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# Consultation on a licensing scheme for obtaining non-compliant paints for use on historic buildings and vintage vehicles

September 2007



Llywodraeth Cynulliad Cymru  
Welsh Assembly Government



Department of the  
**Environment**  
[www.doeni.gov.uk](http://www.doeni.gov.uk)



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# Section 1: Public consultation exercise

## 1. Consultation information

- 1.1. This consultation invites views on proposals for a licensing scheme allowing a licence-holder to obtain non-compliant products where these are to be used for the purposes of restoration and maintenance of historic buildings and vintage vehicles.
- 1.2. This consultation paper should be read in conjunction with the accompanying partial Regulatory Impact Assessment (RIA) which gives the background to the proposal, assesses the costs and benefits and sets out, in Annex A how the licence scheme would work. A draft Statutory Instrument (SI) is also attached.
- 1.3. Please refer to Annex D of this paper for an explanation of terms used in this consultation paper and the accompanying partial RIA.

## 2. Coverage

- 2.1. The Secretary of State for Environment, Food and Rural Affairs in collaboration with the Devolved Administrations for Northern Ireland, Scotland and Wales, propose to implement a licensing scheme for the UK. The proposal is for a UK wide scheme.

## 3. Responses to the consultation

- 3.1. Responses to the consultation should be sent so that they are received no later than **10.00am 12 December 2007**. Comments about the consultation should be sent to one of the following:

### England:

Department for Environment, Food & Rural Affairs (DEFRA)  
Air and Environment Quality  
EU & International Air Quality  
Area 3C, Ergon House, 17 Smith Square,  
London, SW1P 3JR  
<mailto:EUAirQuality@defra.gsi.gov.uk>

### Northern Ireland:

Dan Kennedy  
Planning and Environmental Policy  
Group  
Department of Environment, Northern  
Ireland  
22 – 24 Donegall Street  
BELFAST BT1 2GP  
[Dan.kennedy@doeni.gov.uk](mailto:Dan.kennedy@doeni.gov.uk)

### Scotland:

Richard Robertson  
Environmental Quality Directorate  
Scottish Government  
Victoria Quay  
EDINBURGH EH6 6QQ  
<mailto:SEPATeam@scotland.gsi.gov.uk>

### Wales:

Environment Division  
Welsh Assembly Government  
Cathays Park, CARDIFF CF10 3NQ  
<mailto:env@wales.gsi.gov.uk>

- 3.2. The UK Government and the Devolved Administrations will consider all responses to this consultation paper and take these into account when

implementing the licensing scheme which gives effect to the derogation provided in article 3(3) of the Paints Directive (2004/42/EC).

### 3.3. **Where to obtain further copies of the consultation paper?**

3.3.1. Additional copies of the consultation paper can be obtained from the addresses above and will also be made available in the libraries of the House of Commons and the House of Lords. A copy will also be available on the DEFRA, Scottish Government, Assembly of Wales, and the Department of Environment (NI) websites.

### 3.4. **Confidentiality statement**

3.4.1. In line with Defra's policy of openness, at the end of the consultation period copies of the responses we receive may be made publicly available through the Defra Information Resource Centre, Lower Ground Floor, Ergon House, 17 Smith Square, London SW1P 3JR. A summary of responses will also be published.

3.4.2. If you do not consent to this, you must clearly request that your response be treated confidentially. Any confidentiality disclaimer generated by your IT system in e-mail responses will not be treated as such a request. You should also be aware that there may be circumstances in which Defra will be required to communicate information to third parties on request, in order to comply with its obligations under the Freedom of Information Act 2000 and the Environmental Information Regulations.

3.4.3. The Information Resource Centre will supply copies of consultation responses to personal callers or in response to telephone or e-mail requests (tel: 020 7238 6575, e-mail: [defra.library@defra.gsi.gov.uk](mailto:defra.library@defra.gsi.gov.uk)). Wherever possible, personal callers should give the library at least 24 hours' notice of their requirements. An administrative charge will be made to cover photocopying and postage costs.

