

Licensing Committee – Meeting held on Monday, 30th September, 2013.

Present:- Councillors Davis (Chair), Dhillon, Malik, Mittal (Vice-Chair), Munawar, Plimmer, Rasib, Shah, Sohal and Wright

Apologies for Absence:- Councillor Aujla

PART 1

11. Declarations of Interest

None were received.

12. Guidance on Pre-determination/Predisposition - To note

Members confirmed that they had read and understood the guidance on Predetermination and Predisposition.

13. Minutes of the Last Meeting held on 18th July 2013

Resolved – That the minutes of the meeting held on 18th July, 2013 be approved as a correct record.

14. The Scrap Metal Dealers Act 2013

The Licensing Manager, outlined a report detailing the proposed fees and the Scheme of Delegation for the Scrap Metal Dealers Act 2013. The Committee was requested to consider the report in conjunction with the supplementary report which had been issued since the publication of the main agenda. The Officer highlighted that new guidance had been received resulting in new proposed fees and further advice also indicated that the matter of fee setting would be an Executive decision. A report on the Scrap Metal Dealers Act 2013, would be considered by Cabinet at its next meeting.

The Officer advised that the Act allowed Local Authorities to issue or refuse a license and revoke a licence where the Council was satisfied that the applicant or licence holder was not suitable.

Members noted the detail of enforcement requirements which included powers of entry to premises, and compliance with licence conditions. It was highlighted that Scrap Metal Dealers would be required to check the identification of people selling scrap metal the Act specified requirements in rations to detailed record keeping of the metal and payments. The Officer advised that there were currently 10 operators in Slough that would need to make applications under the new legislation. In addition the Licensing Office had received numerous queries from potential Applicants.

It was highlighted that the relevant provisions of the 2013 Act would come into force on 1st October 2013 and current registered operators would be required

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to make a new application between 1st and 15th October 2013. This would entitle operators to continue in operation until the application process was completed. Current operators would be required to suspend their business if they did not submit an application within this timescale, pending the outcome of their application.

Scrap metal operators who were not previously licensed would be required to make full new applications and would not be able to operate until their application has been determined.

The Officer discussed the setting of fees by the local authority and the requirement to have regard to the LGA and Government guidance. The Committee noted the proposed Scheme of Delegation for functions under the Act and that in most cases it is was thought applications would not be contentious and granted by a Licensing Officer. In other cases it was proposed that a Licensing Sub-Committee would have delegated powers to determine applications or licences. The Officer discussed the procedure for representations and appeals against refusal of an application.

In the ensuing debate, Members asked a number of questions of clarification regarding the new fee setting process and related fees. It was confirmed that The Act was introduced in response to the growing activity of scrap metal theft.

The Officer confirmed that individuals such as plumbers would be able to take small amounts of scrap metal to a yard for disposal. Companies where the disposal of metal was incidental to the main business would not be required to hold a licence.

Members questioned the level of proposed fees and were advised that discussions had been held with many other authorities to establish what was considered to be reasonable. The approved level of fees would be monitored and reviewed annually.

Resolved:

- a) That:
 - i) The proposed fees for all new Scrap Metal Licences as set out at Paragraph 5.4 of the supplementary report, and detailed at Appendix A of the supplementary report (subject to an annual review) be approved.
 - ii) The proposed Scheme of Delegation as contained in Appendix B of the report be approved subject to an amendment to indicate that the determination of fees will be decided by Cabinet.
 - iii) The proposed fees set out at Paragraph 5.4 of the supplementary report be referred to Cabinet, for review and approval.

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- b) That the Committee recommend to Council as interim policy documents:
 - i) the LGA Guide to the Scrap Metal Dealers Act 2013: Applications (Appendix C), and
 - ii) the LGA Scrap Metal Dealers Act - Enforcement Guide (Appendix D)
 - iii) the Scrap Metal Dealers Act 2013: guidance on licence fee charges (Appendix E)

pending a full policy document being put before the Committee, and

- c) That the Committee note that since the publication of the documents referred to in Paragraph 'b', the following regulations have been made:
 - i) *The Scrap Metal Dealers Act 2013 (Prescribed Relevant Offences and Relevant Enforcement Action) Regulations 2013, and*
 - ii) *The Scrap Metal Dealers Act 2013 (Prescribed Documents and Information for Verification of Name and Address) Regulations 2013.*

15. Date of Next Meeting

The date of the next meeting was confirmed as 29th October, 2013.

Chair

(Note: The Meeting opened at 6.30 pm and closed at 7.05 pm)