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Cambridge City Council

ENVIRONMENT SCRUTINY COMMITTEE

To: **Scrutiny Committee Members:** Kightley (Chair), Saunders (Vice-Chair), Blencowe, Marchant-Daisley, Owers, O'Reilly, Reid and Tunnacliffe

Alternates: Councillors Brierley and Herbert

Executive Councillor for Environmental and Waste Services: Councillor Swanson

Executive Councillor for Planning and Climate Change: Councillor Ward

Executive Councillor for Public Places: Councillor Reiner

Despatched: Thursday, 26 September 2013

Date: Tuesday, 8 October 2013

Time: 5.00 pm

Venue: Committee Room 1 & 2 - Guildhall

Contact: James Goddard **Direct Dial:** 01223 457013

AGENDA – SECOND CIRCULATION

16 DEVELOPER CONTRIBUTIONS: 2ND PRIORITY - SETTING ROUND
(Pages 5 - 26)

19 SCRAP METAL ACT 2013 *(Pages 27 - 52)*

Non key item received 15 or less working days pre-committee, so automatically added to the agenda for pre-scrutiny. *(Pages 27 - 52)*

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To: Executive Councillor for Public Places:
Councillor Andrea Reiner
Report by: Director of Environment
Relevant scrutiny Environment Scrutiny 8/10/2013
committee: Committee
Wards affected: All Wards

**DEVELOPER CONTRIBUTIONS: SECOND PRIORITY-SETTING ROUND
Not a Key Decision**

1. Introduction

1.1 Developer contributions are payments received by the council from property owners or developers to help address the impact of greater demand for facilities arising from development in the city. Alongside the council's approach to devolved decision-making for the local use of developer contributions, half the payments from major developments are assigned to a city-wide fund. This is for strategic projects to create or improve facilities that would benefit residents from more than one area of the city.

1.2 Following the first priority-setting round in late 2012/early 2013, the next round is now underway. This is planning ahead for the next set of projects to be taken forward once first round and on-going projects are completed. This report invites the Executive Councillor to identify second round strategic priorities for the contribution types in the Public Places portfolio (informal open space, play provision for children & teenagers, public art and public realm). As the Executive Councillor oversees developer contributions processes as a whole, the report also gives an overview of how the second round is progressing.

1.3 The main messages from the second round so far are that:

- a. good progress is being made towards the delivery of projects, with more projects now completed;
- b. area committee short-listing is going well with an improved process (learning from experience of the first round) and local Members focussed on meeting the particular needs of their own areas;
- c. there are fewer options for second round strategic priority-setting given the extensive allocation of city-wide funding in the first round;
- d. the changing profile of developer contributions available across the area committees and contribution types is prompting new requests for supplementing devolved funds with city-wide funding.

2. Recommendations

It is recommended that the Executive Councillor for Public Places:

- 2.1 allocates a further £27k of public art developer contributions from the city-wide fund to the 'Cambridge Rules' project on Parker's Piece;
- 2.2 allocates £39k of public realm developer contributions from the city-wide fund towards lighting for Parker's Piece;
- 2.3 notes the consultation feedback & officer comments on other strategic project ideas for Public Places (see Table 3 and Appendix C);
- 2.4 identifies any particular follow-up actions needed to build on the progress so far in the second priority-setting round over the use of developer contributions (see section 5).

3. Background

- 3.1 An overview of the council's approach to developer contributions and devolved decision-making was featured in the report to this Committee last June (especially pages 20-22). More details can be found on the Developer Contributions web page (www.cambridge.gov.uk/s106), which has been updated and streamlined following feedback from Committee members. This now includes a flow-diagram of the devolved decision-making process.
- 3.2 The city-wide fund of developer contributions for strategic projects is based on half the contributions from major applications approved by the council's Planning Committee. A first set of strategic priority projects (see Table 1) was agreed by the relevant Executive Councillors last January, when over £950,000 of city-wide funding was allocated.
- 3.3 Last June, this Committee noted the process for the second priority-setting round for local and strategic projects (a one-page summary of is included as Appendix A of this latest report). Since then, considerable progress has been made.
 - a. Recently completed, developer contribution-funded projects include: Arbury Community Centre small hall, the community hub at Cherry Hinton library and Petersfield and Flower Street play areas. Improvement works to Jesus Green play area are also under way.
 - b. First round priority projects are moving forward through consultations, planning applications (as appropriate) and project appraisals. Some have already started on site (eg, strategic projects at Paradise local nature reserve (LNR), Cherry Trees Centre and the Centre at St Paul's).

Table 1: First round strategic priorities & current city-wide allocations

Strategic priorities	£k	Contribution types
Logan's Meadow LNR	160	Informal open space
Paradise LNR	100	Informal open space
Jesus Green drainage	105	Informal open space
Parker's Piece public art	88	Public art
Extend St Andrew's Hall	140	Community facilities
Centre at St Paul's	50	Community facilities
Cherry Trees Centre	44	Community facilities
Play supplement: North	47.5	Play provision
Play supplement: East	42.5	Play provision
Rouse Ball Pavilion	185	Outdoor sport/community facilities

- c. Developer Contributions newsletters for each Area were produced last July, providing an update on project progress and inviting updates and comments on project ideas ahead of the second round. These newsletters were distributed to those who took part in the autumn 2012 area workshops as well as to residents' associations, and are also available on the Developer Contributions web page.
- d. Refreshed lists of project ideas and responses to the recent consultation have been reported to the area committees in September and early October, alongside updates on the devolved funding available. This has helped the area committees to draw up their short-lists. More details can be found on the Developer Contributions web page. Profiles of the short-listed options (which are not yet guaranteed funding) will be compiled so the area committees can select their priorities at future meetings.
- e. A report on strategic project ideas relating to community facilities and outdoor and indoor sports contributions, with recommendations for the Executive Councillor for Community Well-being, will be considered by the Community Services Scrutiny Committee on 10 October. Further details can be found in this current Environment Scrutiny Committee report under paragraph 5.6 and Appendix E.

4. Strategic project options for use of city-wide contributions

- 4.1 Priority-setting needs to be set firmly in the context of the levels of developer contributions available. That is, the project ideas that are prioritised will have to be affordable within the unallocated funding already received in the appropriate contribution types.
- 4.2 Of the £950k or so of allocations of city-wide developer contributions funding to first round strategic priority projects last January, over £540k relates to developer contributions in the Public Places portfolio. Whilst some more payments have been received over the last nine months, the level of city-wide funding is currently still relatively low for some contribution types.

Table 2: Available city-wide developer contributions (Public Places)

Informal open space	<£25k	Public art	£25k
Play provision	<£25k	Public realm	£100k

Rounded down to nearest £25k

- 4.3 That said, over £75k of informal open space contributions and over £100k of play provision contributions are expected to arrive in the city-wide fund shortly as these agreed payments have recently been triggered by a major development in the South Area.
- 4.4 The first part of Appendix B sets out key S106 conditions relating to available contributions in the city-wide fund. Previous allocations to already prioritised/approved projects mean that there are no unallocated contributions with expiry dates (for contracts to be put in place) before July 2015.
- 4.5 The refreshed list of proposals for city-wide funding relating to Public Places is set out in Table 3 and a summary of relevant consultation replies can be found in Appendix C. (Appendix D also summarises comments from the Disability Consultative Panel.) The commentary in Table 3 highlights that the main opportunities now available would be to prioritise:
- a further £27k (currently available) of public art contributions to supplement the £88k already allocated to the ‘Cambridge Rules’ public art project on Parker’s Piece (PP7);
 - £39k public realm contributions towards the Parker’s Piece lighting project [PP11].

Appraisals for these projects are reported separately at this meeting.

Table 3: Overview of refreshed list of strategic project ideas

No.	Project ideas	Funding request	Commentary
INFORMAL OPEN SPACE			
PP1	Turn Coleridge lakes into a country park/nature reserve	£37k for research, prior to multi-million £ project)	Insufficient funding. Not ready to be considered: relates to proposals in the draft Local Plan (still to be tested). Stand-alone feasibility studies not eligible for S106 funding.
PP2	Create Green Corridor from Cherry Hinton Hall to Newmarket Road	Likely to exceed city-wide funds	Insufficient funding for large scale project. More detailed proposal awaited from Friends of Cherry Hinton Brook, but this is not ready to be considered in the second round.
PP3	Improve pathways on Midsummer Common	Proposal not yet developed	Insufficient funding. Not ready to be considered in the second round. Creating additional paths would be eligible, but just improving surface (maintenance issue) wouldn't be.
PP4	Cambridge Open Air Theatre (eg, for theatre, music, dance, puppetry).	Proposal not yet developed	No clear proposals (eg, location) Not ready to be considered. Mixed consultation response. If proposal did come forward, likely to need planning permission & entertainments licence.
PP5	Cherry Hinton Hall ground improvements (phase 2)	£750k - £1 million	£400k of developer contributions has already been approved for this project prior to devolved decision-making. Bids for other funding will be made to supplement this to enable the delivery of key grounds improvements. Premature/not appropriate to consider further developer contributions funding at this stage.
PP6	Open Spaces Centre on Jesus Green / Midsummer Common	Proposal not yet developed	Needs to be considered in the context of the project to redevelop Rouse Ball Pavilion. Not yet clear whether this would be eligible for developer contributions (or, if so, which type).