### 3.5. **Consultation code**

3.5.1. The consultation is being conducted in line with the Code of Practice on Consultation. The full version can be accessed at:

<http://www.cabinet-office.gov.uk/regulation/Consultation/Code.htm>

3.5.2. If you feel that the consultation does not satisfy these criteria please contact:

Name: Ms Marjorie Addo, Defra's Consultation Co-ordinator

Address: Area 7B, Nobel House, 17 Smith Square  
London, SW1P 3JR

Telephone number: 0207 238 5947

E-mail address: <mailto:consultation.coordinator@defra.gsi.gov.uk>

## Section 2: Issues on which we are inviting comments

### 4. Consultation issues

4.1. We welcome your comments on any aspect of the proposal and the partial RIA. However, this document identifies some issues on which we would particularly welcome your views. These are summarised below:

**Consultation question 1** - Are you content with the definitions proposed for historic buildings and vintage vehicles? If not, please supply details. (see page 10)

**Consultation question 2** - Do you consider there to be reason to use other definitions of 'vintage vehicle', e.g. those mentioned in paragraph 7.2.3? (see page 10)

**Consultation question 3** - Do you consider that non-listed buildings within a conservation area may have a specific need to use non-compliant paints to conserve their historic character and hence that of the conservation area? (see page 11)

**Consultation question 4** - Do you agree with our proposals for who would be the licensing authority and administer the licensing scheme for historic buildings? (see page 11)

**Consultation question 5** - Do you agree with our proposals for who would be the licensing authorities and administer the licensing scheme for vintage vehicles? (see page 12)

**Consultation question 6** - Do you agree with the licensing process set out in paragraph 9 and Annex A of the partial RIA, in relation to a) individual and occasional users; b) specialist businesses? If not what alternative process would you suggest bearing in mind the constraints in the Directive? (see page 12)

**Consultation question 7** - Do you agree that all relevant information is captured by the declaration in Annex A to this paper? What other information should be included? (see page 12)

**Consultation question 8** - Do you agree that the applicant for a licence should apply to the licensing authority in the area they live or where the principal place of business is situated or should an applicant be able to apply to any licensing authority? (see page 13)

**Consultation question 9** - In what circumstances, if any, might an applicant wish to apply to a licensing authority other than the one for the area in which they live? (see page 13)

**Consultation question 10** - Do you agree that it should be left to the licensing authority to determine in each particular case the frequency with which a licence-holder should report the information required in paragraphs 4 and 5 of Schedule 1 of the SI – see paragraph 9.4 and 9.5? If the frequency

should be stipulated in the licence through the SI, what should that frequency be? (see page 13)

**Consultation question 11** - Are there any other conditions which should be specified in the licence (not left to the discretion of the licensing authority)? (see page 13)

**Consultation question 12** - Do you agree that there should be a review and appeals mechanism? If so, do you think that the mechanisms set out in the draft SI are reasonable? Is an appeals mechanism required or would a review mechanism suffice? (see page 14)

**Consultation question 13** - Are you content that the enforcement and offence/penalties provisions are: a) proportionate and b) sufficient to be effective in achieving their aims – compliance with the Directive? (see page 14)

**Consultation question 14** - Do you feel that all relevant offences have been included in part 5 of the draft SI (see page 14)

**Consultation question 15** - Are there any other issues which you feel should be included in the guidance for the licensing authority? (see page 14)

**Consultation question 16** - Are you content that the partial RIA is a reasonable assessment of the costs and benefits arising from the implementation of the licensing scheme? (see page 15)

**Consultation question 17** - Are the costs of setting up and administering a licensing scheme reasonably presented? Do the proposed licensing authorities consider that they can recover their costs through fees as stated in the proposal? (see page 15)

## Section 3: Options

### 5. Options assessed

5.1. The partial RIA assesses two options:

- option 1 - not implementing a licensing scheme (not considered further in this document), and;
- option 2 - implement a self-financing licensing scheme where the **user** has responsibility for applying to a licensing authority (generally local authorities) for a licence. The licensing authority would consider and issue licences.

