

19 January 2021 at 7.00 pm

This meeting will be held virtually via Zoom,
and livestreamed here:

https://www.youtube.com/channel/UCIT1f_F5OfvTzxjZk6Zqn6g

Despatched: 11.01.21



Cleaner & Greener Advisory Committee

Membership:

Chairman, Cllr. McArthur; Vice-Chairman, Cllr. Carroll
Cllrs. Andrews, Barnett, Bayley, Dr. Canet, Collins, G. Darrington, Foster, Griffiths,
Nelson and Raikes

Agenda

	Pages	Contact
Apologies for Absence		
1. Minutes To agree the minutes of the meeting of the Committee held on 9 December 2020, as a correct record.	(Pages 1 - 4)	
2. Declarations of Interest Any interests not already registered.		
3. Actions from Previous Meeting (if any)		
4. Update from Portfolio Holder		
5. Referral from Cabinet or the Audit committee (if any)		
6. Net Zero 2030: January Update 2021	(Pages 5 - 14)	Margaret Carr, Tel: 01732 227341 Helen French Tel: 01732 227357
7. Scrap Metal Dealer Licence Fees 2021-2022	(Pages 15 - 22)	Sue Lindsey Tel: 01732227491
8. Work Plan	(Pages 23 - 24)	

EXEMPT INFORMATION

At the time of preparing this agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public.

If you wish to obtain further factual information on any of the agenda items listed above, please contact the named officer prior to the day of the meeting.

Should you need this agenda or any of the reports in a different format, or have any other queries concerning this agenda or the meeting please contact Democratic Services on 01732 227000 or democratic.services@sevenoaks.gov.uk.

CLEANER & GREENER ADVISORY COMMITTEE

Minutes of the meeting held on 9 December 2020 commencing at 5.00 pm

Present: Cllr. McArthur (Chairman)

Cllr. Carroll (Vice Chairman)

Cllrs. Andrews, Barnett, Bayley, Dr. Canet, Collins, G. Darrington, Griffiths and Raikes

Apologies for absence were received from Cllrs. Foster and Nelson.

37. Minutes

Resolved: That the minutes of the Committee held on 13 October 2020 be approved and signed by the Chairman as a correct record.

38. Declarations of Interest

No additional declarations of interest were made.

39. Actions from Previous Meeting

There were none.

40. Update from Portfolio Holder

The Portfolio Holder, and Chairman, reported that as reported at the previous meeting, schools had been contacted with regards to the car idling project, however due to current pressures the uptake had been disappointing and Officers would refresh communications in the Spring.

She advised that Officers in Environmental Health and Licensing had been busy with queries and complaints resulting from lockdown and Tier 3 status, and that the result of the funding bid to the Heritage Lottery Fund for Bradbourne Lakes was still awaited. Updates on Bradbourne Lakes and Mill Pond would be given at a future meeting.

The Portfolio Holder further advised that Members would have noted that at [Cabinet on 16 November 2020](#) (Minute 145) the decision was taken to give the first hour of parking for free in all Sevenoaks District Council car parks in Westerham, Swanley and Sevenoaks (except Bligh's) until the New Year in order to help support the local economy. This was in addition to the two free weekends of Christmas Parking in Sevenoaks Town and Westerham ([Cabinet - 15 October 2020, Minute 131](#)), previously agreed.

It was noted that Alex Dawson (Emergency Planning and Property Services Manager) and John Strachan (Parking Manager) have left the Council since the last meeting and that Trevor Kennett (Head of Direct Services) was now managing Parking, Emergency Planning Markets and CCTV.

Finally she advised that temporary parking restrictions had been put in place to protect residents on nearby roads due to the pressure of visitor numbers at Knole Park.

41. Referral from Cabinet or the Audit committee

There were none.