No.	Project ideas	Funding request	Commentary
PUBLIC ART			
PP7	More funding for the 'Cambridge Rules' project on Parker's Piece	£27k more (add to existing £88k)	Marking 150 years of FA rules is already a 1 st round priority. The extra funding (available) would increase the project budget & allow fresh public art options to come forward for consultation.
PP8	Far East Prisoners of War Memorial (public art)	£75k-£150k (ball park)	Insufficient public art funding for this project.
PP9	Expansion of Cambridge Arts Theatre front of house space	Contribution towards £4m cost	Not eligible for funding, which is for the delivery of public art by an artist, not for infrastructure and facilities.
PP10	Improved facilities and premises for the Arts	Not clear	Same comments as for PP9.
PUBLIC REALM			
PP11	Lighting on Parker's Piece	£39k contribution to overall scheme	Earlier consultation showed 76% support lighting. Would help to address community safety concerns on Parker's Piece.
PP12	Riverside public realm improvements: next phase	£750k - £1 million for next section	Estimate based on the next section up to the Riverside Bridge Insufficient public realm funding for this project.
PP13	Improve arterial road streetscape	Need clarification – the proposal is too broad to put a budget to it.	Improvements from Coldham's Lane bridge to Sainsbury's roundabout (East Area) are likely to go forward without developer contributions funding. The county council is keen to take this forward using maintenance funding.
PP14	Improve the Leisure Centre public square	Not clear	Land is in private ownership. Insufficient public art and public realm funding available even if this was seen as a priority.

5. Overview of the second round progress so far

5.1 This section considers:

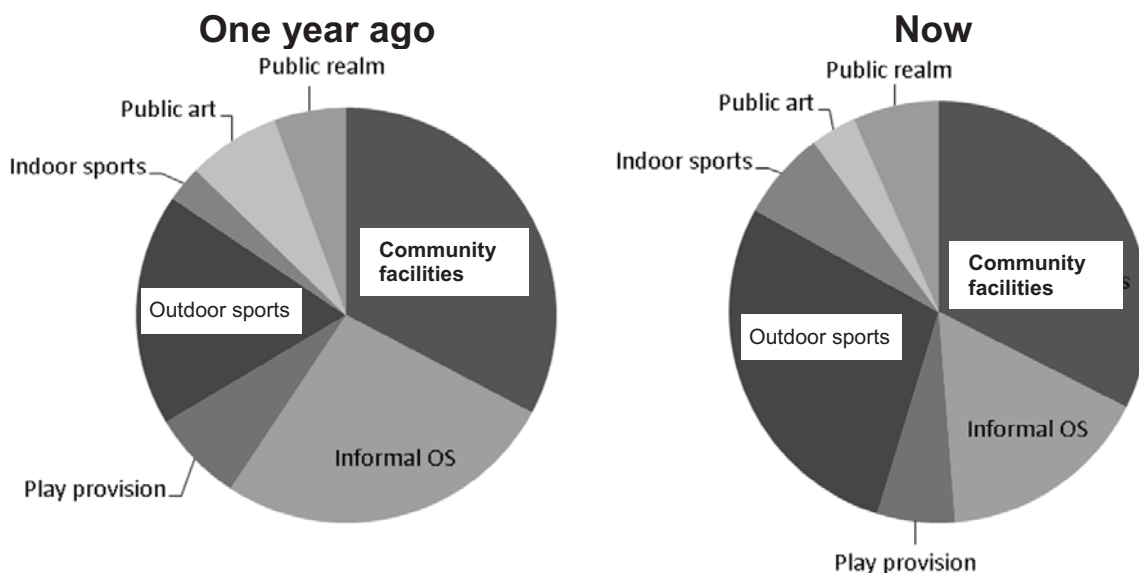
- the availability of developer contributions funding across the city-wide and devolved programmes (paragraphs 5.2 and 5.3);
- likely requests for developer contributions from the city-wide fund to supplement devolved funds for local projects (paragraphs 5.4-5.5);
- key issues and recommendations to be reported to the Community Services Scrutiny Committee meeting on 10/10/13 (paragraph 5.6);
- consultation, engagement & decision-making (paragraphs 5.7-5.9).

5.2 The following table puts the developer contributions funding available (prior to the second round) in the city-wide fund in the context of the amounts devolved to the area committees. (See bottom of Appendix B for a list of devolved contributions with expiry dates before 2017.)

Table 4: Availability of city wide and devolved contributions (Aug '13)
(Amounts rounded down to nearest £25k)

Contribution type	City-wide	North	East	South	West/Central
Community facilities	£100k	£200k	£250k	£125k	£300k
Informal open space	<£25k	£0	£150k	£175k	£150k
Outdoor sports	£275k	£50k	£150k	£150k	£225k
Indoor sports	£50k	<£25k	£75k	<£25k	£50k
Play provision	<£25k	<£25k	£50k	£25k	£75k
Public art	£25k	<£10k	£50k	<£10k	<£10k
Public realm	£100k	0	£75k	0	£25k

5.3 It is important to recognise how the availability of contributions has changed over the last year and what this means for the choice of second round priorities. See Appendix F for more details.



- a. Whilst over £1.5 million of off-site developer contributions (including £550k to local priorities) was allocated to first round priorities, over £1 million has been received across these contribution types. At the start of the second round, around £3 million was available overall.
 - b. More payments are expected as contributions from existing S106 agreements are triggered. For example, over £600k of agreed payments have recently been requested from a major development in South Area (but these cannot be counted until received).
- 5.4 The second round, area committee short-listing reports have generated useful discussions about how to make best use of the devolved funding available. It has become clearer that there is not enough funding to take forward all the suggestions identified and that tough decisions about priorities will have to be made.
- a. The Area Chairs and others have asked whether further funding would be available from appropriate categories in the city-wide fund to support local priority projects: in the first round, the East & North Areas were given supplementary play provision funding to free up local contributions for priority projects for local play improvements.
 - b. Planning officers advise that, if the relevant Executive Councillors wished to take up this option, the most appropriate way of doing this now would be to return to an area committee those contributions from that same area which previously accrued to the city-wide fund (as part of the 50:50 split of developer contributions from major developments permitted by the Planning Committee).
- 5.5 Views on this principle would be welcomed, particularly in the context of recommendation 2.4. If it was acceptable, an immediate option for the Executive Councillor for Public Places would be to consider the North Area Committee's needs for informal open space contributions.
- a. After the first round (when £110k of these contributions were allocated), there are currently none left in the devolved fund. This could rule out not only open space projects in the second round but also play area improvements involving the need for landscaping (funded from informal open space contributions).
 - b. There are around £15k-£25k of city-wide informal open spaces from the North Area allocated to strategic, first round priority projects that could be replaced by the same amount of unallocated city-wide funds from other areas.
- 5.6 Given the inter-dependencies between Public Places and Community Well-being (not least outdoor sports and community facilities uses linked to open spaces), Appendix D draws this Committee's attention to the strategic project ideas and issues to be reported to the Community Services Scrutiny Committee on 10 October.

- a. The recommendations to the Executive Councillor for Community Well-being (eg, to increase the overall city council contributions for the redevelopment of the Rouse Ball Pavilion by £55k to £250k) are particularly relevant in the context of the Environment Scrutiny Committee's agenda item on the Rouse Ball Pavilion consultation.
- b. The consultation on the Sports Strategy is now taking place this autumn, rather than last summer as originally planned. As a result, it is proposed to defer short-listing strategic sports ideas until the draft Sports Strategy (with its updated analysis of needs for sport facilities) is ready to be reported to the Community Services Scrutiny Committee in March 2014. This would also allow:
 - more time for further sports facilities contributions for the city-wide fund to arrive (eg, more than £125k is expected soon arising from the major payment mentioned in paragraph 5.3b);
 - officers to review current allocations to existing projects to explore whether any more contributions could be freed up;
- c. This could be particularly helpful given that (in view of paragraph 5.4) some councillors have asked whether devolved funding for sports facilities could be supplemented by city wide-funds too. In the South Area, for example, provisional estimates of the costs of project ideas suggest that its devolved funding for outdoor sports facilities could be three times over-subscribed (and community facilities over four times). Local Members are concerned that this might mean that it may not be possible to take forward popular proposals (substantiated by needs) for new or refurbished sports pavilions, which could require funding from both categories. Similar concerns are also likely to be raised by the North Area Committee, which only has around £50k of devolved outdoor sports funding.

