available.

With applications by companies the suitability of any directors, shadow directors and company secretaries need to be assessed so councils should also ask for their details. In the event that an applicant does not supply the information that has been requested, the council can refuse to proceed with

the application. This could be of relevance where an applicant has refused to provide a Basic Disclosure to enable the council to arrive at a view on the suitability of the applicant, which is covered in a later section.

Some other information the authority may consider useful could be:

Site licences

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

Mobile collectors

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

In order to assist local authorities, and so there is a degree of consistency in what the application form asks for, the LGA has produced a template application form for scrap metal dealers. This is set out in Appendix A. It covers the information the legislation specifies must be provided along with some additional information that it will be helpful to have.

Application fees

Any application must be accompanied by a fee. The fee is set by the local authority having had regard to guidance issued by the Home Office with the approval of the Treasury. This guidance is due to be published shortly. It will contain information on whether an element of the fees should contribute towards the costs of maintaining the national register of licences or not.

In setting their fees local authorities will of course have to have regard to the requirements of the European Union Services Directive and any licensing case law, of which the recent case in the Court of Appeal of *Hemming v Westminster City Council* is especially relevant.

In calculating their fees councils will want to take into account:

- all the activity required with processing and granting a licence such as considering applications and assessing the suitability of the applicant
- the costs of staff associated with supporting the service, including senior staff with managerial responsibility for the service
- support provided by other parts of the council to the licensing team such as legal services and any recharges there might be for rooms, heating and lighting from the centre of the authority
- the cost of providing advice and guidance to applicants on what will be a new process
- carrying out inspections and ensuring compliance with the law

- training for staff and councillors in the requirements of the new legislation
- costs associated with consulting other agencies and bodies when considering if an applicant is a suitable person
- working with any partners in ensuring compliance
- making and reviewing any policies in relation to the operation of the new licensing regime
- issuing the licence
- any officer time spent providing information for inclusion in the register of dealers.

These costs are likely to differ over the period from the initial grant of a licence through to the renewal of the licence three years later, which suggests the need to reassess the fees on a regular basis.

Not mentioned in the list immediately above, but a potentially significant cost, will be holding hearings to consider whether to grant a licence or whether to revoke or vary a licence. As the cost for these will be spread across licence fees as a whole, an estimate will have to be made when setting the fees of how many potential hearings there might be. Given the likely number of applicants is very difficult to assess it would be sensible to increase the number of hearings in any estimate rather than decreasing them. However once at the end of the first year of operation of the licensing system it would be sensible to review how many hearings there had actually been and revise the fees accordingly. Councils are also assisted by one of the decisions from *Hemming v Westminster* which allows deficits or surpluses to be carried over into the next financial year.

In assessing the costs of any hearings where the applicant makes oral representations to the local authority, councils will want to have regard to:

- the cost of communicating with the applicant and any representatives they have
- how much it costs to prepare and issue the notice setting out what the council proposes to do as required by paragraph 7(1) in Schedule 1
- what costs are incurred in preparing the report to the licensing committee
- any costs incurred by members associated with the hearing such as travel expenses
- hire of any rooms for the meeting
- the cost of printing and sending out the agendas, legal services costs and any legal advice the committee needs
- officer costs associated with actually running the hearing.

When looking at enforcement costs it is important to bear in mind that they must be based on the principles of good regulation, and they have to be set in an open and transparent way. An important point arising out of the *Hemming v Westminster* case is that the fees cannot be used to pay for enforcement action against unlicensed dealers (particularly collectors) or as an economic deterrent or to raise funds. The limitation placed by the EU Services Directive

around enforcement means that councils cannot recover the cost of issuing closure notices to unlicensed dealers and applying for closure orders from the magistrates' court.

A further consideration from Hemming is that councils cannot demand a fee where that has not been determined. In the case of Hemming there were a number of years where in effect the fee was carried over from the previous year without being considered in detail by a committee or the council. This point highlights the importance of regularly reviewing the fees and also making sure that when committees come to determine fees they have all the relevant information before them, otherwise they could be subject to legal challenge. One final matter is whether to consult on the fees. There is no requirement in the Act to do so, and it will not be practical to do so under the transitional provisions, but looking ahead consulting on the fees in the future may assist in reducing the potential for challenge where there has been a transparent and open process for agreeing them.

The LGA will shortly be producing a toolkit on setting licensing fees under the EU Services Directive which may provide assistance in setting fees for scrap metal dealer licences.

Assessing the suitability of the applicant

Section 3 of the Act states that a council must not issue a licence unless it is satisfied the applicant is a suitable person to carry on business as a scrap metal dealer – the 'suitability test'. In the case of a partnership this means assessing the suitability of each of the partners in the partnership, while in the case of a company it means assessing the suitability of any directors, company secretaries or shadow directors.

In assessing an applicant's suitability the council can consider any information it considers relevant. Applicants' behaviour in the operation of their business, such as the fact 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, could be factors that are considered. The template application form requests information on whether the applicant has planning permission for their site. The lack of planning permission can only be taken into account for sites established after 1 November 1990 as sites in use before then will not have needed to obtain planning permission. Using the lack of planning permission as a relevant consideration for a site where it has not been needed could provide valid grounds for appealing the council's decision.

Even the lack of planning permission for a site established after 1 November 1990 or the lack of registration with the ICO would not in our view be enough on its own to arrive at the view an applicant is not suitable to hold a licence. If however there are also a range of other behaviours and activities that suggest an applicant is unsuitable to hold a licence then the lack of planning permission or registration with the ICO might be a factor in reaching an overall

decision that the applicant is unsuitable. Councils will be in a stronger position to defend any challenges to their decision to refuse a licence where they made their decision based on the factors specifically listed in the legislation. The list includes whether:

- the applicant or site manager has been convicted of a relevant offence, or subject to any relevant enforcement action
- 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
- they had previously held a scrap metal dealers licence that has been revoked.

Much of this information should be set out in the application form, and it is an offence under paragraph 5 of Schedule 1 for the applicant to make a false statement or recklessly make a statement which is false in a material way. However local authorities will undoubtedly want to satisfy themselves that an applicant is a suitable person by checking that they do not have previous relevant convictions, been the subject of any relevant enforcement action or have been refused a licence. There are benefits from the industry's perspective in there being a standardised process when it comes to assessing applicants' suitability, and in having a consistent approach applied to each application.

Agreement has therefore been reached between the Home Office and Disclosure Scotland allowing applicants for a scrap metal dealers licence to apply for a Basic Disclosure as part of the application process. This offers the possibility of providing a fair, transparent and objective means of identifying matters that might lead a council to conclude an applicant was not a suitable person to hold a scrap metal dealers licence.

As part of the application process the applicant should be asked to provide a Basic Disclosure certificate with the application form. In order to ensure there is minimal delay in processing applications councils are advised to inform dealers of the need to apply for a Basic Disclosure certificate before they submit their application, so that the form and certificate can be submitted together on or before 15 October. The Basic Disclosure certificate will remain the property of the applicant. This would allow them to use it for other applications to other local authorities. There is no requirement under the Act for applicants to provide a Basic Disclosure certificate, and the deemed licence for previously registered dealers will not lapse if it is not supplied with the application. However refusing to supply a certificate would be grounds for the council to consider what further information it needed to judge whether the applicant was suitable. Refusing to provide a Basic Disclosure certificate would also be grounds under paragraph 4(2) of Schedule 1 for the local authority to decline to proceed with the application.