5.2. In arriving at our proposal that users should apply for licences, we considered the merits of others in the supply chain having that responsibility. Suppliers could be required instead to apply for a licence and whilst this might be expected to reduce the number of licences issued, it would shift the burden of responsibility away from the end user, where the demand is and where the burdens should properly fall. Operation of the scheme would also become more complex and result in higher administrative burdens:

- (i) Suppliers would need to apply and pay for a licence to obtain paints from the licensing authority – perhaps on an annual basis, based on estimated sales. The burden of responsibility for ensuring that paints were used only for the purposes stated in the Directive would then be shared between the licensing authority and suppliers, though suppliers might be expected to pass on additional costs to the end user.
- (ii) suppliers would need a mechanism for assuring themselves as well as the licensing authority that paint supplied was for the specified purpose – probably through the person obtaining the paints having to complete a declaration; records would need to be kept by suppliers and end users.
- (iii) suppliers would need to record and report to the UK Government, via the licensing authority on the **quantities and sub-categories** of non-compliant products licensed and the number of **individual** licences issued, so that UK reporting requirements to the European Commission could be met.

## Section 4: Option 2 - Implementing a licensing scheme

### 6. Required elements of a licensing scheme

- 6.1. Annex A in the Partial RIA sets out how the proposed licensing scheme would operate. The legal basis is provided for in the draft SI accompanying this consultation paper.

### 7. Definitions

#### 7.1. Historic Buildings

- 7.1.1. There are existing legal definitions for historic buildings – which encompass those of ‘cultural’ as well as historic value - which we propose using for the purpose of a licensing scheme under the Paints Directive for the use of non-compliant or ‘old style’ paints.
- 7.1.2. **We propose that for the purposes of a licensing scheme to implement the derogation that ‘historic buildings’ means -**
- (i) In relation to England and Wales - a listed building within the meaning of section 1(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990<sup>1</sup> which is classified as Grade I, Grade II or Grade II (starred);
  - (ii) In relation to Scotland – a listed building within the meaning of Section 1(4) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997<sup>2</sup> which is classified as category A;
  - (iii) In relation to Northern Ireland – a listed building within the meaning of article 42(7) of the Planning (Northern Ireland) Order 1991<sup>3</sup>;
  - (iv) In relation to England, Wales and Scotland - a building which is a scheduled monument within the meaning of section 1(11) of the Ancient Monuments and Archaeological Areas Act 1979<sup>4</sup>;
  - (v) In relation to Northern Ireland - a building which is a scheduled monument within the meaning of article 3(2) of the Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995<sup>5</sup>;
- 7.1.3. Applications to obtain non-compliant paints would therefore be limited to those to be used on listed buildings and, exclude non-listed buildings within conservation areas. However, this may be reviewed if there is a strong case for the purchase of non-compliant paints to preserve or enhance the character or appearance of buildings considered to be of special architectural or historic interest and designated as part of a conservation area by a local planning authority under the Planning (Listed Buildings and Conservation Areas) Act 1990 ((c.9), Part II, section 69).

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<sup>1</sup> 1990 c.9.

<sup>2</sup> 1997 c.9.

<sup>3</sup> Statutory Instrument 1999/1220 (N.I.11)

<sup>4</sup> 1979 c.46

<sup>5</sup> Statutory Instrument 1995/1625 (N.I.9.)

## 7.2. Vintage vehicles

7.2.1. **We propose that a vehicle which is at least 30 years old is defined as a vintage vehicle for the purpose of obtaining non-compliant paint products under a licensing scheme.**

7.2.2. We feel that there are advantages in using a wide interpretation of the term 'vintage' for administering this licensing scheme. A definition based solely on the age of the vehicle will be simple for licensing authorities to interpret, so ensuring that licence applications can be processed promptly with minimum additional documentation or proof required. This will not, in our view, encourage or permit anything other than strictly limited quantities of non-compliant product to be licensed due to the very specialised nature of the market for these paints, which is already limited and is likely to become more so as the barriers to obtaining them increase (through licensing). The market demand for non-compliant paints is assessed in more detail in the partial RIA.