5.7 Whilst a lot of progress has been made since last June, officers are particularly mindful of the need to develop consultation and engagement with harder-to-reach groups. Even though some steps forward have been made, more could be done in future.

- a. As part of this summer's 'refresher' consultation, a range of equalities/diversity umbrella organisations were invited to have their say on project ideas for the use of developer contributions. A number of these groups confirmed that they had publicised the consultation on their websites to encourage people to reply direct.
- b. Appendix D highlights feedback received from the city's Disability Consultative Panel.

Officers are keen to explore further opportunities for meetings (involving councillors) with equalities/diversity groups and umbrella organisations.

- 5.8 Officers also recognise opportunities to develop the devolved decision-making process in other ways.
- a. Some community groups have fed back that they would appreciate more time for providing comments and updates. They have also asked for a more notice about the timing of future rounds of devolved decision-making.
 - We would like to thank all those who took the time to put forward their views in the recent Developer Contributions consultation.
 - The need for more information will be taken on board, not least with further Developer Contributions newsletters.
 - As highlighted in last June's report to this Committee (page 22), a third priority-setting round is envisaged, possibly next autumn. The council will need to take stock of the second round process and available resources and developer contributions before detailed arrangements for this third round can be announced.
 - b. Further needs analysis, based on 2011 Census data and other demographic and mapping information will be developed for future reports and priority-setting rounds. This sort of information has already been incorporated into some reports for the North Area, drawing on information from the county council's Cambridgeshire Insight and Cambridgeshire Atlas websites.
 - c. Managing expectations continues to be important, not least given some suggestions from consultees for multi-million pound projects. Throughout the last year, the council has communicated clear messages about the (limited) availability of developer contributions, the need for priority-setting and tough decisions and the importance of making sure that the overall programme of projects is manageable and achievable within available staffing capacity. That local residents and community groups are keen to champion particular proposals is welcomed, but officers are mindful that realistically not all proposals can be considered in this second round. Officers will continue to communicate these messages.
- 5.9 The report to the Environment Scrutiny Committee last June had envisaged that there might need to be a two-stage process of short-listing and priority-setting for strategic project ideas, similar to the approach being taken for the area committees in the second round. However, the current recommendations in the reports to the Environment and Community Services Scrutiny Committee in October would seem to could make follow-up reports in January unnecessary. That said, as pointed out in paragraph 5.6b, officers have in mind a further report to the Community Services Scrutiny Committee in March 2014 to address the possible short-listing of strategic sports facility proposals in the context of the draft Sports Strategy for 2014-17.

6. Implications

- 6.1 Financial implications: The importance of ensuring that priority projects are affordable within the devolved contributions available has already been stated in paragraph 4.1.
- 6.2 Staffing implications: These priority-setting recommendations take account of the need to ensure that the projects are deliverable within the staffing capacity that is available to take forward the range of priority projects (including those identified by the area committees' local priorities) and other on-going/approved schemes. The overall programme of developer contribution-funded projects will also need to take account of the work arising from further grounds improvements at Cherry Hinton Hall in the short to medium term which, as a project currently 'on-hold' on the council's Capital Plan, is outside the second round process for local and strategic priorities.
- 6.3 The implications of the Cambridge Rules and Parker's Piece lighting projects (featured in recommendations 2.1 and 2.2 of this report) are addressed in the separate project appraisals elsewhere on this agenda.
- 6.4 The actions in the updated Equality Impact Assessment for developer contributions and devolved decision-making (January 2013) have informed the steps taken so far in engaging with harder-to-reach groups (see paragraph 5.7).

7. Conclusions

- 7.1 It is little more than a year since the implementation of devolved decision-making commenced with area consultation workshops. A lot has been achieved in that time, most importantly evidenced by more and more projects coming to completion. There has been a learning curve for everyone, which still continues. The experience of implementing the first round has enabled officers to sharpen the process for the second round. There will be further opportunities to develop this approach and there is the prospect of further priority-setting rounds to pick up emerging project ideas that need some further scoping.

8. Appendices

- A. Key features of the process for second priority-setting round
- B. Developer contributions with specific conditions
- C. Summary of consultation feedback on strategic project ideas (Public Places)

- D. Summary of consultation feedback from the city's Disability Consultative Panel
- E. Outline of report to Community Services Scrutiny Committee on developer contributions: second round priority-setting for community facilities and outdoor & indoor sports categories
- F. Commentary on analysis of available developer contributions

9. Background papers

The following reports on developer contributions and devolved decision-making were used in the preparation of this report.

- 'Second round short-listing' reports to Area Committees: West/Central (5/9/13); East (12/9/13); South (16/9/13), North (3/10/13).
- 'Update and proposed next steps' report to Environment Scrutiny Committee – 6/6/13
- 'Options for the use of city-wide developer contributions (first round)' report to Community Services Scrutiny Committee – 17/1/13
- Updated Equality Impact Assessment on developer contributions and devolved decision-making, January 2013.

This and other background information can be found on the Council's Developer Contributions web page (www.cambridge.gov.uk/S106).

Also:

- Responses on strategic project ideas relating to Public Places from the Developer Contributions 'refresh' consultation, summer 2013.
- For the county council's Cambridgeshire Insight web pages see www.cambridgeshire.gov.uk/business/research/Social+Classification.htm

10. Inspection of papers

To inspect the background papers or if you have a query on the report please contact:

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Key features of the process for second priority-setting round

1. This round of devolved decision-making has a two-stage process for: (a) producing short-lists of options for further consideration (Sept/Oct 2013) and (b) selecting project priorities based on further information compiled for each of the short-listed options (late 2013 or early 2014).

Committee	Short-listing	Priority-setting
West/Central Area	05/09/13	14/11/13
East Area	12/09/13	28/11/13
South Area	16/09/13	13/01/14
North Area	03/10/13	06/02/14

2. The area committees can choose their local short-lists and priorities from the lists of project ideas generated by the area consultations last autumn and refreshed during summer 2013 through a consultation exercise to seek updates on proposals and fresh suggestions.
3. No time limits are being set for the project ideas that can be considered, allowing area committees to identify projects for medium and long-term delivery. Target timescales for project delivery will be set for individual priority projects when the proposals are appraised.
4. To keep the delivery of second round priorities manageable, each area committee is asked to set as many local priorities as it has wards, plus the option of another project grant-funded from developer contributions. The number of options on the short-list could be double this. Provided there is sufficient devolved funding available in the appropriate contribution categories, it is up to the area committee to decide which projects to prioritise.

Stage	What it considers	Outcome
Short-listing	Top-level summary of all relevant, eligible ideas.	Identifies short-listed options: 8 each for South & West/Central areas, 10 for North & East areas
Priority setting	High-level profiles of short-listed options (say, up to A4 page each)	Sets priorities: 3 plus 1 (grant) for South & West/Central; 4 plus 1 for North and East areas
Project Appraisal	Detailed proposals for individual prioritised projects	Appraisal approved so that project procurement and delivery can follow

5. Second round priority projects are likely to be developed and delivered from April 2014 onwards, once first round priority projects have been completed.

Developer contributions with specific conditions

Most contributions collected by the council are for providing or improving or better access to facilities in Cambridge related to particular contribution types. Some S106 agreements stipulate more specific conditions. Here are some examples (figures rounded to the nearest £500).

CITY-WIDE CONTRIBUTIONS IN THE PUBLIC PLACES PORTFOLIO

Informal Open Space contributions

- £1,000 to be contractually committed by January 2023

Provision for Children & Teenagers (play area) contributions

- £3,000 to be contractually committed by November 2017
- £6,500 to be contractually committed by January 2023

Public Art contributions

- £3,000 to be contractually committed within 10 years of last installment

Public Realm contributions

- £9,500 to be contractually committed by July 2015
- £89,500 to be contractually committed by July 2017
- £21,500 to be contractually committed by May 2019

Some of the agreements listed above may also have devolved amounts due to be contractually committed by the same expiry date.