The Basic Disclosure certificate contains details only of any unspent convictions as of the date the certificate is issued. It can be applied for on-line

or by completing a form, and paying a fee of £25. Disclosure Scotland will usually be able to provide a certificate with the results of the disclosure application within 14 days so there should not be any significant delay in the application process. The Basic Disclosure process can also be used for applicants living overseas (such as directors of multinational companies based abroad) to see whether they have any unspent convictions for relevant offences in this country. The older a certificate is, the more likely it is to be out of date. Councils will therefore have to consider at what point they will decide a certificate is not up-to-date enough to provide a reasonable check on an applicant's suitability. As some scrap metal dealers may have already applied for a Basic Disclosure certificate in anticipation of the legislation coming into effect, we would recommend that when considering applications from registered dealers and operators made between 1 to 15 October, councils accept certificates up to three months old.

Once the local authority has received the application they can then compare the results of the certificate with the relevant offences prescribed by the Home Office. The list of offences will be set out in regulations which it is intended will be laid in Parliament in September. The regulations will also set out the relevant enforcement action a local authority may have regard to when considering an application.

Based on the explanatory notes to the Act the LGA expects the offences listed in the regulations will mirror, where possible, those that the Environment Agency/Natural Resources Wales consider when granting an environmental permit. It is also likely to include criminal offences relevant to metal theft. The regulations will also set out the relevant enforcement action local authorities may consider when assessing suitability.

The Basic Disclosure certificate will reveal only any unspent convictions on the Police National Computer. It will not therefore necessarily contain details of convictions for relevant offences secured by the Environment Agency/Natural Resources Wales or other local authorities.

We would recommend that councils as a result consult these other organisations when assessing the suitability of an applicant. Section 3(7) provides the legal basis for doing this as it allows a council to consult other councils, the Environment Agency and/or Natural Resources Wales and the police about the suitability of an applicant.

Where for example the Basic Disclosure certificate reveals an unspent relevant conviction the council may well wish to seek additional information from the police to enable them to better assess the applicant's suitability. Councils may also wish to do this where there are other indications that an applicant may not be a suitable person, such as operating without planning permission or having registered with the ICO.

As a matter of course councils should also check the Environment Agency/Natural Resources Wales public registers to see if they have taken any relevant enforcement action. Searching through the Environment Agency

website provides an easy means of doing this. This will not however show any on-going enforcement action, and the only way to check that is through directly contacting the Environment Agency (through their National Customer Contact Centre on 03708 506 506, Mon-Fri, 8am - 6pm) or Natural Resources Wales (0300 065 3000, Mon-Fri, 8am - 6pm, or email: enquiries@naturalresourceswales.gov.uk). There is also a duty on councils to provide these bodies and the police with any information they have received in respect of a licensing application if requested.

Finding out if there has been any relevant enforcement action by another local authority is in some senses more problematic. Local authorities have for some time been encouraged to notify their local force of prosecutions for recordable offences so these can be entered on the Police National Computer. We would encourage local authorities to continue to do this, and specifically in the case of the Scrap Metal Dealers Act 2013, to notify their forces where they have secured convictions under any of the relevant offences already listed. There is however no central database of council prosecutions that could be checked as part of an assessment of whether an applicant is a suitable person.

To assist councils in the role of assessing the suitability of applicants the Home Office would like to see a proactive exchange of information, with the police and Environment Agency/Natural Resources Wales advising local authorities when they are prosecuting a scrap metal dealer for a relevant offence so a local authority may have regard to this information when considering applications for a scrap metal dealers licence, or when considering whether to instigate procedures to revoke a licence.

It is important to bear in mind when considering any application that even if an applicant has been convicted of a relevant offence this is not automatic grounds for refusing to grant a licence. The local authority has discretion in this matter and could decide after receiving further information from an applicant or other bodies, and considering the matter further, that they can grant a licence, or grant the licence with conditions. For example the council could take into account how long ago the offence was committed, the nature of the offence or enforcement action; the gravity of the offence or enforcement action; when the enforcement action was taken; along with any other relevant information as set out in s3(2).

Representations

Where a council proposes to reject an application (or revoke it or vary it) the applicant has to be notified what the council proposes to do and the reasons for it. If having conducted an initial assessment of an applicant's suitability the council is minded to refuse the application, the relevant officer has to write to the applicant to let them know.

In doing so the notice from the council has to give the applicant (or licensee) the opportunity to make representations or let the council know they wish to. The notice must also specify a period of time in which the applicant does this,

which cannot be less than 14 days from the date on which the notice is given to the applicant. If the applicant does not make any representations, or does not say that they wish to in that time period, then the council can refuse the application or revoke or vary the licence. Where the applicant states they want to make representations the council has to give them a further period in which to do so, and only if they fail to do so can they refuse the application or revoke or vary the licence.

Where the applicant makes representations the council has to consider them (Schedule 1, paragraph 7(7)), and if the applicant states they want to make oral representations the council must provide them with the opportunity to appear before a licensing committee. This is in our view the most appropriate way of interpreting the requirement in the Act for a person appointed by the council to hear representations (Schedule 1, paragraph 7(8)).

Application hearings

The requirement on councils to allow an applicant to make oral representations means that it will be appropriate to refer any contested applications to a licensing committee. Those applications which are uncontested or where there are no questions about the suitability of the applicant can be delegated to licensing officers to make the decision on whether or not to grant the application. Before that can occur, councils will need to have the appropriate delegations in place.

The most obvious instance where an application should be referred to a licensing committee is where there is information available to the council that suggests the applicant may not be suitable to hold a scrap metal dealers licence. Existing good practice around the consideration of applications by licensing committees should be applied to the consideration of applications for scrap metal dealers licences.

In the event the committee is minded to refuse the application then it will need to carefully consider the grounds on which it has decided to do so. The applicant has to be given the reasons an application has been rejected (see the next section) and if there is an appeal, the council will want to have robust grounds on which to defend its decision not to grant a licence.

Notices of decisions

Where a council has refused an application, revoked a licence or varied a licence it must give the applicant or licensee notice of the decision, which also sets out the reasons for the decision.

The notice also has to inform the applicant or licensee of their right to appeal the decision; the timeframe for making that appeal; and, where the licence has been revoked or varied, the date under which that comes into effect.

Appeals

Appeals against a decision by the council to refuse an application, to impose a condition on the licence or to revoke or vary the licence are to the magistrates' court.

The dealer has 21 days from the day on which they were given notice of the decision in which to appeal. The magistrates' court then has the power to confirm, vary or reverse the council's decision and issue any directions it considers appropriate having regard to the Act.

As the notice under paragraph 8 to schedule 1 must be in writing, notice will be deemed to have been given when the applicant/dealer has received it. Ordinarily, this will be the next working day if delivered by first class post.