42. New proposed waste collection, transportation and disposal regulations model to reduce incidents of fly-tipping

The Chairman introduced and the Head of Direct Services presented the report on a proposed new regulatory model, the 'Sevenoaks Model', which was a new innovative concept which required lobbying for new legislative changes to reduce incidents of fly-tipping, make it easier for residents to see who was licensed to carry waste and for law enforcement to detect unlicensed carriers. The householder duty of care was provided by Section 34(2A) of the Environmental Protection Act 1990 (inserted by the Household Waste Duty of Care Regulations 2005), and since December 2018 local authorities had been able to issue fixed penalty notices for breaches. As was clear many residents did not understand their duty of care responsibilities and it was hoped this idea may help residents. The report sought support for the idea and working model to be promoted to central Government via officers engaging with the Department for Environment, Food & Rural Affairs (DEFRA) and the district's Members of Parliament. Members took the opportunity to ask questions of clarification. There was comment on using more CCTV and Kent County Council being asked to lower waste disposal charges.

Public Sector Equality Duty

Members noted that consideration had been given to impacts under the Public Sector Equality Duty.

Resolved: That it be recommended to Cabinet that

- a) the principles set out as the 'Sevenoaks Model' in paragraphs 12 to 21 of the report be supported;
- b) the Head of Direct Services be authorised to lobby Government for legislative changes in line with the principles proposed in the 'Sevenoaks Model'.

43. Service Update: Licensing

The Head of the Licensing Partnership presented the update report on service delivery updates from March to October 2020.

Resolved: That the report be noted.

44. Kent Nature Partnership Biodiversity Strategy 2020-2045

The Chairman introduced and the Principal Planning Officer (Policy) presented the Kent Biodiversity Strategy which set out the contribution the County of Kent, and the Kent Nature Partnership, could make to the Government’s ambitions and aspirations set out in its 25 year Environment Plan, “A Green Future”. She also advised Members that a more Sevenoaks specific report should be received in the near future which would be a good starting point for looking at local engagement and working with Parish and Town Councils.

Public Sector Equality Duty

Members noted that consideration had been given to impacts under the Public Sector Equality Duty.

Resolved: That it be recommended to Cabinet to endorse the Kent Nature Partnership Biodiversity Strategy.

45. Net Zero 2030 update and Kent & Medway Energy and Low Emissions Strategy

The Chairman introduced and the Principal Planning Officer (Policy) presented the report which recommended endorsement of the Kent and Medway Energy and Low Emissions Strategy (ELES), which would help the Council fulfil one of its stage 1 actions of its commitment to Net Zero 2030. Members took the opportunity to ask questions and there was some concern expressed with regards to fuel poverty and initial impact of costs for reduction measures, and costs and incentive measures for those not in fuel poverty for which it could still be seen as too costly. The Principal Planning Officer (Planning) undertook to feedback concerns to Kent County Council (KCC), and further advised that Officers were involved in lobbying Government to make green grants more accessible and easier to use, and the best ways to engage everyone.

Public Sector Equality Duty

Members noted that consideration had been given to impacts under the Public Sector Equality Duty.

Resolved: That it be recommended to Cabinet to endorse the Kent and Medway Energy and Low Emissions Strategy.

46. Work Plan

The work plan was noted with the addition of updates on Bradbourne Lakes and Mill Pond coming to a future meeting.

THE MEETING WAS CONCLUDED AT 6.01 PM

CHAIRMAN

NET ZERO 2030 UPDATE - JANUARY 2021

Cleaner and Greener Advisory Committee - 19 January 2021

Report of: Deputy Chief Executive and Chief Officer - Planning & Regulatory Services

Status: For Decision

Also considered by:

- Cabinet - 11 February 2021

Key Decision: No

This reports support the Key Aim of The Council's commitment to Net Zero 2030 made in November 2019.

Portfolio Holder: Cllr. Margot McArthur

Contact Officer(s): Helen French, Ext. 7357; Margaret Carr, Ext 7341; Naiomi Sargant, Ext.7122

Recommendation to Cleaner and Greener Advisory Committee:

To recommend to Cabinet to agree the Net Zero 2030 actions for 2021-22.

Recommendation to Cabinet:

To agree the Net Zero 2030 actions for 2021-22.