7.2.3. We recognise that definitions of 'vintage vehicle' already exist for various purposes, with examples set out below:

**a) constructed before 1st January 1973; or**

**b) has two or more of the following characteristics—**

- (i) possesses a scarcity value;
- (i) is not normally used for its original purpose;
- (ii) is the subject of special transactions outside the normal trade in similar utility articles;
- (iii) is of high value;
- (iv) illustrates a significant step in the evolution of human achievements or a period of that evolution, or;

**c) a vehicle—**

- (i) in its original state,
- (ii) which has not had any substantial changes to the chassis, steering, braking system or engine;
- (iii) is at least 30 years old;
- (iv) and of a model or type which is no longer in production.

7.2.4. There is no definition of 'vintage vehicle' in the Directive. We believe that the simple objective interpretation proposed, which is a feature of (c) above is consistent with the purpose of this derogation in that it will ensure that only strictly limited quantities of paint are obtained for use when there is a genuine need for a particular vehicle. We considered that using additional criteria as set out in (a)- (c) above to encompass the concept of 'vintage' in relation to vehicles would increase administrative burdens, costs and therefore the licence fee, due to the time needed by the licensing authority to assess applications, whilst not affecting the quantities of paint ultimately licensed.

**Consultation question 1.** Are you content with the definitions proposed for historic buildings and vintage vehicles? If not, please supply details.

**Consultation question 2.** Do you consider there to be reason to use other definitions of 'vintage vehicle', e.g. those mentioned in paragraph 7.2.3?

**Consultation question 3.** Do you consider that non-listed buildings within a conservation area may have a specific need to use non-compliant paints to conserve their historic character and hence that of the conservation area?

## **8. Who would be the licensing authority?**

### **8.1. Historic Buildings**

- 8.1.1. Owners of listed buildings are required to consult with their relevant authority prior to undertaking any work which is likely to affect the character of the building. Such work may require listed building consent.
- 8.1.2. In England and Wales local authorities have responsibility for issuing listed building consent. In Scotland this responsibility falls to the Local Planning Authority (local councils). In Northern Ireland the Planning Service (part of the Department of the Environment, Northern Ireland) has this responsibility. In considering options for designating licensing authorities, the proposal takes into account existing mechanisms and experience on the basis that this is likely to provide the most effective and efficient service.
- 8.1.3. **For England and Wales we therefore propose that local authorities are the licensing authority and administer the licensing scheme in respect of historic buildings.**
- 8.1.4. **For Scotland, we therefore propose that local councils are the licensing authority and administer the licensing scheme in respect of historic buildings.**
- 8.1.5. **For Northern Ireland, we therefore propose that the Environment and Heritage Service in Northern Ireland are the licensing authority and administer the licensing scheme in respect of historic buildings.**

**Consultation question 4.** Do you agree with our proposals for who would be the licensing authority and administer the licensing scheme for historic buildings?

### **8.2. Vintage Vehicles**

- 8.2.1. In England and Wales, bodyshops using more than 1 tonne of solvent per year are already regulated by local authorities through the Pollution Prevention and Control (England and Wales) Regulations 2000 (PPC), (Statutory Instrument 2000 No. 73). In Northern Ireland district councils regulate bodyshops through the Pollution Prevention and Control (Northern Ireland) Regulations 2000 (Northern Ireland Order No.). As for historic buildings, in considering the most appropriate licensing authority the proposal aims to utilise existing mechanisms and experience where possible.
- 8.2.2. In Scotland bodyshops using more than 2 tonnes of solvent per year are regulated by the Scottish Environment Protection Agency (SEPA) through the Pollution Prevention and Control (Scotland) Regulations 2000 (Scottish Statutory Instrument 2000 No. 323, as amended by SSI 2005 No. 340).
- 8.2.3. **England and Wales - we propose that local authorities should also be the licensing authority and administer the licensing scheme in respect of vintage vehicles (regardless of quantities used).**