Including conditions in the licence

A council's ability to impose conditions on a licence is very limited. Conditions can be imposed only where the applicant or any site manager has been convicted of a relevant offence, or, where the council is revoking a licence when a condition can be imposed, until the revocation comes into effect. For the majority of applicants therefore it is unlikely that a council will be in a position of being able to consider imposing conditions. In considering whether to issue a licence where the applicant or a site manager has a relevant conviction, the local authority might decide to do so on the basis that a condition is imposed on the licence.

Councils can impose one or both of two conditions. These conditions specify that:

- the dealer can receive scrap metal only between 9.00am and 5.00pm on any day, in effect limiting the dealer's operating hours; 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.

Varying the licence

Dealers can apply to vary a licence from a site licence to a collector's licence or vice versa, and have to apply to vary the licence where there are any changes in certain details stipulated by the Act (see paragraph 3(2) in Schedule 1). The application has to be made to the council that issued the licence and has to set out the details of how the licence needs to be amended. 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.

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.

Councils have to be aware that variations related to changes in the name of the licensee on the licence for a site or a collector's licence cannot be used to effect a transfer of the licence from one person to another. 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. 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 punishable by a fine not exceeding level 3 on the standard scale.

Notifications to the National Register

The Scrap Metal Dealers Act creates a requirement for a register of scrap metal dealers licences. The Environment Agency must maintain a register of scrap metal licences issued in England, and Natural Resources Wales must maintain a register of scrap metal licences issued in Wales. Both registers will be open to the public.

Under the provisions of the Act when councils issue a licence they are obliged to pass on certain information to the Environment Agency/NRW to enter on the register. The information that has to be passed on about each licence is:

- the name of the council which issued the licence
- the name of the licensee
- any trading name under which the licensee conducts business as a dealer
- the address of any site identified in the licence
- the type of licence (site or mobile)
- the date the licence expires.

It is planned that councils will email a CSV file across to a dedicated email address at the Environment Agency and Natural Resources Wales. The more frequently the information is passed across to the Environment Agency/NRW the more up-to-date the register will be, and the more useful it will be in enforcement terms. As a matter of good practice we would encourage councils to email details of licences issued or revoked to the Environment Agency/NRW within 10 working days of the decision to issue or revoke the licence being made.

A template form for submitting the information to the Environment Agency/NRW is in the process of being agreed and when available the LGA and the Environment Agency/NRW will be circulating this to councils. The aim of this is to ensure that the Environment Agency/NRW do not have to send data back to the originating local authority for correction and to provide as much consistency in entries on the register as possible. This will be important as the licensing regime develops in facilitating checks on dealers. With mobile

dealers potentially holding multiple licences across a range of local authorities, differences in the way information is entered will make it more difficult to spot that one authority may have revoked the collector's licence. For this reason consideration is being given to ask for more information through the template than just what is required for the public register. The home addresses of mobile collectors will help councils and the police distinguish between mobile collectors so there is a possibility councils will be asked to supply and update this information as well.

In order for the register to work properly each licence will need a unique identification number. The Environment Agency/NRW are therefore keen to agree a naming and numbering convention for licences, including retaining the licence number when a licence is renewed even if a separate reference number is automatically generated by the council's back-office systems.

Where information has been submitted but data has been found that needs correction then the files will be sent back to the local authority to be amended. Details will be supplied as to why the data needs correcting. Councils will therefore have to provide the Environment Agency/NRW with an email address to which the data can be returned. Once the register is up and running any questions about the data on it will be referred back to the licensing authority by the Environment Agency/NRW.

The register itself will be accessed through the Environment Agency/NRW website, where it will appear as a separate searchable register. This will show the type of licence, and may also show the postcode for mobile collector's licences.

The process described here will also be used for notifying the Environment Agency/NRW of any variations in the licence as councils are required to do under s8 of the Act. 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.

Similarly councils are obliged to notify the Environment Agency/NRW of any licences that are revoked. Any notification of changes to the register detail are likely to require the overwriting of all the old data about the licence so the template provided for notifying the Environment Agency/NRW of a new licence will probably also be used for notifying them of any variations.

Form and content of licence when issued

The details the licence has to contain are set out in the legislation (s2(4) and (6)), and it also has to be in a form that allows it to be displayed in accordance with the requirements in s10.

In the case of a site licence, the actual licence has to 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.

With a mobile collector's licence, the actual licence has to state the name of the licensee; the name of the authority that issued it and the date on which it is due to expire.

Although not required by law, councils should consider inserting the unique licence number for that licence created in relation to the national register as that would aid the police, the Environment Agency/NRW and other agencies in checking the dealer against the national register.

In the case of a mobile collector the dealer has to display a copy of the licence in their vehicle in such a way that it can be read by a person outside the vehicle. Councils will therefore have to give consideration when issuing the licence to ensure it is legible from outside the vehicle if, for example, it is left on the dashboard like a disabled parking badge.

Does the applicant carrying on business as a scrap metal dealer?

A person carries on business as a scrap metal dealer if the person;

- carries 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 was bought, or
- carries on business as a motor salvage operator. ([s.21](#))

Yes – Application required.

No

No licence required

Applicant suitable person to carry on business as a scrap metal dealer?

In determining this, the authority may have regard to any information which it considers to be relevant, including in particular:

- (a) whether the applicant or any site manager has been convicted of any relevant offence;
- (b) whether the applicant or any site manager has been the subject of any relevant enforcement action;
- (c) any previous refusal of an application for the issue or renewal of a scrap metal licence (and the reasons for the refusal);
- (d) any previous refusal of an application for a relevant environmental permit or registration (and the reasons for the refusal);
- (e) any previous revocation of a scrap metal licence (and the reasons for the revocation);
- (f) whether the applicant has demonstrated that there will be in place adequate procedures to ensure that the provisions of this Act are complied with. ([s.3\(2\)](#))

Yes

Grant licence

No - a local authority **must not issue or renew a scrap metal licence unless it is satisfied that the applicant is a suitable person** ([s. 3\(1\)](#))

For a proposal to refuse (or revoke), applicant must be given notice of proposal setting out;

1. Intention to refuse (or revoke)
2. Reasons
3. Applicant can make representation to Council within specified period (not less than 14 days beginning with the date on which the notice is given.) ([Sch. 1 para7\(1\)-\(4\)](#))

Suitable

Not Suitable

Establish whether applicant is suitable to have a licence.

