

DURHAM COUNTY COUNCIL

At a Meeting of **General Licensing and Registration Committee** held in Committee Room 2, County Hall, Durham on **Thursday 17 October 2013 at 10.00 am**

Present:

Councillor C Carr (Chairman)

Members of the Committee:

Councillors E Bell (Vice-Chairman), B Alderson, A Batey, D Bell, J Bell, P Crathorne, B Glass, B Graham, O Gunn, C Hampson, D Hicks, A Hopgood, K Hopper, I Jewell, J Lee, T Nearney, J Maitland, L Marshall, D Stoker and A Willis

Also Present:

C Rudman – Licensing Manager
C Greenlay – Principal Solicitor, Litigation
H Johnson – Licensing Team Leader

1 Apologies for Absence

Apologies for Absence were received from Councillors I Geldard, J Hart and P May.

2 Declarations of Interest

There were no declarations of interest received.

3 Minutes

The Minutes of the meeting held on 19 January 2012 were agreed as a correct record and were signed by the Chairman.

4 Scrap Metal Dealers Act 2013 - Guidance

Consideration was given to the report of the Head of Environment, Health and Consumer Protection which provided Members with information and guidance on the Scrap Metal Dealers Act 2013 (for copy see file of Minutes).

C Rudman, Licensing Manager presented the key features of the Act which sought to harmonise the previous scrap metal registration scheme and the motor vehicle salvage operators regimes.

The Act introduced a Site Licence which required all sites at which the licensee carried on business as a scrap metal dealer within the local authority area to be

identified, and a Collector's Licence which authorised the licensee to operate as a mobile collector in the area of the issuing local authority.

Members discussed the Guidance and implications of the legislation at length and asked a number of questions which were responded to by the Licensing Officers and the Principal Solicitor - Litigation.

In response to questions about application fees, the Committee was referred to the report which set out the factors that had been taken into account in calculating appropriate fees. As the legislation was new the costs were a prediction and would be subject to review on an annual basis. Durham County Council's proposed fees were found to be at a reasonable level when measured against other local authorities.

Members referred to trades other than scrap metal dealers who bought and sold scrap metal as a result of their business and asked if they would require a licence. The Committee was advised that a licence would not be required if the purchase or sale of scrap metal was ancillary to their business/trade.

Licensed collectors would be required to display their licence in every vehicle used to collect scrap metal. Employees of the licence holder did not need to be licensed.

An individual could not have both a Collector's Licence and a Site Licence from the same Licensing Authority. A Collector's Licence allowed the collector to operate door to door and did not permit the licensee to carry on a business at a site within any area.

In considering the process of dealing with hearings and delegations to Officers, the Committee was advised that the Act did not specify how Authorities should deal with these. Therefore Members' views were sought on which applications should be dealt with by Officers and which should be referred to the General Licensing and Registration Sub-Committees. This would assist Members and Officers in dealing with applications until the Policy was produced in 2014.

C Rudman advised that the Police may submit representations about a licence application where they believed that the applicant was not a suitable person, for example where the applicant had been convicted of a relevant offence. A lengthy discussion ensued on relevant offences and it was concluded that applications should be referred to the Sub-Committees when a relevant offence had occurred within the last 3 years or where there were 3 or more convictions.

It was also agreed that relevant offences and tariffs along the lines of those which were set out in the Hackney Carriage and Private Hire Licensing Policy should be applied to applications under the Scrap Metal Dealers Act 2013.

In discussing site licences Members asked about the location of some sites and the potential impact on neighbours. The Committee was of the view that operators should have planning permission before a licence was granted but were advised that this was not a specific requirement within the legislation, and in some cases may not be required, for example where there were permitted development rights.

It was therefore suggested that the Policy include a statement to the effect that a licence would not normally be granted without the appropriate planning permission, and that the application should ask for a Planning Reference Number. In addition it was suggested that the application should be accompanied by a plan with the site boundary identified. This should prevent encroachment beyond the site and assist in any enforcement action.

Reference was made to the Equality and Diversity statement contained in Appendix 1 of the report and it was suggested that the Policy should include an appropriate statement that all applicants would be treated equally by the Local Authority and that no decision taken under the Act would in any way discriminate against any person or group in society.

Following discussion it was **Resolved** that:

- (i) the draft Guidance under the Scrap Metal Dealers Act 2013 be noted;
- (ii) applications be referred to the General Licensing and Registration Sub-Committees in the following circumstances:-
 - (a) when a relevant offence had occurred within the last 3 years or;
 - (b) where the applicant had 3 or more convictions of any nature;
 - (c) adopt a similar tariff to that applied for offences in the Hackney Carriage and Private Hire Licensing Policy for further consideration by Members in the licensing of applicants under the Scrap Metal Dealers Act 2013;
- (iii) reference be made in the Guidance that a site licence would not normally be granted without the appropriate planning permission;
- (iv) each application for a site licence be accompanied by a plan with the site boundary identified, and include a Planning Reference Number where appropriate;
- (v) an Equality and Diversity statement be included in the Policy.