

# Licensing Committee

Tuesday 17 September 2013

## PRESENT:

Councillor Rennie, in the Chair.

Councillor Gordon, Vice-Chair.

Councillors Mrs Bowyer, Dreaan, K Foster, Jordan, Dr. Mahony, Monahan, Morris, Parker, Singh, John Smith, Kate Taylor and Wright.

Apology for absence: Councillor Mrs Nicholson.

Also in attendance: Ann Gillbanks, Senior Lawyer, Andy Netherton, Manager Health Safety and Licensing, and Katey Johns, Democratic Support Officer.

The meeting started at 10 am and finished at 10.39 am.

*Note: At a future meeting, the committee will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.*

## 14. DECLARATIONS OF INTEREST

There were no declarations of interest in accordance with the code of conduct.

## 15. MINUTES

Agreed the minutes of the –

- Licensing Committee held on 23 July 2013;
- Licensing Sub-Committees held on 23 July and 6 August 2013.

## 16. CHAIR'S URGENT BUSINESS

There were no items of Chair's urgent business.

## 17. SCRAP METAL DEALERS ACT 2013

The Director for Place submitted a report informing Members that existing law controlling the buying and selling of scrap metal had been repealed and replaced by the Scrap Metal Dealers Act 2013. In attendance to present the report and respond to any questions raised was Andy Netherton, Manager Health, Safety and Licensing.

The report outlined the key provisions of the Scrap Metal Dealers Act and the proposed local implementation arrangements, including the future role for Committee Members. Details of the report included –

- the dramatic increase in the international price of ferrous scrap metal over recent years had resulted in a significant increase in the theft and illegal trade of stolen metal, estimated to cost the economy £220m per year;

- a summary of current legal controls;
- that there were currently 24 scrap metal dealers or itinerant collectors registered with Public Protection Service with no registration fee payable;
- there were currently seven motor salvage operators registered with the Public Protection Service with a registration fee of £81.50 payable, lasting three years;
- a summary of the new Scrap Metal Dealers Act 2013 which –
  - made provision for two types of licence (valid for three years) –
    - a site licence (authorises any site in a local authority);
    - a collector’s licence (authorises the licensee to carry on a business as a mobile collector in a local authority area)
  - made it an offence for any scrap metal dealer, including collectors, to buy scrap metal for cash;
  - provided the police and licensing authorities with new powers to enter and inspect sites as well as close down unlicensed sites;
  - allowed local authorities to set licence fees from 1 September 2013;
  - came into full effect from 1 December 2013;
- the role of the Licensing Committee.

In response to questions raised, Members were informed that –

- (i) there was no specific training in relation to the new Act planned for Members, as the process for considering licensing applications would be the same. An element would, however, be included as part of Member’s annual Licensing training programmed for the start of the new municipal year;
- (ii) the definition of a scrap metal dealer was very wide and further guidance on the interpretation of this was still awaited from the Home Office;
- (iii) dealers who were new to the register would receive an initial site visit and be revisited after the first 12-months of operation;
- (iv) applicants and site managers would have to satisfy the licensing authority they were a suitable person to carry on a business as a Scrap Metal Dealer, this would include a requirement for a Basic Disclosure Certificate and consultation with the Police and the Environment Agency (future Home Office guidance in this regard was still awaited);
- (v) a national register of licences would be maintained by the Environment Agency;
- (vi) the three main offence-related areas were in respect of metal theft, waste management and fraud;
- (vii) only where relevant offences had been committed could two specified conditions be added – no other conditions were available – and those conditions related to:
  - restrictions on opening hours;
  - any metal received must not be altered until after 72 hours

- (viii) any cost to the authority would be borne by the fees charged;
- (ix) local authorities would be responsible for setting the fees (which had not yet been set), and Plymouth would be benchmarking with other authorities as well as holding discussions with the Devon Licensing Forum. It was recognised that if fees were set too high, people would look for ways to operate outside of the system;
- (x) it would not be possible to reduce fees for collectors that were already licensed by other authorities, the process regarding fees was set out and had to be followed. As such, there was no saving of time on checks so the same fees would apply;
- (xi) anyone wishing to register a new site would still require other relevant approvals such as planning;
- (xii) it was not known whether the Act applied to marine salvage but this would be investigated and a response reported back to Committee Members.

Members thanked the officer for his attendance and congratulated him on a well-written and easy-to-understand report. The Committee noted –

- (xiii) the contents of the report;
- (xiv) that the Licensing Sub-Committee will determine cases where an applicant or licensee has made a representation in response to a notice of proposal to refuse, vary or revoke a licence issued under the Scrap Metal Dealers Act 2013 in accordance with the Council's existing scheme of delegation.

Agreed that the Assistant Director and Head of Service responsible for the licensing function be authorised to –

- serve a notice of a proposal to refuse an application for a scrap metal dealer licence under the Scrap Metal Dealers Act 2013;
- serve a notice of a proposal to vary or revoke a scrap metal dealer licence issued under the Scrap Metal Dealers Act 2013;
- issue a notice of determination for the refusal, variation or revocation of a licence under the Scrap Metal Dealers Act 2013 where the applicant has not made representations to the authority in respect of the proposal to refuse or vary or revoke a licence.

## 18. **EXEMPT BUSINESS**

There were no items of exempt business.