Applicant made representation within specified period? ([Sch. 1 para7\(5\)](#))

Yes

Allow applicant a further *reasonable* period to make representations (either written or oral) and Council must consider the representations ([para7\(7\) sch. 1](#))

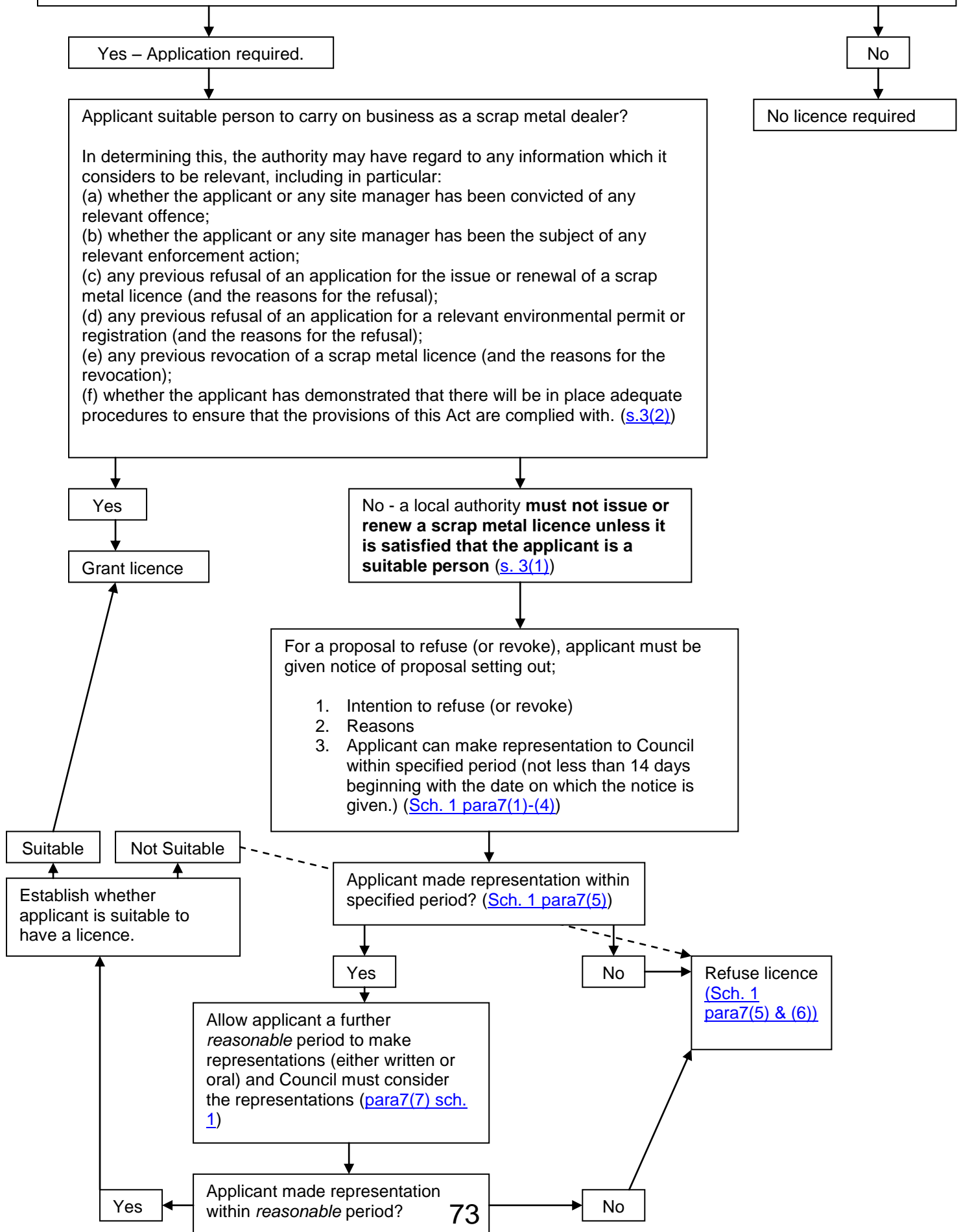
Applicant made representation within *reasonable* period?

Yes

73

No

Refuse licence ([Sch. 1 para7\(5\) & \(6\)](#))



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OXFORD CITY COUNCIL

(Guidance on how to complete this form can be found at the end of the application)

Application for a Scrap Metal Licence

SECTION 1. (for all applicants)		
Please indicate the type of licence you are applying for (please tick):		
A site licence <input type="checkbox"/> A collector's licence <input type="checkbox"/>		
Are you applying as (please tick):		
An individual <input type="checkbox"/> A company <input type="checkbox"/> A partnership <input type="checkbox"/>		
Please state your trading name:		
Is this application for a grant of a new licence or a renewal (please tick the relevant box):		
Grant of a new licence <input type="checkbox"/> Renewal of an existing licence <input type="checkbox"/>		
If 'yes' please provide your existing licence number:		
SECTION 2. Permits, registrations and licences in force		
Please provide details of any relevant environmental permit, exemption or registration (such as a scrap metal dealer or a motor salvage operator) in relation to the applicant:		
Type:	Identifying number:	Date of issue:
Type:	Identifying number:	Date of issue:
Continue on a separate sheet if necessary		
Please provide details, including licence number, of any other scrap metal licence issued by any authority to the applicant within the last 3 years (please use a continuation sheet if necessary):		
Are you registered as a waste carrier? (please tick)		
Yes <input type="checkbox"/> No <input type="checkbox"/>		
If 'yes' please provide your carrier's registration number:		
SECTION 3. TO BE COMPLETED IF APPLYING FOR A SITE LICENCE		
N.B- A site licence authorises the licensee to carry on business at a site in the authority's area. You can apply to licence multiple sites using this form.		
Details of prospective licence holder		

Title (please tick): Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other <input type="checkbox"/> (please state):	I am 18 years old or over. Please tick Yes <input type="checkbox"/> No <input type="checkbox"/> Date of Birth:
Surname:	Forenames:
Position/Role in the business:	
I attach a Basic Disclosure Certificate issued for the applicant by Disclosure Scotland ¹ : Yes <input type="checkbox"/> No <input type="checkbox"/> If you do not provide a disclosure certificate your application may be delayed or rejected.	
Contact details (we will use your business address to correspond with you unless you indicate we should use your home address)	
Business Address: Head office name or house name or number: First line of address: Town/City: Postcode:	Telephone numbers: Daytime: Evening: Mobile:
Home address: House name or number: First line of address: Town/City: Postcode:	Email address (if you would prefer us to correspond with you by email): Please note that you must still provide us with a postal address

¹ Further information about Basic Disclosure Certificates and Disclosure Scotland are set out in the explanatory notes accompanying this form.

<p>Site details. Please list the details for each site where you propose to carry on business as a scrap metal dealer in this local authority area. If you operate more than two sites in the area please provide details for each site on a continuation sheet. [N.B- If the applicant operates multiple sites within a licensing authority area, provision should be made for more than one site manager]</p>	
Full address of each site you intend to carry out business as a scrap metal dealer:	Site manager(s) details (if different from the applicant)
<p>Site 1</p> <p>Name or number:</p> <p>First line of address:</p> <p>Town/City:</p> <p>Postcode:</p> <p>Telephone number:</p> <p>Email address:</p> <p>Website address:</p>	<p>Name:</p> <p>House name or number:</p> <p>First line of address:</p> <p>Town/City:</p> <p>Postcode:</p> <p>Date of Birth:</p> <p>Basic Disclosure certificate attached: Yes <input type="checkbox"/> No <input type="checkbox"/> 2</p>
<p>Site 2</p> <p>Name or number:</p> <p>First line of address:</p> <p>Town/City:</p> <p>Postcode:</p> <p>Telephone number:</p> <p>Email address:</p> <p>Website address:</p>	<p>Name:</p> <p>House name or number:</p> <p>First line of address:</p> <p>Town/City:</p> <p>Postcode:</p> <p>Date of Birth:</p> <p>Basic Disclosure certificate attached: Yes <input type="checkbox"/> No <input type="checkbox"/></p>
<p>Partnerships (If you are applying as a partnership, please provide the following details in respect of each partner – where there are more than two partners then please use a continuation sheet)</p>	

² If you do not provide a disclosure certificate issued for named persons by Disclosure Scotland issued no more than three months before the date of this application your application may be delayed or rejected.