- 8.2.4. **Northern Ireland - we propose that district councils are the licensing authority and administer the licensing scheme in respect of vintage vehicles.**
- 8.2.5. **Scotland - we propose that SEPA should be the licensing authority and administer the licensing scheme in respect of vintage vehicles where the applicant (business) is subject to the requirements of the Pollution Prevention and Control (Scotland) Regulations 2000 as amended. We propose that all other businesses and individuals obtaining non-compliant products would apply for a licence to their local councils (the licensing authority in these cases).**

**Consultation question 5.** Do you agree with our proposals for who would be the licensing authorities and administer the licensing scheme for vintage vehicles?

## **9. How the licensing scheme would operate?**

- 9.1. **We propose that individual and occasional users would apply for a licence which permits the licence-holder to obtain a specific quantity of non-compliant product within the period specified by the licensing authority.**
- 9.2. **We propose to allow businesses undertaking specialist restoration or maintenance of historic buildings or vintage vehicles to apply for a licence which permits them to obtain a specified quantity of non-compliant products. The period the licence would be valid would be a matter for the discretion of the licensing authority, but it is possible that this may be for a year or longer.** This approach is considered to be proportionate in light of the limited market and is intended to keep to a minimum the administrative burdens for the licensing authority and businesses.
- 9.3. To obtain non-compliant products an applicant would need to supply the information required in Annex A (the declaration) to the licensing authority. Sample completed declarations are at Annex B and C. The information requested in the declaration is limited to that which is essential for the licensing authority to fulfil its responsibilities and UK Government reporting requirements.

**Consultation question 6.** Do you agree with the licensing process set out in paragraph 9 and Annex A of the partial RIA, in relation to a) individual and occasional users; b) specialist businesses? If not what alternative process would you suggest bearing in mind the constraints in the Directive?

**Consultation question 7.** Do you agree that all relevant information is captured by the declaration in Annex A to this paper? What other information should be included?

- 9.4. To ensure proper administration of the licensing scheme, it will be a condition of the licence to supply the information in paragraph 4 and 5 of Schedule 1. This means that if details of the supplier or details of the building (s) or vehicle (s) are not known at the time of applying for a licence, licence holders will be required to maintain records of these details. This information would then

need to be supplied to the licensing authority at regular intervals which would be determined by them, though an annual basis might be appropriate in most circumstances. This would be set out in the licence conditions.

- 9.5. An alternative option would be to just require licence holders to keep records available for inspection. However, this was not favoured as it puts a greater burden on licensing authorities in satisfying themselves that the terms of the licence have been met.
- 9.6. The proposal is that licence applications are made to the licensing authority in which the applicant resides or in the case of a business to the licensing authority in which the principal business address is situated.
- 9.7. This approach would keep to a minimum the costs to licensing authorities of any physical inspection of records kept by the business/individual that they may wish to conduct. It would also prevent abuse of the scheme by any unscrupulous operators who might make multiple applications to different licensing authorities in order to secure more non-compliant product.

**Consultation question 8.** Do you agree that the applicant for a licence should apply to the licensing authority in the area they live or where the principal place of business is situated or should an applicant be able to apply to any licensing authority?

**Consultation question 9.** In what circumstances, if any, might an applicant wish to apply to a licensing authority other than the one for the area in which they live?

## 9.8. **Other Conditions of a licence**

- 9.8.1. The draft SI makes provision for the licensing authority to attach conditions to a licence 'as it sees fit' – Regulation 7(7)(a). These would need to specify the frequency for supplying information on details of the buildings or vehicles the products were used on, and the suppliers used – see paragraph 9.4 and 9.5 – but there may be other things that the licensing authority wishes to include, such as reports on quantities of paint actually used.