Introduction and Background

- 1 The Council have committed to working towards achieving Net Zero emissions by 2030 on Council assets and services.
- 2 It has also been agreed that the Council will be a “community leader” and encourage low carbon measures across the District through education, best practice, incentives, policy and opportunities. This includes working collaboratively with Kent County Council, Parish and Town Councils, Local Interest Group and the Local Government Association.

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Net Zero 2030 and the Environment

- 3 Reducing carbon emissions goes hand in hand with environmental conservation and improvement. The connection between climate change and nature has been recognised nationally through the Climate Change Act 2008, the Government's 25 year Environment Plan "A Green Future" and the forthcoming Environment Bill.
- 4 Climate Change is expected to cause hotter drier summers and warmer wetter winters in Kent. There will be increased frequency and severity of storms causing additional flooding. The changing climate will also have an impact on health and wellbeing, and biodiversity and wildlife causing the natural environment to be under increased pressure.
- 5 Therefore, the net zero work, undertaken by the council, will include measures and projects to mitigate the causes of climate change, namely through reducing carbon emissions, and also adapt to the expected effects of a changing climate. Helping the Council and District to be more climate resilient.
- 6 Adaptation measures could include:
 - Creating new habitats and increasing connectivity for wildlife
 - Natural flood alleviation measures to protect places from fluvial and surface water flooding
 - Improving the quality and resilience of green spaces and making the most of new opportunities
 - Sustainable water management to ensure water is used efficiently in an area already classed as "water stressed"

Net Zero Actions 2021-22

- 7 In November 2019, the Council agreed a series of actions to begin the process of achieving net zero carbon emissions by 2030. Progress on these actions was reported to the Cleaner and Greener Advisory Committee in October 2020.
- 8 These actions have now been updated and revised to take account of new opportunities and innovations. Additional actions have also been added. The actions for 2021-22 are shown in Table 1.
- 9 The Net Zero Cabinet Working Group and the Net Zero Officer Working Group were involved in drafting the actions and both groups expressed support.

- 10 The actions vary from the relatively straight forward to those more complex. It is important to ensure actions are ambitious and innovative but also effective and achievable.
- 11 Progress in achieving the actions will be delivered through specific delivery projects. Table 1 shows example delivery projects related to the actions. The list of projects is not exclusive to allow for flexibility throughout the year. New opportunities will arise and circumstances may change and therefore the list and number of delivery projects is likely to change.
- 12 All projects will be assessed for feasibility, viability and the impact on achieving the Council's Net Zero 2030 commitment. Each proposal will undergo a rigorous appraisal to explore the project in detail and to ensure it is reasonable, appropriate and achievable. This may result in projects being modified, adapted or deferred so that they achieve the maximum benefit and have the desired outcome.
- 13 There will be a monitoring and review process to evaluate the success and impact of the project. This will also be an opportunity to consider whether the project could be repeated in an alternative way, in a different location or by another delivery partner. It will also allow officers to identify best practice and future improvements.
- 14 A timescale of either short, medium, long or ongoing has been included for each action. The majority of actions are ongoing, as progress will continue to be made each year.

Table 1: Net Zero 2030 Actions - 2021/22

Category	Actions	Example Delivery Projects
<p>Energy and Water Efficiency Measures in Council Buildings</p>	<p>Increase energy efficiency in Council buildings (Ongoing)</p> <p>Explore Public Sector Decarbonisation Fund for energy efficiency improvements in the Council Offices (Short Term)</p> <p>Water efficiency measures in Council buildings (Ongoing)</p>	<p>Move to a renewable electricity supplier</p> <p>Promote Green Office Week and encourage staff behavioural change - Educate staff about how they can be more energy and water efficient e.g. turning off computers/screens, reducing screen brightness, turning off taps etc.</p> <p>Include projects identified in Energy Management Survey recommendations (January 2020) in bid to Public Sector Decarbonisation Fund such as glazing and solar PV.</p> <p>Work with APSE Energy to produce a heat decarbonisation plan for the Council and its assets</p> <p>Reduce energy and water usage in the office at source e.g. efficient heating, replacing poor performing equipment/appliances, smart lighting (timer/sensor etc.)</p>
<p>Community Engagement and Encouragement</p>	<p>Create a dedicated “Net Zero” and “Climate Change” webpage (Short Term)</p> <p>Promote national events to support wildlife awareness and opportunities to improve biodiversity (Ongoing)</p>	<p>Develop and implement a “Net Zero 2030 Communications Plan”</p> <p>Making space for nature at home event</p> <ul style="list-style-type: none"> • Instructional videos e.g. pond creation, making habitats, bug hotels etc. • Plots for Pollinators