Full name: Date of birth: Residential address: Basic Disclosure certificate attached: Yes <input type="checkbox"/> No <input type="checkbox"/> 3	Full name: Date of birth: Residential address: Basic Disclosure certificate attached: Yes <input type="checkbox"/> No <input type="checkbox"/>
Companies (If you are applying as a company please provide the details set out below about the company)	
Company name: Registration number: Address of the registered office: 	
Please provide the following details for each director(s), shadow director(s) and company secretary where these are different from the applicant and site manager(s) – where necessary please use a continuation sheet.	
Role: Name: Date of Birth: House name or number: First line of address: Town/City: Postcode: Basic Disclosure certificate attached: Yes <input type="checkbox"/> No <input type="checkbox"/> 4	Role: Name: Date of Birth: House name or number: First line of address: Town/City: Postcode: Basic Disclosure certificate attached: Yes <input type="checkbox"/> No <input type="checkbox"/>

- 3** If you do not provide a disclosure certificate issued for named persons by Disclosure Scotland issued no more than three months before the date of this application your application may be delayed or rejected.
- 4** If you do not provide a disclosure certificate issued for named persons by Disclosure Scotland issued no more than three months before the date of this application your application may be delayed or rejected.

<p>Please provide details of any site in the area of any other local authority at which the applicant carries on business as a scrap metal dealer or proposes to do so:</p> <p>Address:</p> <p>Postcode:</p> <p>Please name the local authority which has licensed this site, or to whom applications have been made if before commencement of the Scrap Metal Dealers Act 2013:</p> <p>Please continue on a separate sheet of paper if necessary.</p>	
<p><i>Only applicable to sites established after 1 November 1990</i></p> <p>Do you have planning permission (please tick)</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>	
<p>SECTION 4. TO BE COMPLETED IF APPLYING FOR A COLLECTOR'S LICENCE N.B- A collector's licence authorises the licensee to carry out business as a mobile collector in the authority's area only.</p>	
<p>Details of prospective licence holder</p>	
<p>Title (please tick):</p> <p>Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other <input type="checkbox"/></p> <p>(please state):</p>	<p>I am 18 years old or over. Please tick</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Date of Birth:</p>
<p>Surname:</p>	<p>Forenames:</p>
<p>I attach a Basic Disclosure Certificate issued for the applicant by Disclosure Scotland⁵:</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If you do not provide a disclosure certificate your application may be delayed or rejected.</p>	
<p>Contact details (we will use your business address to correspond with you unless you indicate we should use your home address)</p>	
<p>Business Address:</p> <p>House name or number:</p> <p>First line of address:</p>	<p>Telephone numbers:</p> <p>Daytime:</p> <p>Evening:</p> <p>Mobile:</p>

⁵ Further information about Basic Disclosure Certificates and Disclosure Scotland are set out in the explanatory notes accompanying this form.

Town/City: Postcode:	
Home address: House name or number: First line of address: Town/City: Postcode:	Email address (if you would prefer us to correspond with you by email): Please note that you must still provide us with a postal address
Where will scrap metal that has been purchased be stored before further disposal? House name or number: First line of address: Town/City: Postcode: Will not be stored <input type="checkbox"/>	
SECTION 5. MOTOR SALVAGE (For all applicants)	
Will your business consist of acting as a motor salvage operator? This is defined as a business that: <ul style="list-style-type: none"> • 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 selling them off; and, • wholly or mainly buys or sells motor vehicles for the purpose of salvaging parts from them or repairing them and selling them off. (please tick) Yes <input type="checkbox"/> No <input type="checkbox"/>	
SECTION 6. BANK ACCOUNTS THAT WILL BE USED FOR PAYMENTS TO SUPPLIERS (For all applicants)	
Please provide details of the bank account(s) that will be used to make payment to suppliers, in accordance with s12 of the Scrap metal Dealers Act 2013. If more than two bank accounts will be used, please use a continuation sheet.	

Help with completing your application for a scrap metal dealer's licence

If you need more help in completing the application then call your local council licensing team. They will be happy to help.

Section 1 – For everyone

This section asks if you are applying for a collector's licence or a site licence. You may only apply for one type of licence in each council area, but you can apply to run multiple sites. For instance, you could apply to run 3 sites in council A's area, and also apply to be a collector in council B's area.

A **site licence** lets you buy and sell scrap metal from a fixed location within the council area.

A **collector's licence** allows you to travel within the council area to collect scrap metal. You may not take this metal back to a site that you run within the council area in order to sell it.

Section 2 – For everyone

In order to carry on your business you may need to hold other environmental permits or licences that we should know about. For instance, if you carry waste as part of your business it is a legal requirement to register as a waste carrier. This includes transporting waste while travelling from job to job, to a storage place for disposal later, or to a waste disposal company or waste site. For more information on this, or to register call: 03708 506506 or visit: www.environment-agency.gov.uk/wastecarriers

This section also asks for details of any other scrap metal licences you hold. Please make sure you include the licence number so that we can check this against the national register.

Section 3 – For site licences

Fill out this section if you want a **site licence**. It should be filled out in the name of the person who will hold the scrap metal dealer's licence. As well as details about you and your business, we will also need details of any directors or partners involved in the business including their home address. We also need to know the address of the site or sites you want the licence for, as well as the details of each site manager responsible for that site. These details are required by law and also so that you can be contacted if there are any problems.

You and every person listed on the application form needs to submit a Basic Disclosure Certificate from Disclosure Scotland. You can apply for this certificate at <http://www.disclosurescotland.co.uk/apply/individuals/>

This is because the Home Office has decided that you and any person listed on the application need to tell the council if you have been convicted of certain crimes. Possessing a conviction may not automatically prevent you from having a licence if the offence was unrelated to being a scrap metal dealer or a long time ago, and you can convince the council that you are a suitable person.

A Basic Disclosure Certificate is considered to be only valid for a limited time, but can be used to apply to as many councils as you want within that time. Typically, three months is the longest that you can expect your check to be considered valid.

There is not much space on the form, so if you need to list more than one site manager, director, or partner, then please continue on a separate piece of paper setting out the details in the same way as the form.

A **site manager** is the person who will be in charge of the site on a daily basis. You will probably need a different site manager for each site on the licence.

A **director** or **partner** is someone who has or shares legal responsibility for the operation of the company, including filing returns at Companies House.