DEVOLVED CONTRIBUTIONS WITH EXPIRY DATES BEFORE 2017

These have to be contractually committed before the dates shown. The intention is that these contributions will be amongst the first to be allocated to appropriate second round priorities set by the area committees.

Area	Type	Expiry date	Value
North	Play provision	April 2015	£1,500
North	Community facilities	June 2015	£60,500
West/Central	Community facilities	July 2015	£4,000
East	Community facilities	January 2016	£500
North	Community facilities	November 2016	£3,000
North	Indoor sports	November 2016	£1,500
North	Play provision	November 2016	£1,500
West/Central	Play provision	December 2016	£2,500

Note: this list does not include contributions already allocated to existing projects/programmes, which are being taken forward.

Summary of consultation feedback on strategic project ideas relating to Public Places

PP1	Turn Coleridge lakes into a country park/nature reserve
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Camlakes: Opening the lakes would benefit the city's image as a great place to live and would be a unique and accessible natural area where residents could rest and relax. It would provide: an outdoor activities/water sports centre (potentially lucrative); great opportunities for swimming, jogging, walking, biking and rowing); enhanced wildlife habitats; and an educational opportunity/resource for schoolchildren for nature studies. The potential benefits of making this a major asset to the city outweigh the challenges. To do it properly, the costs could run into millions. Initial research (could cost £37k) is needed to know what the possibilities are.

Friends of Cherry Hinton Brook: Policy 15 of the draft Local Plan suggests that this area could become an urban country park. This will take some time, but S106 funding could ultimately be used to help. We are very supportive of the idea of an urban country park provided that the importance of the area to wildlife is still recognised and that activities developed there take the nature conservation values of the area into account.

TH: There is a desperate need to be able to reconnect with nature through wild areas, especially for children.

JS: Most green spaces in the city are over used. More are needed. Not all green space should be open to the public, to ensure biodiversity benefits.

Officer notes: The possibility of turning the lakes south of Coldham's Lane into a country park/nature reserve is addressed in the draft Local Plan. As the proposals are still to be tested through the Local Plan process over the next two years, it would be premature for these sites to be considered for funding now. Please also note that: (a) developer contributions cannot be used to fund stand-alone feasibility studies/research; and (b) city-wide 'informal open space' contributions stand at less than £25k.

PP2	Create green corridor: Cherry Hinton Hall to Newmarket Road
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Friends of Cherry Hinton Brook: The various proposals for green corridor improvements need to be brought together and considered for funding. More signage and interpretation boards to encourage people to recognise the presence of the stream and to stop littering would, for example, be useful.

JS: May be of some benefit, but the detail is not clear.

Officer notes: The current low level of city-wide informal open space contributions means this proposal cannot be considered in the 2nd round. Other grant funding sources could be available for information boards.

PP3	Improve pathways on Midsummer Common
------------	---------------------------------------------

JS: If this means more lighting then definitely not. If it means creating some additional paths along desire lines then there is a public benefit, particularly if little used paths are removed.

Officer notes: Creating additional paths would be eligible for informal open space developer contributions, but just improving the surface (maintenance issue) would not. There is insufficient funding in the city-wide fund for this project to be considered at this stage.

PP4	Cambridge open air theatre (for theatre, music, dance, puppetry)
------------	-------------------------------------------------------------------------

Cambridge Arts Theatre: While in favour of all public engagement with theatre in Cambridge, we are not sure an open air theatre is a high priority. There are already a number of excellent spaces for theatre (eg, Robinson College's amphitheatre, college gardens and Cherry Hinton Hall Park). Events like Strawberry Fair also offer opportunities for different kinds of outdoor theatre. An open air theatre would need management & upkeep.

Two responses in support, including TH: There is a huge appetite for outdoor arts performance. Cambridge is missing a venue that could host less expensive, smaller-scale performances.

Officer notes: Would need to establish what it would be for and level of need, as well as finding suitable site. Could need planning permission and entertainments licence. There is insufficient funding in the city-wide fund for this project to be considered at this stage.

PP5	More funding for Cherry Hinton Hall ground improvements (phase 2)
------------	--------------------------------------------------------------------------

Friends of Cherry Hinton Hall: Accept that lottery funding is highly unlikely. Wish to concentrate on which aspects of the Masterplan can be delivered most cost-effectively, using a variety of funding sources. There is scope for third party funding for: lake dredging & re-establishing water flow to rear pond; original species replanting for the orchard; play area refurbishment (some is already underway); safety measures for the car park & driveway gates; and a replacement toilet block. We would, however, request that the following remain in the S106 list of projects: a concessionary outlet/café; the creation of a music and arts performance area; new surfaces in front of the duck pond; a realigned/new path network (already partly done in phase 1); and reinstating the turning circle and parterre garden.

Officer notes: This phase 2 project is already on the 'on hold' list of the council's Capital Plan. £400k of developer contributions has already been approved for phase 2 of the grounds improvements (in January 2012). Bids for third party funding will be made to supplement this £400k. A prioritised

programme will be developed, to enable key grounds improvement schemes to be developed, appraised and delivered in the medium-term. It is unlikely that the entirety of the previously envisaged phase 2 proposals will be possible, but it would be premature to consider additional developer contributions from the city-wide funds, not least in the context of the current availability. The on-going dialogue with the Friends will continue.

PP6	Open Spaces Centre on Jesus Green / Midsummer Common
------------	-------------------------------------------------------------

Friends of Midsummer Common: Would be very interested in having an 'open spaces' centre with a part-time greens warden and space to develop projects and a small cafe, if one of the houses became available. There is a growing interest in wildlife on the Common.

Officer notes: This proposal needs to be considered in the context of the priority project for developing the Rouse Ball Pavilion on Jesus Green. It remains to be seen to what extent this new suggestion would be eligible for developer contribution (the revenue costs of a greens warden would not be).

PP7	More funding for the 'Cambridge Rules' public art project on Jesus Green
------------	---------------------------------------------------------------------------------

£88k of public funding was allocated to this strategic priority project in the first round, to commemorate 150 years of Football Association rules. The £27k extra funding now proposed is currently available (even though Table 2 rounds this figure down to £25k). It would allow fresh public art options to come forward for consultation & provide more funding for the final scheme.

PP8	Far East Prisoners of War Memorial (public art)
------------	--------------------------------------------------------

Some councillors have previously highlighted the urgency of putting in place a commemoration to these former POWs.

JS: This will have limited public appeal at a time of recession.

Officer notes: As ball-park estimates, this project idea could be delivered in the short-term (by October 2015) and cost in the region of £75k-£150k.

PP9	Expansion of Cambridge Arts Theatre front of house space
------------	-----------------------------------------------------------------

Cambridge Arts Theatre: Seek S106 funding (public art and community facilities) towards a £4 million, four-year project to expand the theatre's Front of House spaces, creating new public areas and increasing the provision of art for the community. The project will involve creating: a small stage in the new front-of-house area for short performances; a new café restaurant; and a welcoming and more accessible frontage.

Officer notes: Public Art contributions should only be used for the delivery of the art itself by an artist. The creation of infrastructure and facilities that facilitate art in the future is not fundable by public art contributions.

PP10	Improved facilities and premises for the Arts
-------------	------------------------------------------------------

Cambridge Arts Salon: Invest in existing arts organisations by providing studio space, exhibition space and contemporary arts projects to a range of artists in the city. We need: improved facilities; permanent premises for an arts centre in Cambridge; salaried/paid staff to run such premises & projects

Officer notes: Not fundable from public art developer contributions.

PP11	Lighting on Parker's Piece
-------------	-----------------------------------

The proposal is to add lighting columns along the two diagonal paths on Parker's Piece. It would address community safety concerns. Consultation earlier this year showed 76% in favour of lighting. Alongside other funding the £39k public realm contributions would enable the project to go forward and make timely use of public realm contributions with an expiry date in 2015. See the project appraisal elsewhere on this agenda for more details.

PP12	Riverside public realm improvements: next phase
-------------	--------------------------------------------------------

One query received about what this would involve.

Officer notes: The next phase would be up to the Riverside bridge (could cost £750k-£1 million). Could be a medium term project (ie, for delivery by April 2017), but beyond the city-wide public realm contributions available.

PP13	Improve arterial road streetscape
-------------	------------------------------------------

Three replies called for improvements to Coldhams Lane (incl. landscaping and tree-planting); more appropriate management of verges (not more frequent cutting); and underlined the need for improvements in East Area.