Category	Actions	Example Delivery Projects
	<p>Promote national events to support water saving initiatives (Ongoing)</p> <p>Support and promote initiatives and opportunities to reduce waste and improve levels of recycling (Ongoing)</p> <p>Help householders and businesses improve energy efficiency by providing free advice and support for energy improvements and energy saving (Ongoing)</p> <p>Hold a Green Summit in bringing together groups, organisations, companies and experts to engage and inspire residents (Short Term)</p>	<p>Participate in Zero Waste Week</p> <p>Promote the Green Homes Grant</p> <p>Include useful information on the Net Zero 2030 webpage and ensure that the page is kept up to date</p>
Green travel	<p>Promote low carbon travel (Ongoing)</p> <p>Improve the electric vehicle charging network across the District (Ongoing)</p> <p>Work with schools, local communities and groups to encourage community transport hubs for short journeys, minimising pollution, improving air quality and reducing congestion (Ongoing)</p>	<p>Promote low carbon travel including:</p> <ul style="list-style-type: none"> • Cycle to work scheme • Health walks • Local Walking Routes • Reducing Officer Mileage • Cycle routes • Car share • Public transport • Salary sacrifice schemes

Category	Actions	Example Delivery Projects
	<p>Promote the annual Car Free Day and similar initiatives (Ongoing)</p> <p>Continue our transition to a zero-carbon emissions vehicle fleet wherever practicable (Ongoing/Long Term)</p>	<p>Support an electric vehicle car club, to promote the use of zero-emissions vehicle, to improve air quality in our District and produce an income to support Council services</p> <p>Investigate incentives for taxi drivers to use vehicles with zero tailpipe emission</p> <p>Roll out “free” electric car charging points across our car park estate</p> <p>Install Electric Vehicle Charging Points at Council buildings</p> <p>Working with landowners to install new charging points across the District</p> <p>A Development Plan Policy - Require the installation of electric vehicle charging points in all new developments, both residential and non-residential</p>
<p>Making the Best Use of Green Spaces</p>	<p>Carbon emission offsetting through new planting including planting new trees (Ongoing)</p> <p>Improve areas for biodiversity and create new habitats (Ongoing)</p> <p>Natural flood management (Ongoing)</p>	<p>Pocket Forest planting</p> <p>Wildflower planting and creation of new habitats</p> <p>Investigate areas where natural flood management measures could be used to alleviate flooding</p>

Category	Actions	Example Delivery Projects
Engage with landowners, partners and businesses	<p>Require bidders for all tenders to include an environmental statement, including their plan for achieving Net Zero, a 'Net Zero Commitment' (Ongoing)</p> <p>Report and promote our actions towards Net Zero, and support our partners including landowners, residents, businesses and visitors to our District to play their part (Ongoing)</p> <p>Encourage the location of clean growth businesses in our District (Ongoing)</p> <p>Work with the local government family within Kent to deliver Net Zero across all our communities (Ongoing)</p>	<p>Support the delivery of Kent and Medway's Energy and Low Emissions Strategy and it's priority actions</p> <p>Engage with the business community to discuss how SDC can support low carbon initiatives</p> <p>Investigate how SDC and businesses can effectively manage post Covid plastic waste and encourage a green recovery</p> <p>Look across local government both in the UK and beyond to find further appropriate and deliverable ideas and initiatives</p>
Carbon Emission baseline and Opportunity Audit	<p>Audit our current and levels of energy use and greenhouse gas emissions (Short Term)</p> <p>Undertake an Opportunity Audit for ways to reduce carbon emissions in Council buildings and assets (Short Term)</p>	<p>Continue to use the Greenhouse Gas Emissions Reporting Tool on an annual basis to audit our levels of emissions and energy use</p> <p>Work with APSE Energy as part of our bid to the Public Sector Decarbonisation Fund to map a heat decarbonisation plan for the council and its assets</p>