We also want to know if you operate or propose to operate a site in another local authority area, along with details of this site, the council which has licensed it or to whom you have applied for a licence.

If your site(s) were established after 1990, then you are required to have planning permission from the council. You will need to tell us if this is the case, and it will be checked with the council planning department.

Section 4 – For a collector’s licence

Fill out this section if you want a **collector’s licence**. It should be filled out in the name of the person who will hold the scrap metal dealer’s licence. You are asked to provide contact details, including the place where you live, so that the council can get in touch with you if necessary.

You need to submit a Basic Disclosure Certificate from Disclosure Scotland along with the application form. You can apply for this certificate at <http://www.disclosurescotland.co.uk/apply/individuals/>

This is because the Home Office has decided that you need to tell the council if you have been convicted of certain crimes. Possessing a conviction may not automatically prevent you from having a licence if the offence was unrelated to being a scrap metal dealer or a long time ago, and you can convince the council that you are a suitable person.

A Basic Disclosure Certificate is considered to be only valid for a limited time, but can be used to apply to as many councils as you want within that time. Typically, three months is the longest that you can expect your check to be considered valid.

We also ask for the place where you will store any collected scrap metal before taking it to a licensed site to dispose of it. Note that you are not allowed to sell or buy metal at this storage site and doing so is an offence. This may be a licensed site that you operate in another council area.

You will need to ensure that all your vehicles are roadworthy and are properly taxed, insured and otherwise meet the legal requirements to be on the road.

Section 5 – Motor salvage operator

This section asks if you will be salvaging motor vehicles as part of your work. The Scrap Metal Dealers Act 2013 brings together the Scrap Metal Dealers Act 1964 together with Part 1 of the Vehicles (Crime) Act 2001, which means you now only need a scrap metal dealer's licence.

Section 6 – Bank accounts that will be used for payments to suppliers

This section asks you for the bank details which you will use to pay people for the scrap metal you receive or sell. This is to check that you are not selling the metal for cash, which is illegal. These details will be kept securely by the council.

Section 7 – Payment

There is a fee to apply for a licence and your council will tell you how you can pay. The fee varies from council to council as it reflects their costs of processing the form and checking that people are doing what the licence requires. Applications cannot be accepted unless the correct fee has been paid.

Section 8 – Criminal convictions

This section asks you to set out any relevant convictions or enforcement activity that has been undertaken against you by the Environment Agency or Natural Resources Wales. It is an offence under the Scrap Metal Dealers Act 2013 to make or recklessly make a false statement. The information listed here will be checked against the Basic Disclosure Certificate from Disclosure Scotland that you are required to submit with the application, along with information retained by the police and the Environment Agency or Natural Resources Wales.

Section 9 – Declaration

The person who will hold the scrap metal dealer's licence needs to sign and date the declaration, as do the other people named on the form. This section also explains that the council has to share some of these details with the police, Environment Agency, or Natural Resources Wales when checking whether the applicant(s) is a suitable person to hold a licence. Some of the information will also be displayed on a public register.

If you do not agree to this use of your information then you should **not** sign the form. If you are in any doubt about what this section means then speak to your council's licensing team.

Relevant offences

These are to be confirmed in Home Office Regulations. The LGA anticipates, based on the explanatory notes to the Scrap metal Dealers Act 2013, that these will reflect other environmental permitting schemes and suggests the below as an *indicative* list:

- Control of Pollution (Amendment) Act 1989: Sections 1, 5 or 7(3)
- Customs and Excise Management Act 1979: Section 170 (for environmental/metal theft related offences only)
- Environment Act 1995: Section 110(2)
- Environmental Permitting Regulations 2007: Regulation 38
- Environmental Permitting Regulations 2010: Regulation 38

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

Scrap Metal Dealer Act 2013: guidance on licence fee charges

Context

The Scrap Metal Dealers Act 2013 (referred to in this guidance as the 2013 Act) received Royal Assent on the 28 February 2013, delivering much needed reform of the scrap metal sector. The 2013 Act will provide effective and proportionate regulation of the sector, creating a more robust, local authority run, licensing regime that will support legitimate dealers yet provide the powers to effectively tackle unscrupulous operators. It will raise trading standards across the whole sector.

Introduction

The 2013 Act will allow local authorities to decide who should and should not be licensed, allowing them to refuse a licence upon application or to revoke a licence at any time if they are not satisfied that the applicant is a suitable person to carry on business as a Scrap Metal Dealer. The act also creates closure powers for unscrupulous dealers who operate without a licence. It extends the record keeping requirements placed upon scrap metal dealers and requires the verification of the people Scrap Metal Dealers are transacting with. The act will integrate the separate regulation for motor salvage operators with the scrap metal sector and bring to an end the cash exemption given to some collectors under the 1964 Act.

Finally, the 2013 Act creates a fee raising power, to allow local authorities to recover the costs stemming from administering and seeking compliance with the regime. This element of the legislation will be the focus of this guidance.

The intention is for the act to be implemented in October 2013.

Licensing requirements placed upon scrap metal dealers

Section one of the 2013 Act requires a scrap metal dealer to obtain a licence in order to carry on business as a scrap metal dealerⁱ. It will be an offence to carry on a business as a scrap metal dealer in breach of the requirement to hold a licence. This offence is punishable on summary conviction with a fine not exceeding level 5 on the standard scale. In addition, Schedule 1(6) of the 2013 Act provides that an application must be accompanied by a fee set by the authority.

Aim and scope

Local authorities will be responsible for administration and compliance activity in relation to the 2013 Act. This guidance is provided to local authorities in relation to the carrying out of their fee raising function. It also provides information for the benefit of those who will be applying for a scrap metal dealer's licence and the general public. This guidance applies to local authorities in England and Wales and is produced in accordance with the 2013 Act.

Legal status

Schedule 1(6) of the 2013 Act provides that an application must be accompanied by a fee set by the local authority. In setting a fee, the authority must have regard to any guidance issued from time to time by the Secretary of State with the approval of the Treasury. This Guidance is therefore binding on all licensing authorities to that extent.

What costs can local authorities charge for when issuing a licence?

The 2013 Act provides that an application for a licence must be accompanied by a fee set by the local authority. This fee raising power is an essential component of the legislation as it will provide local authorities with the funding they need to administer the regime and ensure compliance.

The power to set fees has been passed to individual local authorities, so that any fees levied in each local area is set by reference to the actual costs to each authority. The EU services directive states that a licence fee can only be used to pay for the cost associated with the licensing process. In effect, each local authority must ensure that the income from fees charged for each service does not exceed the costs of providing the service.

LAs should specify fees for each category of application. Specifically we would expect a fee to be specified for the assessment of an application for a licence, the assessment of an application to vary a licence, and the assessment of an application for licence renewal.

Local authorities should specify fees which are payable by licence applicants for the assessment and administration activity within the new licensing regime brought about by the 2013 Act. They should do this by identifying what they need to do to assess the type of licence in question and calculating their best estimate of the cost to be incurred by the LA. The authority will then be able to calculate a best estimate of unit cost for each case.