Officer notes: Proposals for public realm improvements on Mill Road are on the East Area short-list. Improvements to Colham's Lane are likely to go forward without developer contributions: the county council is keen to take this forward using maintenance funding. Verge management not eligible.

PP14	Improve the Cambridge Leisure Park square
-------------	--------------------------------------------------

MG: Improve the Leisure Centre square (at the junction of Hills Road and Cherry Hinton Road) as a public space. It doesn't work, is uninviting and no one wants to spend time there (except teens in the evenings). With innovative design (say, changes in urban form or additions of art, fountains, trees etc), the square could draw families in and make them want to linger!

Officer notes: This land is privately owned. The city-wide funding for public art & public realm are insufficient for the sorts of improvements suggested.

Note: No specific suggestions have been made, via the autumn 2012 or summer 2013 consultation, for strategic play area provision/improvements.

Feedback from Disability Consultative Panel

Following on from the 'refresher' consultation this summer, officers recently attended a meeting of the Disability Panel in order to provide an update on developer contributions & devolved decision-making. Here is a list of ideas suggested by Panel members. As this initial meeting took place close to the publication of the report, it has not yet been possible to discuss all these ideas with relevant managers and to compile 'officer notes'.

The discussions with the Disability Panel have highlighted the constraints on how city council developer contributions can be used (eg, in terms of the availability of funding and that transport schemes or revenue costs are not eligible). That said, all the ideas are summarised here so that the Committee can be aware of them. This feedback will also be shared with the Community Services Scrutiny Committee and area committees, as relevant.

- A. More public toilets are needed.
- B. Improve paving in the centre of Cambridge (including Market Square, King's Parade, Trinity Street). There are "terrible tripping hazards".
- C. Improve the pavement on Gwydir Street (Petersfield ward), which is "almost unwalkable".
- D. Need more pedestrian crossings (eg, on Tennison Road, Bridge Street, Trinity Street, Four Lamps (particularly needed for bus passengers getting off on Victoria Avenue).
- E. Have one day where the central area of Cambridge and Mill Road are dedicated for pedestrians only, who can move around freely - not feeling threatened by any vehicles or cycles. *[Already reported to West/Central and East Area Committees, but not eligible for developer contributions]*
- F. Could the Market Square be cleared every evening?
- G. Bench designs are not all suitable for ambulant disabled people. There needs to be a variety of styles of benches provided (eg, some with arms and some not), to help people to sit down and get up again. *[Already passed on to officers leading on new benches for West/Central Area]*
- H. Need a central community hub for disability groups, including office space & storage for disability charities (some of which are struggling to afford their own office space) and interview and meeting rooms.
- I. Turn the Howard Mallett Centre back into a community centre
- J. Provide more support for the running of Dial-a-Ride.

The possibility of following up this initial meeting on the possible uses of developer contributions with further discussions involving councillors has been mentioned to the Disability Panel. There are also opportunities for meetings with other equalities/diversity groups and umbrella organisations.

Outline of report to Community Services Scrutiny Committee: Developer contributions: 2nd round priority-setting (10/10/13)

Recommendations for the Executive Councillor for Community Well-being:

- Allocate an additional £40k (community facilities) & £25k (outdoor sports/formal open space) to the Rouse Ball Pavilion development (making £250k allocation in total) – as an immediate priority allocation;
- Prioritise now a £25k outdoor sports grant for cricket nets at Netherhall School (for community use, benefitting not just the South Area).

Availability of city-wide developer contributions

Currently £100k for community facilities; £275k for outdoor sports facilities (including formal open space contributions); & £50k indoor sports facilities. Amounts rounded down to nearest £25k. Note that a further £125k+ of city-wide outdoor sports facilities contributions are expected shortly.

Strategic project ideas (Community Well-being)

Summary of consultation feedback and commentary on:		Overall costs
1	Further contribution towards Rouse Ball Pavilion development	£500k+
2	Ice rink for Cambridge	£multi-million
3	Create a velodrome / professional cycling track	£multi-million
4	3G pitch at Cambridge Rugby Club	£400k-£500k
5	Upgrade changing rooms (including female facilities) at Cambridge Rugby Club	£600k
6	Initiatives to extend season at Jesus Green pool	To be clarified
7	Cricket nets at Netherhall School lower school fields	£55k
8	Create an adult size swimming pool in the North Area	£1.5 million +
9	Expansion of Cambridge Arts Theatre	£4 million
10	Open Spaces Centre on Jesus Green/Midsummer Common	Not yet clear

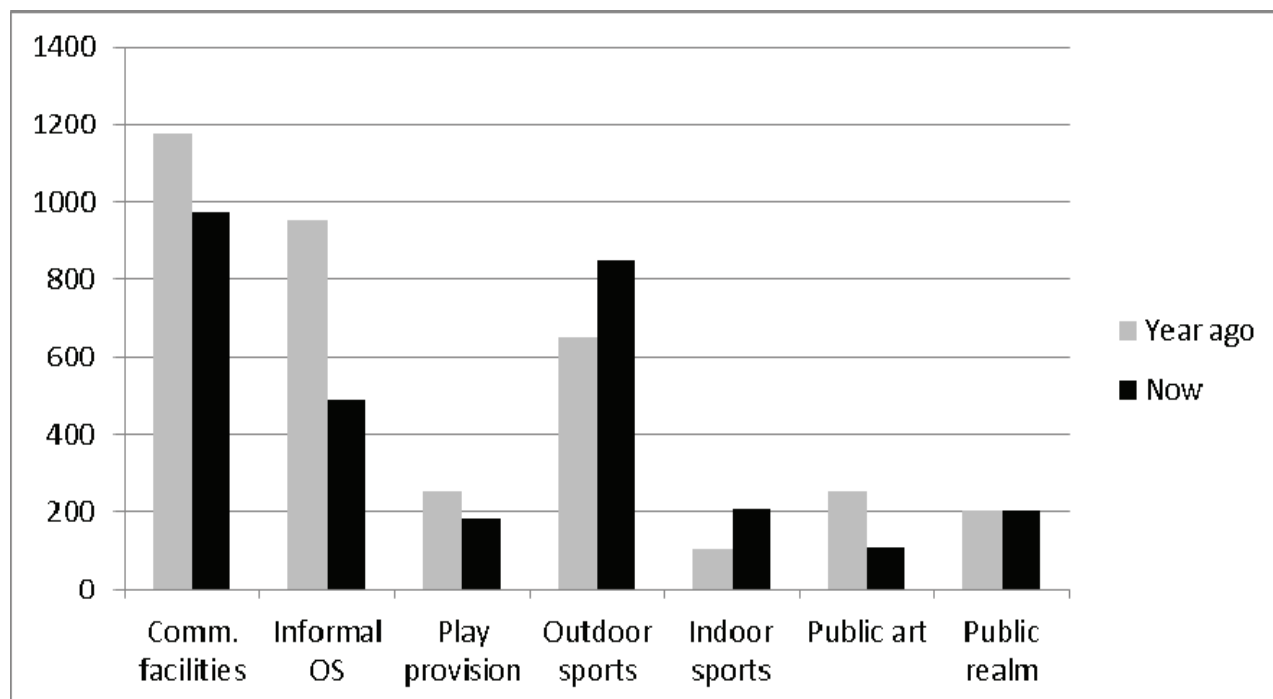
Key issues

- Unless there are early opportunities, need to defer short-listing proposals for sports facilities until the Sports Strategy (with an assessment of needs) has been developed (March 14).
- Whilst the sports facilities funding available is considerable, there is not enough to take forward all the suggestions. Priorities will need to be set.
- Grant-funding is likely to represent a contribution towards wider costs of proposals, which will need to demonstrate how the rest will be funded.

