

LICENSING COMMITTEE

DRAFT MINUTES OF THE LICENSING COMMITTEE MEETING HELD ON 5 NOVEMBER 2013 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.

Present:

Cllr Desna Allen (Vice Chairman), Cllr Nick Blakemore, Cllr Allison Bucknell, Cllr Trevor Carbin, Cllr Sue Evans, Cllr Jose Green, Cllr Mike Hewitt, Cllr Simon Jacobs, Cllr George Jeans and Cllr Pip Ridout (Chairman)

Also Present:

Ian Brown (Head of Environment Services), Lisa Pullin (Democratic Services Officer), Paul Taylor (Senior Solicitor) and Peter White (Enforcement Manager)

23 Apologies

Apologies were received from Councillors Chris Caswill and Leo Randall.

24 Chairman's Announcements

The Chairman introduced Ian Brown who is the Head of Service for Environment and Peter White who is the Enforcement Manager. This is the team that have taken on the scrap metal dealer licensing functions.

25 Declarations of Interest

Councillor George Jeans declared a personal interest in Agenda item 5 due to the nature of his business and he stated that he intended to vote and speak on this item on the Agenda.

26 Public Participation

There were no members of the public present.

27 Setting of Fees - Scrap Metal Dealers Act 2013

Ian Brown (Head of Environment Services) introduced the report and explained to the Committee that the Scrap Metal Dealers Act 2013 came into force on 1 October 2013. Every scrap metal dealer will be required to have a licence and operating without one will be a criminal offence. The Council will be able to

refuse to grant a licence where the applicant is judged not to be a suitable person to operate as a scrap metal dealer.

A transitional period is running until 1 December 2013. During this transitional period any scrap dealers already registered under the old regime, who registered for the new regime before 15 October 2013, will be granted a deemed licence until the end of the transitional period.

The 2013 Act creates a fee raising power to allow local authorities to recover the costs stemming from administering and seeking compliance with the regime.

The Committee were being asked to agree the fees for scrap metal dealers as follows:

Collector's Licence: £350

Site Licence: £500

Each licence would last for three years, unless revoked by Wiltshire Council. The Council will only revoke a licence where the licence holder's circumstances change so that they may no longer be considered a fit and proper person.

The legislation obliges the authority to review its fees after twelve months, at which point any anomalies or inaccuracies can be accounted for and amended.

All known scrap metal dealers were written to to inform of the changes and 100 application packs for a licence were sent out. 70 of these have been sent back and the remaining 30 will be investigated after 1 December 2013.

Councillors sought clarification on a number of points and it was explained that the Act applied to persons carrying on a business that consists wholly or partly of buying or selling scrap metal. It was stated that if such buying/selling of scrap metal was only incidental to some other activity, then it would not get caught by the Act. What was 'incidental' would be a matter of fact in each case, but may also be the subject of case law, if any matters on this point went to Court. If there were to be such case law that affected the way that the Council implemented the Act, this would be reported to the Licensing Committee, for them to consider if/how that affected the Council's approach.

Resolved:

That the Licensing Committee sets the fees for the Scrap Metal Dealers Act 2013 as follows:

£350 for a Collector's Licence

£500 for a Site Licence.

The Licence fee will cover a three year period from 1 October 2013 with these fees to take immediate effect.

The Council will review its fee structure for the Scrap Metal Dealers Act within 12 months of this date.

28 **Dates of Future Committee Meetings**

The Chairman indicated that the next planned meeting of the Licensing Committee on Monday 2 December would be cancelled if the Public Protection Team had no business for the Committee to deal with. In that instance the next meeting would be on Monday 3 February 2014.

29 **Urgent Items**

There were no urgent items.

(Duration of meeting: 2.30pm to 2.50pm)

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