In effect, the costs of a licence should reflect the time spent assessing and administering applications, processing them, having experienced licensing officers review them, storing them, consulting on the suitability of an applicant, reviewing relevant offences, the decision on whether to issue a licence, as well as the cost of issuing licences in a format that can be displayed. Consulting the local authority's enforcement records in order to determine the suitability of the applicant is chargeable within the licence fee costs as are costs associated with contested licence applications.

Registering authorities should review fees regularly to check whether they remain appropriate.

Can a local authority charge for enforcement activity?

The licence fee cannot be used to support enforcement activity against unlicensed scrap metal dealers. Any activity taken against unlicensed operators must be funded through existing funds. Such activity against unlicensed operators includes issuing closure notices; with applications for closure orders subsequently made to a magistrates court. The cost of applying to the Magistrates Court for a warrant (Section 16(5)(6) and (7) of the 2013 Act) for entry to unlicensed premises, by force if necessary, will incur legal costs to be borne by the local authority and police.

What are the different types of licences?

There are two types of licence specified within the act, one is for a site licence and the other is for a mobile collector licence (carrying on business otherwise than at a site). The licence authorises the licensee to carry on business as a scrap metal dealer at the sites listed in it (in the case of a site licence) or within the local authority area (in the case of a mobile collector's licence).

Site licences

A site licence requires all of the sites at which the licensee carries on the business as a scrap metal dealer within the local authority area to be identified and a site manager to be named for each site. In doing so, they will be permitted to operate from those sites as a scrap metal dealer, including transporting scrap metal to and from those sites from any local authority area.

Collectors licences

A collector's licence authorises the licensee to operate as a mobile collector in the area of the issuing local authority, permitting them to collect any scrap metal as appropriate. This includes commercial as well as domestic scrap metal.

The licence does not permit the collector to collect from any other local authority area. A separate licence should be obtained from each local authority from which the individual wishes to collect in. A collector's licence does not authorise the licensee to carry on a business at a site within any area. Should a collector wish to use a fixed site, they will need to obtain a site licence from the relevant local authority.

The Act 2013 also specifies that a licence will be issued by the local authority in whose area a scrap metal site is situated, or (in respect of a mobile collector) in the area that the collector operates.

Do different fees apply?

Yes. Fees charged for a site licence would reflect the extra work involved in processing these licences and will vary from a collector's licence.

Display of licences

The form in which a licence is issued must enable it to be displayed in accordance with section ten of the 2013 Act. All licensees are therefore required to display a copy of their licence. For site operators the licence must be displayed in a prominent place in an area accessible to the public. For mobile collectors, it must be in a manner which enables the licence to be easily read by a person outside the vehicle. A criminal offence is committed by any scrap metal dealer who fails to fulfil this requirement. This offence is punishable on summary conviction with a fine not exceeding level 3 on the standard scale.

The cost of providing a licence in a form which can be displayed should be included in the local authority licence fee charges.

Police objections to licence applications

The police may object to a licence application where they believe that the applicant is not a suitable person as defined within the act. The police can object where, for example, the applicant has been convicted of a relevant offence. LAs should also consider representations from other organisations or individuals in considering the applicant's suitability

Where the police do object, the local authority should take this into consideration but must use their own judgement and discretion when taking a licence decision. The local authority must allow for the person whose licence is about to be refused or revoked to be afforded the right to make representations. The local authority considering the matter must restrict its consideration to the issue of suitability of applicant and provide comprehensive reasons for

its decision.

Costs associated with considering oral and written representations should be included in licence fee charges.

Appeals

There is a right of appeal to the Magistrates' Court against a decision to refuse a licence application, to include a condition within the licence, to revoke the licence or to vary the licence. The costs associated with appeals and the costs of defending an appeal in the Magistrate Court should not be included in licence fee charges.

The costs associated with defending a Judicial Review into whether the local authority has failed to have regard to the guidance on fees is not chargeable under the licence regime.

Revocation of a licence and formulating and imposing licence conditions

If a licence has been granted, it may be revoked or licence conditions imposed on a scrap metal dealer if the subsections within Clause 4 of the Scrap Metal Dealers Act are triggered. A local authority may impose conditions pending an appeal against revocation (section 4 (7)) or if the applicant or site manager has been convicted of a relevant offence (section 3 (8)).

Variation of licence

Schedule 1 paragraph 3(1) indicates that a local authority may, on an application, vary a licence by changing it from one type to another and (2) if there is a change in any of the matters mentioned in section 2(4)(a), (c) or (d) or (6)(a).

These changes should be recorded by the local authority. The applicant is also under a duty to notify any convictions for relevant offences to the local authority. These measures ensure that a single record will be held of the licence holder's history in terms of licensing matters.

National Register of Scrap Metal Dealers

Whilst a local authority can recover any costs incurred in transmitting information about a licence, the costs which the Environment Agency incurs are not chargeable under the licence regime.

How long will a licence be valid for?

Schedule 1 paragraph 1 of the 2013 Act specifies the terms of a licence. It indicates that a licence expires at the end of the period of 3 years beginning with the day on which it is issued.

Additional regulations and guidance

The Home Office will be publishing regulations in relation to relevant offences and the identification required to sell scrap metal over the summer of 2013. These regulations will be published on www.gov.uk. We will also be working with the Local Government Association, the British Metal Recycling Association and British Transport Police to produce additional guidance on the requirements of the new act.

The Local Government Association guidance will include a breakdown of reasonable timescales for each of the activities associated with setting a fee.

Annex A - Definitions

What is a local authority?

‘Local authority’ means —

- (a) in relation to England, the council of a district, the Common Council of the City of London or the council of a London borough;
- (b) in relation to Wales, the council of a county or a county borough.

What is a scrap metal dealer?

21 ‘Carrying on business as a scrap metal dealer’ and ‘scrap metal’

(2) A person carries on business as a scrap metal dealer if the person—

- (a) carries 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 was bought, or
- (b) carries on business as a motor salvage operator (so far as that does not fall within paragraph (a)).

What is a mobile collector?

‘Mobile collector’ means a person who—

- (a) carries on business as a scrap metal dealer otherwise than at a site, and
- (b) 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.

What is a motor salvage operator?