Commentary on analysis of available developer contributions

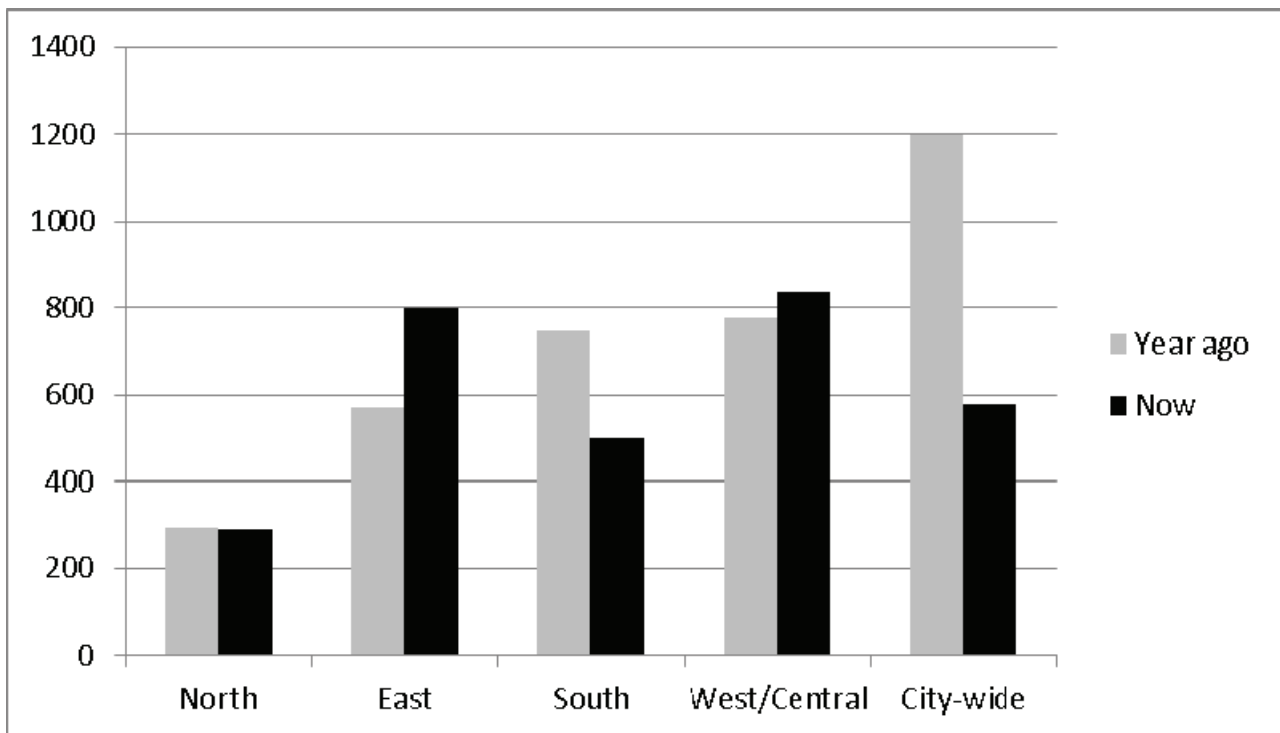
The commentary is based on a comparison of the latest funding availability (see in Section 5 of this report) with the financial position prior to first round priority-setting, as reported to the Community Services Scrutiny Committee in January 2013 (Appendix C).

1. Changes across contribution types (overview of city-wide and devolved funding)



- Outdoor sports (and formal open space) contributions, largely untouched in the first round, have accumulated (around 30% more overall).
- Indoor sports facilities contributions, which were introduced as a category in 2010, have trebled, albeit from a fairly low base;
- Whilst community facilities contributions have been halved, a significant amount (over £650k overall) is still available.
- The East, South and West/Central areas continue to have substantial amounts of informal open space contributions available, whilst the city-wide fund has little left and the North Area has none available.
- The levels of funding available for play provision and public art have reduced significantly following allocations to recent and on-going play area improvements.

Changes across devolved and city-wide funds



- a. Given the major investment in strategic priority projects in the first round, the size of the city-wide fund has more than halved, although this is set to be boosted by 50% of the expected major payment referred to in paragraph 5.3b of the main report.
- b. Over the last year, there has been an increase in the overall amounts of devolved funding available to East Area (up 25%) and West/Central Areas. The overall levels of South Area devolved funding are set to be replenished by the other half of the expected major payment.
- c. The devolved funding for North Area has continued at much the same comparatively low level as a year ago. The variations in devolved funding across areas broadly reflects the levels of development in each area and previous project spend and allocations in each area.

An initial analysis, reported to the North Area Committee on 3/10/13, suggests that there may be an increase in the levels of developer contributions from North Area in the coming years. Legal (S106) agreements have been completed for over 40 developments in the North Area since the start of 2011 (more than in either of the South or West/Central areas).

CAMBRIDGE CITY COUNCIL

REPORT OF: Jas Lally
Head of Refuse and Environment

TO: Environment Scrutiny Committee 8/10/2013

WARDS: All

IMPLEMENTATION OF THE SCRAP METAL DEALERS ACT 2013

1 Executive Summary

- 1.1 The Scrap Metal Dealers Act 2013 replaces the Scrap Metal Dealers Act 1964 and Part 1 of Vehicles (Crime) Act 2001 and introduces a new licensing regime for scrap metal and vehicle dismantling industries.
- 1.2 The City Council will have powers to grant or refuse licences and to revoke them if the dealer is considered to have become 'unsuitable'.
- 1.3 The Local Authority (Functions and Responsibilities)(England) Regulations 2000 state in section 2 that Schedule 1 sets out the functions that are not to be the responsibility of the executive authority. In that Schedule, under licensing and registration functions there is reference to the power to license scrap yards under section 1 Scrap Metal Dealers Act 1964.
- 1.4 The Scrap Metal Dealers Act 1964 is repealed by section 19 of the Scrap Metal Dealer's Act 2013. The 2013 Act comes into force on 1st October 2013. Reference to scrap metal dealers Act 1964 in Schedule 1 will cease to have any relevance after that date; it effectively disappears from the Schedule, and therefore automatically falls to the Executive function of the Council
- 1.5 It is therefore necessary to bring this report to the Environment Scrutiny Committee for approval rather than Licensing Committee. A report will go to Licensing Committee for information.

- 1.6 It is likely that The Local Authority (Functions and Responsibilities) (England) Regulation 2000 will be updated by December 2013 to allow this function to return to Licensing Committee, whereby a report will then be taken to Licensing Committee for approval

2. RECOMMENDATIONS

The Executive Councillor for Environmental and Waste Services is recommended:

- 2.1 To note the powers conferred by the Scrap Metal Dealers Act 2013
- 2.2 To approve the scheme of delegations as set out in Appendix A and refer to Civic Affairs Committee for to amend the Constitution.
- 2.3 To approve the fee structure as set out in Appendix B and for it to be reviewed on an annual basis

3. BACKGROUND

- 3.1 The increased value of metal has resulted in significant increases in metal thefts throughout the UK in recent years, with a wide range of sectors targeted, including transport infrastructure, electricity and telephone links, street furniture, memorials, commercial and residential buildings, including churches and schools.
- 3.2 The Government has prohibited cash payments for scrap metal and provided police with increased powers of entry into sites and the Scrap Metal Dealers Act 2013 (“the Act”) received Royal Assent on 28th February 2013 and it is will come into force from 1st October 2013.
- 3.3 The Act creates a revised scheme of regulation for scrap metal dealers and vehicle dismantlers, which replaces automatic registration and gives new powers to refuse to grant a licence to ‘unsuitable’ applicants and a power to revoke licences if the dealer becomes ‘unsuitable’.
- 3.4 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.

3.5 It also provides a definition of what Scrap metal includes and does not include. A scrap metal dealer must obtain a licence from the City Council in order to carry on business as a scrap metal dealer in the city. It will be an offence to carry on a business as a scrap metal dealer in breach of the requirement to hold a licence punishable, on summary conviction, with a fine not exceeding level 5 on the standard scale which is £5,000.

3.6 There will be two types of licence:

- Site Licence

Site licences will permit licensees to operate from their site as a scrap metal dealer, including transporting scrap metal to and from their site from any local authority area. A site manager must be named for each site.

- Collector's Licence

Collector's licences will authorise the licensee to operate as a mobile collector, permitting them to collect commercial and domestic scrap metal in the City only.

Separate licences would need to be obtained from each local authority in whose area the individual wished to collect, but there is no restriction as to the location where the licensed collector can transport and sell their metals.

3.7 The Environment Agency is required to maintain a public register, based on information supplied by local authorities.

3.8 Both Site Licences and Collectors' Licences must be displayed in a prescribed format, and it is an offence not to do so.

3.9 A licence will be issued for a period of three years from the date of issue. The Secretary of State will have the power under section 1(4) of the Act to alter the duration of the licence.

3.10 Licensees will be required to verify the identity of persons from whom they purchase scrap metal and to keep detailed records for inspection by the Council and the Police, who have a shared responsibility for enforcement of the Act, as a statutory duty.

3.11 There is power to revoke or refuse a licence on particular grounds, including where the City Council is no longer satisfied that the

licensee is a suitable person to carry out the business as a scrap metal.