**Consultation question 10.** Do you agree that it should be left to the licensing authority to determine in each particular case the frequency with which a licence-holder should report the information required in paragraphs 4 and 5 of Schedule 1 of the SI – see paragraph 9.4 and 9.5? If the frequency should be stipulated in the licence through the SI, what should that frequency be?

**Consultation question 11.** Are there any other conditions which should be specified in the licence (not left to the discretion of the licensing authority)?

## 9.9. **Appeals mechanism**

- 9.9.1. The proposed regime includes a review and appeals mechanism to ensure the fair resolution of any disputes over a decision to, for example, refuse to issue a licence or with certain conditions.
- 9.9.2. An appeal will only arise after a review has been undertaken by the licensing authority. A review must be requested in writing. (See paragraph 1 of part 1 of Schedule 2 to the draft SI). The appeal procedure is expected to be set out

in guidance supporting the proposed licensing regime. The review and appeal mechanism is set out in Parts 1 and 2 of Schedule 2 to the draft SI.

**Consultation question 12.** Do you agree that there should be a review and appeals mechanism? If so, do you think that the mechanisms set out in the draft SI are reasonable? Is an appeals mechanism required or would a review mechanism suffice?

## 9.10. Enforcement provisions and offences

- 9.10.1. Though our assessment of market demand would suggest that non-compliant paints will only be obtained in limited quantities for the specified purpose, licensing authorities need powers to be satisfied that this is the case. The reporting requirements set out above form part of that, but licensing authorities may also use their powers of entry to make inspections. The enforcement provisions are set out in regulations 9 and 10 of the draft SI.
- 9.10.2. Likewise breaches of the Regulations require proportionate penalties to be imposed on an offender. Offences and penalties for breach of the Regulations are set out in regulations 11 to 13 of the draft SI.
- 9.10.3. Licensing authorities will need to report to the UK Government on an annual basis the quantities and type of product licensed, to meet EU reporting requirements. For England and Wales the Information would be collected using the present mechanism for other information gathered – Local Pollution Control Statistical Survey (completed by local authorities). There is a similar mechanism in Northern Ireland for information relating to PPC.
- 9.10.4. Arrangements will be put in place to collect the necessary information in Scotland and, any additional information required for Northern Ireland using existing powers.

**Consultation question 13.** Are you content that the enforcement and offence/penalties provisions are: a) proportionate and b) sufficient to be effective in achieving their aims – compliance with the Directive?

**Consultation question 14.** Do you feel that all relevant offences have been included in part 5 of the draft SI

## 10. Guidance for licensing authorities

- 10.1. Defra and the devolved administrations, will develop a short guidance note to assist licensing authorities in operating the licence scheme. The guidance will be developed during the consultation period so it is available when the licensing scheme commences. Input from representative organisations will be sought in developing the guidance, which will need to include:
- Advice suggesting what factors should be taken into account when determining the period a licence should be valid for;
  - Guidance as to the estimated quantities of non-compliant products that might be expected to be required for different purposes.

**Consultation question 15.** Are there any other issues which you feel should be included in the guidance for the licensing authority?

## Section 5: Costs and benefits of options 1 and 2

### 11. Costs and benefits

11.1. The partial RIA assesses the costs and benefits, and includes estimates of the likely range of licence fees for individual users and companies. Licensing authorities will need to charge a licence fee as the net additional costs to local authorities/councils of setting up and administering a licensing scheme would need to be fully funded, as required under the Government's new burden rules.

**Consultation question 16.** Are you content that the partial RIA is a reasonable assessment of the costs and benefits arising from the implementation of the licensing scheme?

**Consultation question 17.** Are the costs of setting up and administering a licensing scheme reasonably presented? Do the proposed licensing authorities consider that they can recover their costs through fees as stated in the proposal?