Category	Actions	Example Delivery Projects
Council Plans and Strategies	<p>Deliver the carbon emission reducing aspects of the Air Quality Management Action Plan (Ongoing)</p> <p>Deliver the environmental aspects of Sevenoaks District Councils Council and Development Plans (Ongoing)</p> <p>Explore opportunities to invest in clean growth such as a local Net Zero Bank to finance energy efficiency and carbon reduction (Medium Term)</p> <p>Where everything possible has been done to achieve zero carbon but there is still a shortfall, take action through offsetting carbon dioxide emissions where necessary, and explore a Carbon Offset Fund to finance this (Medium/Long Term)</p>	<p>Officers to consider how SDC plans and strategies can take account of Climate Change and contribute to the Net Zero 2030 work</p> <p>SMT to embed actions in the Net Zero report in their teams where they apply to their service areas</p> <p>Include consideration of Net Zero 2030 in committee reports and decisions</p>
Sustainable buildings and renewable energy generation	<p>Investigate ways to encourage sustainable building practices (Ongoing)</p> <p>In all new SDC and SDC owned company developments, set an ambitious stretch target for sustainable homes (Ongoing)</p>	<p>Provide a one year 100% reduction on the District Council element of council tax for new certified Passivhaus 'Classic', 'Plus' & 'Premium' homes built in the District, in any year until 2030</p> <p>Undertake a renewable energy opportunities audit</p>

Category	Actions	Example Delivery Projects
	Investigate renewable energy generation possibilities (Short/Medium Term)	

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Next Steps

- 15 Officers will continue to assess and implement the delivery projects and investigate new opportunities.
- 16 Regular update reports on the Net Zero 2030 work will be provided for members via the Cleaner and Greener Advisory Committee

Other Options Considered and/or Rejected

The Council have made a commitment to Net Zero 2030.

Key Implications

Financial

Funding for the Net Zero 2030 commitment will be met from existing budgets.

Legal Implications and Risk Assessment Statement.

No legal implications have been identified.

Equality Assessment

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Conclusions

The Council have committed to Net Zero 2030 and have identified revised actions to go towards achieving this target.

Appendices

None

Background Papers

None

Richard Morris

Deputy Chief Executive and Chief Officer - Planning and Regulatory Services

SCRAP METAL DEALER LICENCE FEES 2021-2022

Cleaner & Greener Advisory Committee - 19 January 2021

Report of: Chief Officer, Planning & Regulatory Services

Status: For consideration and decision

Also considered by: Cabinet

Key Decision: No

This report supports the Key Aim of: Safe Communities to aid in the reduction of crime within the District

Portfolio Holder: Cllr. Margot McArthur

Contact Officer: Susan Lindsey, Senior Licensing Officer Ext. 7491

Recommendation to Cleaner & Greener Advisory Committee:

That Cabinet be recommended to approve the appropriate fee levels as set out in paragraph 25 of the report.

Recommendation to Cabinet:

That, subject to the comments of the Cleaner & Greener Advisory Committee, the fees set out in paragraph 25 of the report be approved and implemented, as of 1 April 2021.

Reason for recommendation: To ensure that the Council complies with its Statutory duty under the Scrap Metal Dealers Act 2013 and ensure that the licensing of Scrap Metal Dealers is self financing, in accordance with the Council's Service and Budget Plan.