- 3.12 The is also a power for the authority to attach either of 2 conditions if the applicant or any site manager has been convicted of a relevant offence (the definition of relevant offence means an offence which is prescribed in regulations made by the secretary of state). The conditions which can be attached are as follows:
- a. That the dealer must not receive scrap metal except between 9 am and 5 pm on any day;
 - b. That all scrap metal received must be kept in the form in which it is received for a specific period, not exceeding 72 hours, beginning with the time when it is received.
- 3.13 The City Council must supply information relating to scrap metal licences to any other local authority in England and Wales, the Environment Agency and to Police forces, on request.
- 3.14 Fees for processing applications need to be set locally, having regard to Guidance from the Secretary of State but essentially, on the basis of cost recovery only. The guidance outlines what local authorities can charge for when issuing a licence.
- 3.15 Local authorities should specify fees which are payable by the licence applicants for the assessment and administration activity within the new licensing regime. The guidance states that this should be carried out by identifying what the authority needs to do to assess the type of license in question and calculate the best estimate of the cost to be incurred by the local authority, giving a best estimate of unit cost for each case.
- 3.16 In effect, the cost of a licence should reflect the time spent assessing and administering applications, consulting on the suitability of the applicant, reviewing relevant offences, the decision as to whether to issue the licence, costs to make the decision in cases that are not straight forward, and the cost to issue the license in a format that can be displayed.
- 3.17 The license fee cannot be used to support enforcement activity against unlicensed scrap metal dealers.
- 3.18 Officers have followed the above guidance and have come to a conclusion that the schedule of fees set out in Appendix B allow for cost recovery of the service without making a surplus.

- 3.19 However, it is important that these fees are reviewed regularly to check whether they remain appropriate.
- 3.20 The Secretary of State has made an order that the Act will commence on the 1st October 2013. It has also introduced transitional arrangements for existing scrap metal dealers and motor salvage operators who were registered under the old Acts prior to 1st October 2013.
- 3.15 Existing scrap metal dealers and motor salvage operators will automatically be deemed to have a license under the new Act from 1st October 2013. However existing operators must submit an application for a new license on or before the 15th October 2013 and the deemed license will last until a new license has been issued or a notice a notice of a decision to refuse a license has been given.
- 3.21 Where an applicant with a deemed license fails to submit any application on or before 15th October then the deemed license will lapse on 16th October and they will be unable to continue to trade.
- 3.22 In Cambridge City there is currently 1 scrap metal dealer site and 13 collectors. These are currently being contacted to inform them of the new legislation. The application form is attached as Appendix C and can be found on e)the website.

4. OPTIONS

- 4.1 The Council must resolve how it intends to determine applications and set out a scheme of delegations which will enable it to discharge its functions under the Act effectively.
- 4.2 Members could:
- a. Delegate to officers approval of applications where there are no concerns about the applicant's suitability and also to take compliance and enforcement action, as indicated in the Act, with applications where there are concerns about the suitability of applicants or an application is contested being referred to Executive Councillor for Environment and Waste Services for determination.
 - b. Delegate to officers approval of applications where there are no concerns about the applicant's suitability and also to take

compliance and enforcement action, as indicated in the Act, with applications where there are concerns about the suitability of applicants or an application is contested being referred to Head of Refuse and Environment

Appendix A sets out a scheme of delegations which it is recommended that Members should agree in line with 5.2 (b)

- 4.3 The Council must resolve what fees should be determined in relation to the different types of applications that will be processed in line with the guidance from the Secretary of State.

Members could

- a. Adopt the fee structure as set out in Appendix B as recommended by Officers, or
- b. Amend the fee structure as set out in Appendix B

5. IMPLICATIONS

a) Financial Implications

Fees charged for administering the licensing regime and the cost of compliance monitoring are to be on the basis of cost neutral recovery.

(b) Staffing Implications

None

(c) Equal Opportunities Implications

None

(d) Environmental Implications

The Scrap Metal Dealers Act 2013 will not regulate pollution, such as noise and dust. These will continue to be regulated under the Environmental Permitting and Waste Carriers regimes managed by the Environment Agency and The Planning regime which is the responsibility of the County Council as the Minerals and Waste Planning Authority.

Environmental damage caused by metal theft is predicted to decrease as a result of licensing.

(e) **Procurement**

None

(f) **Consultation and communication**

Although no consultations are required under the Act, Officers have been involved in a number of liaison meetings with representatives of the police and of other local authorities in the county, with a view to establishing common procedures, so far as reasonably practicable and, in particular, arrangements for information sharing between authorities.

(g) **Community Safety**

None

6. BACKGROUND PAPERS: The following are the background papers that were used in the preparation of this report:

Additional information

1. Scrap Metal Dealers Act 2013, 28th February 2013, <http://www.legislation.gov.uk/ukpga/2013/10/enacted>
2. Get in on the Act (Scrap Metal Dealers Act 2013), Local Government Association, March 2013, http://www.local.gov.uk/c/document_library/get_file?uuid=b1d2fd76-dc1c-43b9-8ff5-253c2d20ab4f&groupId=10171
3. Tackling Metal Theft, a Councillor's Handbook, Local Government Association, July 2013, http://www.local.gov.uk/c/document_library/get_file?uuid=7abe5a20-985e-4cce-8ac4-c4dcdb69d65c&groupId=10171
4. Scrap Metal Dealer Act 2013: guidance on licence fee charges, Home Office, 12 August 2013, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/229459/SMDA_2013_Fees_Guidance.pdf

7. Appendices

Appendix A Scheme of delegations
Appendix B Schedule of fees
Appendix C Scrap Metal Dealer application form

8. Inspection of papers

To inspect the background papers or if you have a query on the report please contact:

Robert Osbourn
Ext 7895.

Robert.osbour@cambridge.gov.uk

Report file: M:LICENSE\Licensing Committee\2013

Scheme of Delegations under the Scrap Metal Dealers Act 2013

Matter to be Dealt With	Full Committee	Head of Refuse & Environment
Determination of an application for a Scrap Metal licence - Site Licence		All Cases
Determination of an application for a Scrap Metal licence - Collector's Licence		All Cases
Determination of an application to update / amend a Scrap Metal Licence		All cases
The issue of a Scrap Metal Licence when an application has been determined to do so		All cases
Decision to refuse a Scrap Metal Licence		All cases
Decision to attach condition(s) to a Scrap Metal Licence (S.4)		All Cases
Decision to revoke or vary (add conditions to) a Scrap Metal Licence (S.4)		All cases

Matter to be Dealt With	Full Committee	Head of Refuse & Environment
Decision to consult with other persons (S.3)		All cases
Decision to request further information to consider the application (Sch1 Pt4)		All cases
Issue of Notice of Decision (Sch1 Pt8)		All cases
Matters relating to updating the Register of licences (S.7)		All cases
Authorisation of Officers Generally under the Act		All cases
Decision on whether any information is relevant (S.3)		All cases
Instigation of proceedings for an offence		All cases
Relevant Enforcement Action		All cases
Issuing copies Licences due to theft, lost etc.		All cases
Response to request for information from other persons (S.6)		All cases

Site Licence	Sec	FEE
Site Licence	2(2)a	410.00
Conversion to a Collectors Licence	Sch 1 3(1)	50.00
Change of Name of the Licensee	2(4) a	50.00
Change of Site(s) addition	2(4) c	410.00
Change of Site(s) removal	2(4) c	50.00
Change of Site Manager	2(4) d	120.00
Replacement of lost or damaged Licence		45.00

Collector's Licence	Sec	FEE
Collector's Licence	2(2)b	175.00
Conversion to a Site Licence	Sch 1 3(1)	355.00
Change of Name (e.g. Miss X to Mrs Y)	2(6)a	50.00
Replacement of lost or damaged Licence		45.00

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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		

Appendix C

<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>Please also state your maiden name or any other surnames you have previously been known by:</p>	
<p>Position/Role in the business:</p>	
<p>I attach a Basic Disclosure Certificate issued for the applicant by Disclosure Scotland¹:</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>Head office name or house name or number:</p> <p>First line of address:</p> <p>Town/City:</p> <p>Postcode:</p>	<p>Telephone numbers:</p> <p>Daytime:</p> <p>Evening:</p> <p>Mobile:</p>
<p>Home address:</p> <p>House name or number:</p> <p>First line of address:</p> <p>Town/City:</p> <p>Postcode:</p> <p><input type="checkbox"/> Please use my home address for correspondence</p>	<p>Email address (if you would prefer us to correspond with you by email):</p> <p>Please note that you must still provide us with a postal address</p>

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

Appendix C

<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:²</p> <p>House name or number:³</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"/> ⁴</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>

² Please also state your maiden name or any other surnames you have previously been known by.