(4) For the purposes of subsection (2)(b), a person carries on business as a motor salvage operator if the person carries on a business which consists —

- (a) wholly or partly in recovering salvageable parts from motor vehicles for re-use or sale and subsequently selling or otherwise disposing of the rest of the vehicle for scrap,
 - (b) wholly or mainly in buying written-off vehicles and subsequently repairing and reselling them,
 - (c) wholly or mainly in buying or selling motor vehicles which are to be the subject (whether immediately or on a subsequent re-sale) of any of the activities mentioned in paragraphs (a) and (b), or
 - (d) wholly or mainly in activities falling within paragraphs (b) and (c).
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SITE LICENCE FEES (3 YR LICENCE)

NEW / RENEW	Application Process (including consultation)	2 hrs @ £40 p/h	£80.00
	Site Visits (1 per annum)	4hrs per visit @ £50 p/h x 3 visits	£600.00
	Materials	Paper, Software, Postage, etc	£40.00
	Management Costs	3 hrs @ £60 p/h (To review licence applications and each officer site visit)	£180.00
	Sub-Committee Hearing (Legal / Democratic Services Costs)	2 hrs @ £150 p/h	£300.00
	Total		£1,200.00
VARIATION	Application Process	2 hr @ £40 p/h	£80.00
	Materials	Paper, Software, Postage, etc	£20.00
	Total		£100.00

MOBILE COLLECTORS LICENCE FEES (3 YR LICENCE)

NEW / RENEW	Application Process (including consultation)	2 hrs @ £40 p/h	£80.00
	Site Visits (1 per annum)	2hrs per visit @ £50 p/h x 3 visits	£300.00
	Materials	Paper, Software, Postage, etc	£40.00
	Management Costs	3 hrs @ £60 p/h (30 mins to review licence and each officer site visit)	£180.00
	Sub-Committee Hearing (Legal / Democratic Services Costs)	2 hrs @ £150 p/h	£300.00
	Total		£900.00
VARIATION	Application Process	2 hr @ £40 p/h	£80.00
	Materials	Paper, Software, Postage, etc	£20.00
	Total		£100.00

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GENERAL PURPOSES LICENSING COMMITTEE

Tuesday 21 May 2013

COUNCILLORS PRESENT: Councillors Clarkson, Cook, Coulter, Gotch, Humberstone, Lygo, Royce and Williams (late).

OFFICERS PRESENT: Julian Alison (Licensing Team Leader), Jill Cramer (Environmental Development), Daniel Smith (Law and Governance), William Reed (Law and Governance) and Sarah Claridge (Trainee Democratic and Electoral Services Officer)

1. ELECTION OF CHAIR FOR THE COUNCIL YEAR 2013/2014

The Committee appointed Councillor Cook as Chair for the Council year 2013/14.

2. ELECTION OF VICE CHAIR FOR THE COUNCIL YEAR 2013/2014

The Committee appointed Councillor Gotch as Vice Chair for the Council year 2013/14.

3. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

No apologies were received.

4. DECLARATIONS OF INTEREST

No declarations of interest were made.

5. GENERAL PURPOSES LICENSING COMMITTEE - APPOINTMENT OF SUB-COMMITTEES

The Head of Law and Governance submitted a report (previously circulated, now appended). William Reed (Democratic Services Manager) presented the report to establish Sub-Committees for the 2013-14 Council year, to deal with the casework flowing from the Committee's own responsibilities.

Sub-committees are required by law to be political balanced and made up of 3 members – in this case, 2 Labour members and 1 Liberal Democrat.

The Council has programmed provisional sub-committee dates into the Council meeting calendar. Sub-Committee members requested that Officers give members as much notice as possible when a sub-committee is required to meet.

The Committee resolved to:

- (1)(a) Establish and APPOINT Councillors Cook, Clarkson and Royce onto a Hackney Carriages and Private Hire Licensing Sub-Committee for the Council year 2013 – 14, and to agree its powers and duties as listed in Appendix 1 of the report.
- (b) NOTE that the quorum for the Hackney Carriages and Private Hire Licensing Sub-Committee is two and to agree the proviso that the Sub-committee can only proceed on this basis if the person appearing before the Sub-Committee agrees;
- (2)(a) Establish and APPOINT Councillors Clarkson, Coulter, Humberstone and Royce onto a Licensing and Registration Sub-Committee for the Council year 2013 – 14, and to agree its powers and duties as listed in Appendix 2 of the report.
- (b) NOTE that the quorum for the Licensing and Registration Sub-Committee is two and to agree to the introduction of a proviso that the Sub-Committee can only proceed at quorum if the person appearing before the Sub-Committee agrees;
- (3) AGREE that substitution is permitted on the two sub-committees but that substitutes must be from the Committee itself.

6. UPDATE ON TAXI LICENSING ACTIVITY - JANUARY 2013 - MARCH 2013

The Head of Environmental Development submitted a report previously circulated, now appended). Julian Alison (Licensing Team Leader) presented the report and informed the Committee of the progress made on the Taxi Licensing Function between January 2013 and March 2013.

The Committee made the following comment:

In regards to paragraph 10 of the report - appeals being upheld on cases based on irrelevant factors ie “driver’s livelihood”. The Chair questioned why officers did not appeal the decision and would like in future for the Chair and Vice Chair to be consulted, (when such cases arise) with a view of lodging an appeal.

The Committee resolved to NOTE the contents of the report.

7. HACKNEY CARRIAGE UNMET DEMAND SURVEY

The Head of Environmental Development has submitted a report previously circulated, now appended). Jill Cramer (Licensing Officer) presented the report to the Committee and explained the background of the “Unmet Demand” survey that was carried out between October 2012 and December 2012.

A presentation was made by the external consultant appointed to conduct the unmet demand survey. The brief was to determine whether or not there is significant unmet demand for the Hackney Carriage service within Oxford as defined in Section 16 of the Transport Act 1985; and how many additional hackney carriages are required to eliminate any significant unmet demand.

The survey found that demand for hackney carriages in Oxford had increased by 13% since 2009, this is well below the 80% threshold used as a benchmark by councils to determine the need to increase supply of hackney carriage licences.

The survey concluded that there is no evidence of significant unmet demand for Hackney carriages in Oxford.

The Committee resolved to:

- (a) AGREE to accept the conclusions of the Hackney Carriage “Unmet Demand” survey report prepared by Halcrow Group Limited, that there is currently no significant unmet demand for hackney carriage services in Oxford;
- (b) RECOMMEND to the City Executive Board and Full Council that there is currently no significant unmet demand for hackney carriage services and to therefore resolve to maintain the Council’s policy of quantity control on the number of hackney carriage vehicle licences; and
- (c) AGREE that a further Unmet Demand survey be commissioned in 2015, subject to any future changes to relevant legislation.

8. AUDIO VISUAL RECORDING IN LICENSED VEHICLES - UPDATE

The Head of Law and Governance and the Head of Environmental Development submitted a report (previously circulated, now appended). Daniel Smith (Lawyer) presented the report to the Committee and explained the background.

The Committee’s resolved in May 2012 to suspend the requirement for audio visual recording in taxis, pending further consultation and the outcome of the Law Commission Review. Since then, Southampton City Council (who had a similar scheme to Oxford’s) has been subject to an enforcement notice by the ICO based on data protection and privacy. The tribunal found the scheme to be an “unjustified and disproportionate interference with the right to privacy of drivers and passengers”.

As a result of this case, officers therefore recommend that the Committee does not implement the scheme.

The Committee resolved to:

- (a) NOTE the contents of the report;
- (b) AGREE not to implement the audio visual recording scheme in its entirety
- (c) AGREE not to require any further consultation to be carried out.

9. MINUTES

The Committee APPROVED the minutes of the meeting held on 19th February 2013 as a true and accurate record.

10. DATES OF FUTURE MEETINGS

The Committee resolved to meet on Tuesday 5 September 2013 following the Licensing and Gambling Acts Committee.

The meeting started at 5.25 pm and ended at 6.30 pm