## **Annex A – Declaration (licence application) to use non-compliant paint (see Schedule 1 of the draft Statutory Instrument)**

1. The name, address and telephone number of the applicant
2. The quantity (or an estimate) of the non-compliant product that the applicant intends to be obtain.
3. The category and sub-category of the non-compliant product that the applicant intends to obtain.
4. If known, the name, address and telephone number of the intended supplier of the non-compliant product.
5. If known and as applicable –
  - a. the location of the historic building;
  - b. the name and address of the owner of this historic building;
  - c. the name and model of the vintage vehicle, year of its original manufacturer, registration number and the name and address of the registered keeper of the vehicle;
  - d. details of the parts of the building or vehicle where the non-compliant product is to be applied.
6. A statement confirming that the applicant intends to restore or maintain an historic building or vintage vehicle using the non-compliant product stated in this declaration.
7. A statement confirming that the applicant has not made another application to another licensing authority in respect of the contents of the current applicant.
8. A statement confirming that the maker of the declaration believes that the information provided is true.
9. The date the declaration is made and the name and signature of the person making it.

## **Annex B - Sample completed declaration (licence application) to use non-compliant paint – individual or occasional user ('one-off' user)**

Below is an example of a declaration which might be completed by an individual applying for a licence (or business applying for a one-off quantity).

1. **[The name, address and telephone number of the applicant]** (In the case of a business this would be the business name and registered address.)  
Mr Fred Ferrari, 11 Brands Hatch Close, Kent, telephone 01999 555666.
2. **[The quantity (or an estimate) of the non-compliant product that the applicant intends to be obtain]** (combine with information required in 3 below.)(Also refer to Annex A of the Partial RIA.)  
20 litres of category 2, vehicle refinishing products, sub-category d, topcoat.
3. **[The category and sub-category of the non-compliant product that the applicant intends to obtain.]** (This should be combined with the information required in 2 above.)(Categories and sub-categories are listed in Schedule 1 of the 'Paints' Regulations available from the following weblink:  
<http://www.defra.gov.uk/environment/airquality/eu-int/eu-directives/paints-directive/index.htm>
4. **[If known, the name, address and telephone number of the intended supplier of the non-compliant product.]**  
Motorcar Specialist Paints Ltd, Ducatti Industrial Estate, Jaguar Way, Ford, West Yorkshire 01989 777444.
5. **[If known and as applicable –**
  - a. **the location of the historic building;**
  - b. **the name and address of the owner of this historic building;**
  - c. **the name and model of the vintage vehicle, year of its original manufacturer, registration number, and the name and address of the registered keeper of the vehicle;**
  - d. **details of the parts of the building or vehicle where the non-compliant product is to be applied.]**  
Name and model of vintage vehicle: Aston Martin DB4GT;  
Manufactured: 1961;  
Registration number JB007;  
Registered keeper: Mr Fred Ferrari;  
Registered address: 11 Brands Hatch Close, Kent.  
Full bodywork respray.
6. **[A statement confirming that the applicant intends to restore or maintain an historic building or vintage vehicle using the non-compliant product stated in this declaration.]**

I intend to use the products purchased, as specified in paragraph 2 and 3 above, only for the restoration or maintenance of my vintage Aston Martin.

7. **[A statement confirming that the applicant has not made another application to another licensing authority in respect of the contents of the current applicant.]**

I have not made another application to another licensing authority [SEPA/district council/local council] which duplicates this application.

8. **[A statement confirming that the maker of the declaration believes that the information provided is true.]**

I declare that to the best of my knowledge the contents of this declaration are true and accurate.

9. **[The date the declaration is made and the name and signature of the person making it.]**

1 September 200X, signed by Mr Fred Ferrari,

Fred Ferrari

## **Annex C - Sample completed declaration (licence application) to use non-compliant paint – estimated annual quantities – businesses frequently using non-compliant products**

Below is an example of the declaration which might be completed for businesses wishing to apply for a licence to purchase a quantity of non-compliant paints.