Introduction and Background

- 1 The Act repeals the Scrap Metal Dealers Act 1964 (and related legislation) and Part 1 of the Vehicles (Crime) Act 2001, creating a revised regulatory regime for the scrap metal recycling and vehicle dismantling industries. The Act maintains local authorities as the principal regulator, but gives them the power to better regulate these industries by allowing them to refuse to grant a licence to 'unsuitable' applicants and a power to revoke licences if the dealer becomes 'unsuitable'.
- 2 The licensing regime introduced by the Act is very similar to the licensing of taxi drivers and the issuing of Personal Licences under the Licensing Act. The suitability of applicants is based on a number of

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factors as outlined in the Act, including any unspent relevant criminal convictions. Whilst it is expected that straightforward applications will be decided under delegation to Officers, any applications with objections where the applicant wishes to

make representations would need to be heard at a hearing, with an option to appeal their decision to the Magistrates' Court.

- 3 It had been expected that the Home Office would make regulations about the new Scrap Metal Dealer Act which would allow the Council to manage the licensing process in the same way it manages its other licensing functions, namely to delegate them to the Licensing Committee. Although the Act has come into force these regulations have not been made. This means that these matters are the responsibility of Cabinet rather than Council and the Licensing Committee. Delegations from the Leader to the relevant Officers will be made separately.

Licences

- 4 Under the Act there are two types of licence; a site licence and a collector's licence, which will both be administered by the local authority. Site managers will need to be named on site licences. Collectors will need a licence in each local authority area in which they collect. Both types of licence last for three years.
- 5 The local authority must be satisfied that the applicant is a suitable person to hold a licence before it can grant a licence. The scope of this requirement will include applicants, site managers, directors, secretaries and shadow directors of companies.
- 6 The Council requires a photograph to accompany the application for a Collector's Licence. The photograph forms part of the licence document and enables Officers to identify licensed collectors.

Determining Applications

- 7 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 a business as a scrap metal dealer, identified via a 'suitability test'. In the case of a partnership, the suitability of each partner will be assessed. In the case of a company, it means assessing the suitability of any directors, company secretaries, or shadow directors.
- 8 In assessing an applicant's suitability, the Council can consider any information considered relevant. The Council will be in a stronger position to defend any challenges to a decision to refuse a licence where the decision is based on the factors specifically listed in legislation, which includes whether:
- 9 The applicant or site manager has been convicted of a relevant

- offence or subject to any relevant enforcement action.
- 10 The applicant has previously been refused a scrap metal dealers licence or an application to renew a licence has been refused.
 - 11 The applicant will be required to complete an application and declare that the information provided is correct. The applicant will commit an offence under the Act should they make a false statement, or recklessly make a statement which is false in a material way.
 - 12 The authority will want to satisfy itself that an applicant is suitable by checking they do not have a previous relevant conviction, have not been the subject of enforcement action, or have been refused a licence. There is no requirement under the Act for applicants to provide a Basic Disclosure Certificate (BDC). However, this authority requires applicants to submit a Basic Disclosure Certificate provided by Basic Disclosure Scotland as part of the application process. The Council will require the certificate to be within 30 days of its issue when presented with the application.
 - 13 Should an applicant refuse to supply a BDC this would be grounds for the Council to consider what further information was needed to judge whether the applicant was suitable to hold a licence. Refusal to submit a BDC would be grounds for the Council to decline to proceed with the application.
 - 14 The Council requires an applicant to provide a Basic Disclosure Certificate (including standard and enhanced disclosures) that are no more than one month old at the time the application is submitted. The authority recognises that a Basic Disclosure Certificate will reveal only any unspent convictions on the Police national computer. The Certificate will not provide details of convictions for relevant offences secured by the Environment Agency or equivalent, or other local authorities. For any new applications, the authority will consult with the Environment Agency or equivalent and the Police. The authority will reserve the right to also contact any other local authority it feels necessary to determine the suitability of an applicant(s).
 - 15 In the case where a Basic Disclosure Certificate highlights a relevant conviction the authority will seek further information from the Police to enable the authority to better assess the applicant(s) suitability. The authority will also check public records held by the Environment Agency or equivalent to assess if any enforcement action has been taken against an individual. In certain circumstances it may be necessary to make direct contact with the above to assess if any on-going enforcement action is pending, which may not be held on a public register at the time of application.
 - 16 If the Council should receive information that an applicant(s) has been convicted of a relevant offence, a judgement will be made

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whether to refuse or grant the licence. The Council will take into account any information received by an applicant or other bodies. The Council will consider the nature of the offence or enforcement action, the gravity of the offence or enforcement action, when the enforcement action was taken, or any other relevant information as defined by the Act.

