

## **SPECIAL LICENSING AND SAFETY COMMITTEE**

**Wednesday, 25<sup>th</sup> September, 2013 at 6.00 p.m.**

**In a Conference Room at the Council House, Walsall**

### **Present**

Councillor Clarke (Vice-Chairman)  
Councillor Anson  
Councillor C. Bott  
Councillor Cook  
Councillor S. Fitzpatrick  
Councillor Harrison  
Councillor Rochelle  
Councillor Sarohi  
Councillor Worrall

1531/13      **Apologies**

Apologies for non-attendance were submitted on behalf of Councillor's Douglas-Maul, Murray and Sears.

1532/13      **Declarations of Interest**

There were no declarations of interest.

1533/13      **Local Government (Access to Information) Act, 1985 (as amended)**

### **Resolved**

There were no items to be considered in private session.

1534/13      **Scrap Metal Dealers Act, 2013 – Fee setting levels**

The report of the Interim Regulatory Manager was submitted:-

(see annexed)

The Interim Regulatory Manager (John Beavan) enlightened on the report for the benefit of the Committee and indicated that the Council had been asked to delegate the functions, powers and responsibilities of the Scrap Metal Dealers Act, 2013 to the Licensing and Safety

Committee. The responsibility for the setting of appropriate fees had also been delegated to this Committee. The deadline for the fee setting exercise was 1<sup>st</sup> October, 2013 which had necessitated this special meeting.

John Beavan reminded the meeting of the problems associated with metal theft and an unregulated business which had led to the introduction of the 2013 Act. He added that fees for scrap metal dealers licences could be received after 1<sup>st</sup> October, 2013 and any applications submitted would have to be accompanied by the appropriate fee. He drew the Committee's attention to Appendix 1 to the report which contained Government guidance on fee setting levels and to Appendix 2 which showed how officers had calculated the fees set out in Section 4 of report.

Councillor Clarke asked if officers had benchmarked with other Local Authorities regarding the setting of fees. John Beavan replied that officers had discussed the level of fees with other authorities and Walsall's fees were in the middle range. He added that the extremely high cost of fees would be challenged by the industry and the cheapest ones would be insufficient to allow officers to monitor and check applications properly. A licence would be issued for 3 years.

John Beavan then drew the Committee's attention to two errors in Appendix 2. Under adverse information relating to collector's fees (page 2 of the Appendix refers) the cost of £14.02 had been omitted from the fifth column of the table and under compliance it should read one visit per year not two. This meant that the cost of a collector's fee was £184.54 which had been rounded up to £185.00.

Councillor Anson stated that he was happy with the report proposals provided it covered both scrap metal dealers businesses and mobile collectors. John Beavan confirmed that it did.

Councillor Clarke asked if scrap metal dealers vehicles would be plated like hackney carriage or private hire vehicles. John Beavan replied that scrap metal dealers would need to be licensed under the Act and mobile collectors would be required to display their licence on their vehicles.

Councillor Anson asked if the Police would be able to search scrap metal dealers premises. Dominic Patouchas (Legal Services) replied that the 2013 Act provided Local Authorities and Police Officers with increased powers of entry and inspection. He added that under the 1964 Act an applicant only had to register with the Local Authority. Under the new legislation he would have to obtain a licence from the Local Authority and the licence could be revoked if the licence holder was found to be unsuitable.

Councillor Cook asked if premises would be licensed for seven days a week. John Beavan replied that the Local Authority would be able to control hours of operation under the 2013 Act.

Councillor Harrison asked if existing scrap metal dealers would have a time period to apply for a licence under the new regime. John Beavan replied that the first licences would be issued on 1<sup>st</sup> December, 2013 allowing time for applicants to apply.

Councillor Clarke referred to the staffing for the proposals. John Beavan replied that a temporary Licensing Officer and Enforcement Officer would be taken on in the short term to deal with applications under the 2013 Act.

Councillor Rochelle asked if applicants would have to undergo a CRB check. John Beavan replied that applicants would be required to disclose relevant offences. If officers could not issue a licence under their delegated powers then the applicant had a right of redress to the Licensing Committee.

Councillor S Fitzpatrick asked if the Police would be able to stop unlicensed vehicles carrying scrap metal. John Beavan replied that they would. He added that Council Officers would assist the Police by inspecting scrap yards and the Police would stop scrap metal dealer's vehicles on the highway.

Councillor Wirral asked that if an operator owned a vehicle but several other people operated the vehicle would they all need to be licensed. John Beavan replied that the operator would need to be licensed but his assistants would not necessarily have to be licensed.

Councillor Rochelle asked if registered scrap metal dealers could be issued with a badge so that the public would know that they were licensed by the Authority. John Beavan indicated that he would like to see this suggestion implemented.

It was then **moved** by Councillor Clarke and **seconded** by Councillor Cook and duly

### **Resolved**

1. that the schedule of fees set out in Paragraph 4 of the report, as amended, be agreed as appropriate licensing fees under the provisions of the Scrap Metal Dealers, Act 2013 to be effective from 26<sup>th</sup> September, 2013;

and;

2. that Members note the delegated authorisation to discharge all of the functions of Walsall Council under the Scrap Metal Dealers Act, 2013.

**Termination of meeting**

There being no further business, the meeting terminated at 6.30 p.m.

Chairman .....

Date .....