1. **[The name, address and telephone number of the applicant.]** (For a business this would be the registered address of the business applying)  
Ferrari Bodyworks, 11 Brands Hatch Close, Kent, telephone 01999 555666.
2. **[The quantity (or an estimate) of the non-compliant product that the applicant intends to be obtain.]** (see Annex A of the Partial RIA.)  
(In the case of businesses this should give details of the estimated quantities of non-compliant products (and sub-categories) which the applicant is applying to obtain. (We would suggest an estimate of the likely quantities needed **within a 12 month period**. It would also be useful to specify the likely number of vintage vehicles that would be refinished using the estimated quantities.)  
Estimate 200 litres of category 2, vehicle refinishing products, sub-category d, topcoat required in a 12 month period, and;  
100 litres of category 2, vehicle refinishing products, sub-category c(ii) primer, general metal primer required in a 12 month period.  
Estimated 20 vintage vehicles resprayed in a 12 month period.
3. **[The category and sub-category of the non-compliant product that the applicant intends to obtain.]** (This should be combined with the information required in 2 above.)(Categories and sub-categories are listed in Schedule 1 of the 'Paints' Regulations available from the following weblink:  
<http://www.defra.gov.uk/environment/airquality/eu-int/eu-directives/paints-directive/index.htm>
4. **[If known, the name, address and telephone number of the intended supplier of the non-compliant product.]**  
Supplier: Motorcar Specialist Paints Ltd, Ducatti Industrial Estate, Jaguar Way, Ford, West Yorkshire.
5. **[If known and as applicable –**
  - a. **the location of the historic building;**
  - b. **the name and address of the owner of this historic building;**
  - c. **the name and model of the vintage vehicle, year of its original manufacturer, registration number, and the name and address of the registered keeper of the vehicle,**
  - d. **details of the parts of the building or vehicle where the non-compliant product is to be applied.]**

Not known, I am a vehicle refinisher working on approximately 20 vintage vehicle per year.

6. **[A statement confirming that the applicant intends to restore or maintain an historic building or vintage vehicle using the non-compliant product stated in this declaration.]**

I intend to use the products purchased, as specified in paragraph 2 above, only for the restoration or maintenance of vintage vehicles undertaken in my business activities.

7. **[A statement confirming that the applicant has not made another application to another licensing authority in respect of the contents of the current applicant.]**

I have not made another application to another licensing authority [SEPA/district council/local council] which duplicates this application.

8. **[A statement confirming that the maker of the declaration believes that the information provided is true.]**

I declare that to the best of my knowledge the contents of this declaration are true and accurate.

9. **[The date the declaration is made and the name and signature of the person making it.]**

1 September 200X, signed by Mr Fred Ferrari, Managing Director, Ferrari Bodyworks

Fred Ferrari

## Annex D – Explanation of terms used

1. Paint(s) – the term ‘paint(s) when used within this document means any paint or product which falls within the scope of Directive 2004/42/CE. The complete list of product sub-categories is specified in Annex I of the Directive and in Schedule 1 of the implementing Regulations – the Volatile Organic Compounds in Paints, Varnishes and Vehicle Refinishing Products Regulations 2005 (Statutory Instrument 2005 No. 2773), available from the following weblink:  
<http://www.defra.gov.uk/environment/airquality/eu-int/eu-directives/paints-directive/index.htm>
2. Non-compliant paint(s) – the term ‘non compliant paint(s)’ when used in this document means any paint or product which does not comply with the limit values set out in Annex 1 of Directive 2004/42/EC at the time that the limit values are in force (and after the transitional periods provided for in Article 4).
3. Historic Building – the term ‘historic building’ when used in this paper, means a building designated by a competent authority as being of particular historical interest (see paragraph 7 regarding proposed definitions).
4. Vintage vehicle – the term ‘vintage vehicle’ when used in this paper means a vintage vehicle as defined in paragraph 7.2.1.