Representations

- 17 In the case where the authority rejects an application(s), or revokes, or varies a licence, the Council will notify the applicant or licence holder by way of a written Notice. The Council will advise the applicant(s) or licence holder what the authority proposes to do and the reasons behind the action. The Notice will stipulate that the applicant/licence holder has the opportunity to make a representation, or let the authority know that they wish to. The applicant/licence holder has up to 14 days from the date of the Notice to respond.
- 18 If the applicant/licence holder does not make a representation, 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 authority will provide a further reasonable period in which to do so. If the applicant fails to provide a representation within the agreed period then the authority will refuse the application, or revoke, or vary the licence.

Hearings

- 19 Where the applicant makes representations, the authority has to consider them in accordance with the Act. If the applicant wishes to make oral representations the authority will arrange a hearing. It is anticipated that these hearings will follow the procedures for hearings under the Licensing Act 2003. The Council anticipates that further guidance on hearings will be issued.
- 20 Should the Council refuse an application, revoke or vary a licence the applicant/licence holder will receive a Notice of Decision, which will set out the Council's reasons for its decision. The Notice will inform the applicant, or licence holder of their right to appeal to the Magistrates' Court and, where the licence has been revoked or varied, the date under which that comes into effect.

Conditions

- 21 In cases where the applicant or any site manager has been convicted of a relevant offence, or where the authority is revoking a licence, the authority can impose conditions on the licence. The authority 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.

22 There is no equivalent set of conditions for collectors.

Fees

23 The Act provides that an application for a licence must be accompanied by a fee. The fee will be set locally by each local authority on a cost recovery basis. Local authorities will have a duty to have regard to guidance issued by the Secretary of State which outlines the issues that should be considered when setting the fee and what activities the fee can cover. This fee will be an essential component of the new regime as it will provide local authorities with the funding they need to administer the legislation and ensure compliance.

24 There are currently 2 site licences in Sevenoaks District.

25 The fees have been set for 2021-2022 to include the current inflationary cost of 2.5% set by Sevenoaks District Council.

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Proposed Fee(s)

Type of Application	2020/2021 Current Fee	2021/2022 Proposed Fee
Site Licence - Grant (3 years)	£485	£497
Site Licence - Renewal (3 years)	£410	£420
Collectors Licence Grant/Renewal (3 years)	£295	£303
Minor administrative change to licence	£32	£33
Variation - change of site manager	£175	£180
Variation from collector to site licence	£210	£215
Variation from site to collector licence	£135	£139

Other options Considered and/or rejected

If the Licensing Committee were minded not to approve these fees the Council would not be able to meet the Council's Service and Budget Plan or ensure the licensing of Sexual Entertainment premises was self-financing.

Key Implications

Financial

There are no financial implications resulting from this report. The cost of licence fees takes into account the need to maintain a 'self financing' position for the service. The proposals contained in this report will achieve this.

Legal Implications and Risk Assessment Statement

Should parts of industry believe the authority's fees are at a level which is greater than the costs of the statutory functions then it would be open to them to undertake a 'judicial review proceeding'. Should this arise, the authority would need to evidence how it arrived at the fee levels to demonstrate that they have been calculated on a cost recovery basis only.

Equality Assessment

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Appendices

None

Background Papers

None

Richard Morris
Chief Officer Planning and Regulatory Services

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Cleaner & Greener Advisory Committee Work Plan 2020/21 (as at 6/1/21)

19 January 2021

- Net Zero 2030: Carbon Emissions Update
- Scrap Metal Dealer Licence Fees 2021-2022

16 March 2021

- Service Update: Environmental Health
- Emergency Planning Update
- Mill Pond
- Greensands Common

12 October 2021

18 January 2022

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