³ Please provide the site manager's home address as this will facilitate conducting checks on whether they are a suitable person.

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.

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<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>	
<p>Full name:⁵</p> <p>Date of birth:</p> <p>Residential address:</p> <p>Basic Disclosure certificate attached: Yes <input type="checkbox"/> No <input type="checkbox"/> ⁶</p>	<p>Full name:</p> <p>Date of birth:</p> <p>Residential address:</p> <p>Basic Disclosure certificate attached: Yes <input type="checkbox"/> No <input type="checkbox"/></p>
<p>Companies (If you are applying as a company please provide the details set out below about the company)</p>	
<p>Company name:</p> <p>Registration number:</p> <p>Address of the registered office:</p>	
<p>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.</p>	
<p>Role:</p> <p>Name:</p> <p>Date of Birth:</p> <p>House name or number:</p> <p>First line of address:</p> <p>Town/City:</p> <p>Postcode:</p> <p>Basic Disclosure certificate attached: Yes <input type="checkbox"/> No <input type="checkbox"/> ⁷</p>	<p>Role:</p> <p>Name:</p> <p>Date of Birth:</p> <p>House name or number:⁸</p> <p>First line of address:</p> <p>Town/City:</p> <p>Postcode:</p> <p>Basic Disclosure certificate attached: Yes <input type="checkbox"/> No <input type="checkbox"/></p>

⁵ Please also state your maiden name or any other surnames you have previously been known by.

⁶ 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.

⁷ 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.

⁸ Please provide the director's home address as this will facilitate conducting checks on whether they are a suitable person.

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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:

Address:

Postcode:

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:

Please continue on a separate sheet of paper if necessary.

Only applicable to sites established after 1 November 1990

Do you have planning permission (please tick)

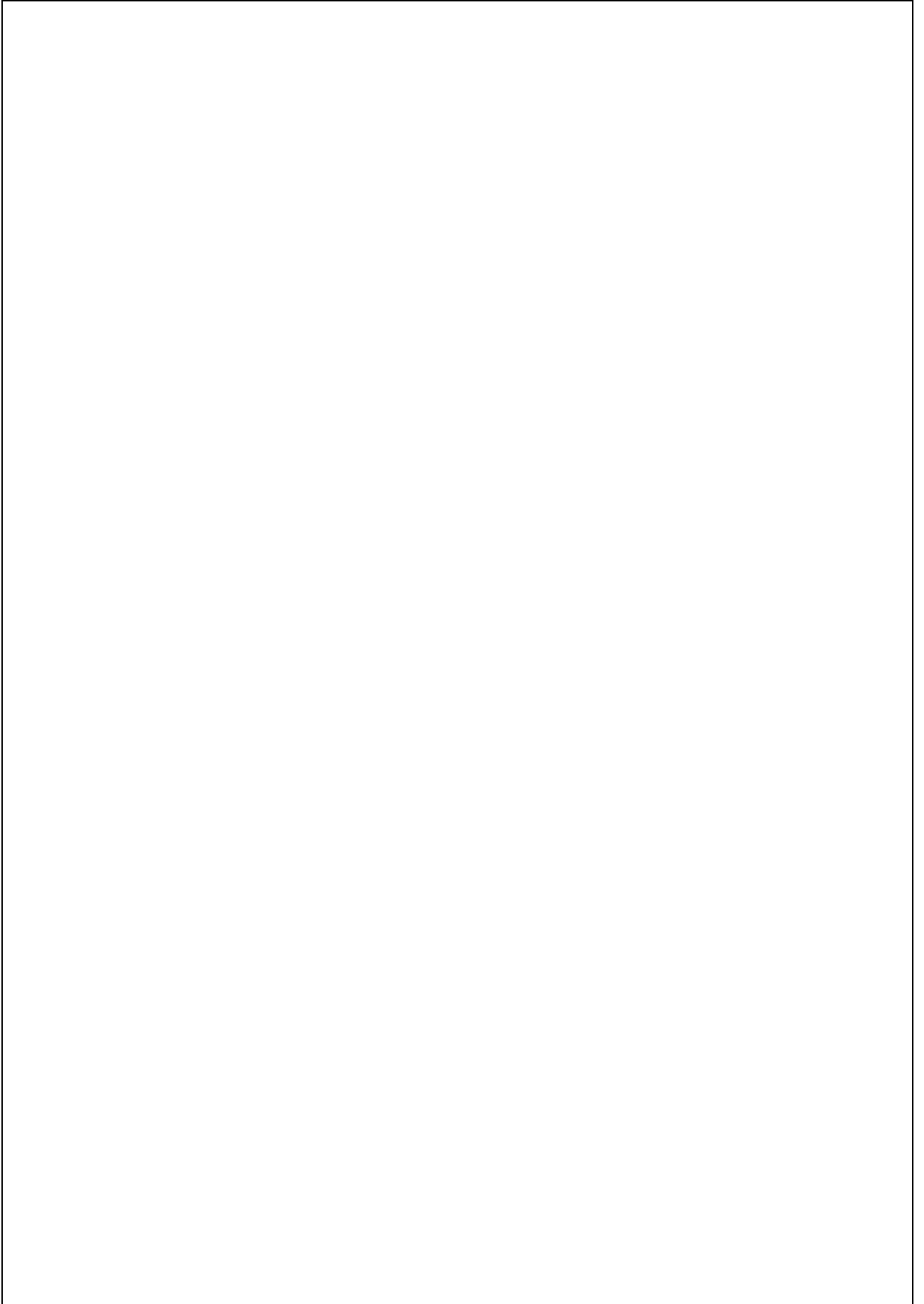
Yes No

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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.	
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:
Please also state your maiden name or any other surnames you have previously been known by:	
I attach a Basic Disclosure Certificate issued for the applicant by Disclosure Scotland ⁹ : 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: 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: <input type="checkbox"/> Please use my home address for correspondence	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

⁹ Further information about Basic Disclosure Certificates and Disclosure Scotland are set out in the explanatory notes accompanying this form.

SECTION 5. MOTOR SALVAGE (For all applicants)	
<p>Will your business consist of acting as a motor salvage operator? This is defined as a business that:</p> <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. <p>(please tick)</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>To operate as a motor salvage operator you will need to apply for a site licence.</p>	
SECTION 6. BANK ACCOUNTS THAT WILL BE USED FOR PAYMENTS TO SUPPLIERS (For all applicants)	
<p>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.</p>	
<p>Account name:</p> <p>Sort code:</p> <p>Account number:</p>	<p>Account name:</p> <p>Sort code:</p> <p>Account number:</p>
SECTION 7. PAYMENT (For all applicants)	
<p>How do you wish to make payment for your scrap metal dealer's licence? (please tick)</p> <p>Direct Debit (please complete separate direct debit form) <input type="checkbox"/></p> <p>Cheque (please make payable to Torfaen County Borough Council) <input type="checkbox"/></p>	
SECTION 8. CRIMINAL CONVICTIONS (For all applicants)	
<p>Have you, any listed partners, any listed directors, or any listed site manager(s) in this application ever been convicted of a relevant offence or been the subject of any relevant enforcement action? (Please see below for a list of relevant offences).</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If 'yes' you must provide details for each conviction, the date of the conviction, the name and location of the convicting court, offence of which you were convicted and the sentence imposed:</p>	



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SECTION 9. DECLARATION (For all applicants)

The information contained in this form is true and accurate to the best of my knowledge and belief. I understand that if I make a material statement knowing it to be false, or if I recklessly make a material statement which is false, I will be committing an offence under Schedule 1 Para 5 of the Scrap Metal Dealers Act 2013, for which I may be prosecuted, and if convicted, fined.

I understand that the local authority to whom I make my application may consult other agencies about my suitability to be licensed as a scrap metal dealer, as per section 3(7) of the Scrap Metal Dealers Act 2013, and that those other agencies may include other local authorities, the Environment Agency, the Natural Resources Body for Wales, and the police.

I understand that the purpose of the sharing of this data is to form a full assessment of my suitability to be licensed as a scrap metal dealer. I also understand that the sharing of information about me may extend to sensitive personal data, such as data about any previous criminal offences. Some details will also be displayed on a national register, as required by the Scrap metal Dealers Act 2013. I hereby expressly consent to this processing of my data and display of relevant information on the public register.

Signed: _____ Date: _____

Signed: _____ Date: _____

Signed: _____ Date: _____

Signed: _____ Date: _____

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 including their home address. These details are required by law or to facilitate checks on the applicant or 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.

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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.

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.

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. You will need to apply for a site licence to operate as a motor salvage operator.

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

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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

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- 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

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