

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee:	Licensing Committee	Date:	Tuesday, 10 September 2013
Place:	Council Chamber, Civic Offices, High Street, Epping	Time:	2.30 - 3.30 pm
Members Present:	Councillors K Angold-Stephens (Chairman), P Spencer (Vice-Chairman), A Boyce, K Chana, P Keska, L Leonard, H Mann, A Mitchell MBE, R Morgan, Mrs M Sartin, Mrs P Smith and Mrs T Thomas		
Other Councillors:	Councillors G Waller		
Apologies:	Mrs R Gadsby		
Officers Present:	A Mitchell (Assistant Director (Legal)), S Kitts (Licensing Officer) and A Hendry (Democratic Services Officer)		

1. Declarations of Interest

No declarations of interest were made.

2. SCRAP METAL DEALERS ACT 2013

The Committee noted the report on the impending changes to the regulatory regime for controlling scrap metal dealings to be implemented through the provisions of the Scrap Metal Dealers Act 2013, and the increased duties and powers which this gave to the Council.

Alison Mitchell, the Assistant Director (Legal) informed the meeting that this came into effect via a Statutory Instrument which required the Council to put it into place by the beginning of October. The draft policy attached to the report had in part been drawn up by the Essex Licensing Association. There was to be two types of licenses one for collections and one for the site. The authority will need to decide on the suitability of the person to hold a licence and not on the premises. In making this decision the authority will have regard to:

- Whether the applicant or any site manager has been convicted of any relevant offence;
- Whether the applicant or any site manager has been the subject of any relevant enforcement action;
- Any previous refusal to issue or renew a scrap metal licence;
- Any previous refusal for an environment permit or registration;
- Any previous revocation of a scrap metal licence; and
- Whether the applicant has demonstrated that there will be adequate procedures to comply with the Act.

The authority would also have the right to inspect their records.

Once an application had been received, the local authority must consult with any other local authority (if an application had been made or licence issued to the same applicant), the Environment Agency and the Police.

The meeting also noted the proposed fees set out in the supplementary report and the tabled sheets on how the figures had been calculated.

Councillor Smith asked if the Town and Parish councils qualified as local authorities to be consulted. Ms Mitchell said that as they were not looking at the site but the person; the Town or Parish Councils would be unlikely to give us the type of information set out in the Act and were not consultees mentioned in the legislation. However, officers could circulate this information to the local Councils for their information. Councillor Angold-Stephens noted that the sites would come under planning regulations.

Councillor Sartin asked if they would like to have separate collector's licences from each authority's area that they collected from. Ms Kitts, the Licensing Compliance Officer said that yes, they would. They should have an appropriate badge displayed on their collection vehicle.

Councillor Sartin then asked if they submitted an application would it be down to officer delegation to decide or would it come to the committee. Ms Mitchell replied that if there were no objections then officers would decide, if there were an objection then it would go to a Sub-Committee.

The Committee then discussed whether or not a householder was responsible for checking if a collector had an appropriate licence. It was noted that if any material was found fly-tipped and the offending material could be traced to a household then they could be prosecuted even if they gave it to a passing collector.

Councillor Morgan asked what kind of 'grandfather rights' did existing yards have and how far back would officers have to check for previous prosecutions. Ms Mitchell said that existing sites have to apply by 15th October. New applicants would have to apply by 1st October.

Councillor Mitchell asked if cash payments could still be used. She was told that there was a requirement that all transactions were recorded so that they could be traced back and should be made either by cheque or by electronic means.

Councillor Mitchell then asked if officers could carry out surprise inspections. Ms Kitts said that they could carry out unannounced inspections if warranted, but usually they were announced.

Councillor Spencer asked if draft guidance had been produced for all neighbouring authorities. He was told that Essex had produced a template for all authorities in Essex, so they should all be basically the same, with minor local amendments.

Councillor Mann asked if each company got an official council receipt book. Ms Kitts replied that they had a draft template that they could use. It was noted that a lot of people keep electronic records, such as spread sheets, that can be inspected by officers.

Councillor Angold-Stephens asked if regular yearly inspections would be carried out. He was told by Ms Mitchell that officers had put in one for the first year and then after would carry out an inspection if required.

Councillor Chana asked if inspections would be announced or unannounced. He was told that to start with they would be announced, but if we had any complaints then they would just turn up. Councillor Chana added that there should be at least one unannounced inspection and the meeting agreed this.

AGREED: that an unannounced inspection should be factored into our inspection programme.

The Committee expressed their concern about the manpower needed to administer this and noted that extra staff had been taken on. Ms Mitchell explained that she had kept our charges low to cover only one inspection a year, however if members wanted more than one inspection then the charges would have to rise correspondingly. She noted that if a problem was reported then an inspection would be arranged regardless. Also it should be noted that we were prohibited from making a profit from our charges. Although it should also be noted that we would make a loss in any case, as we cannot charge for enforcement.

Councillor Sartin proposed that the charges be raised to over the price of two inspections over the licensing period. This was agreed by the Committee.

AGREED: that the price of a licence be increased to cover the cost of two inspections.

The Committee debated whether an official Council receipt book should be supplied to the successful applicants but decided that as they did not handle any cash payments that it was not necessary. However, they recommended that this be kept under review.

Councillor Leonard wanted to know what the penalties would be for dealers that did not follow the rules. Ms Mitchell said that there were different rates for different offences. Councillor Boyce noted that there would always be an element of cash transaction that could not be traced.

Councillor Smith asked if the Committee members could have some training on this, the human rights aspects and the overarching policy for when these cases came to a sub-committee hearing. Ms Kitts said that this could be arranged.

AGREED: to arrange training for members on the Scrap Metal Dealers Act 2013.

Councillor Morgan asked who the dealers were registered with at present and was told that it was with the Environment Agency.

Councillor Sartin wanted to have a list of the six current sites registered at present in our district. Ms Mitchell said she would provide this.

The Committee on reviewing the draft policy wanted an extra item added to section 6, listing the circumstances in which members might refuse an application.

AGREED: to add a paragraph to section six of the policy on reasons for refusal of a licence.

Councillor Smith wanted the officer's efforts in producing this policy document acknowledged and the appreciation of the Licensing Committee recorded. This was agreed by the meeting.

RESOLVED:

That the Committee:

- (1) Noted the licensing requirements of the Scrap Metal Dealers Act 2013;
- (2) Agreed that the draft guidance subject to the amendments made, be the subject of a consultation;
- (3) Revised the licence fees for submission to the Council for approval;
- (4) Recommend to Council that Officers and the Sub-Committees were granted the necessary delegations as specified in the draft guidance so that these are in place at the commencement of the Act in October; and
- (5) Recommend to Council that the Director of Corporate Support Services and the Director of Environment and Street Scene be given delegated authority to authorize officers to carry out inspections of the sites and vehicles used and conduct investigations and to issue prosecutions that may arise under the Act.

3. Review of Licensing Sub-Committee Procedures

Councillor Morgan noted that a lot of extra meetings were being organised. Could officers send each member a list of what meetings they were scheduled to do in the near future.

AGREED: The Democratic Services Officer to supply a list to each member indicating which meeting they were assigned to.

Councillor Angold-Stephens noted that although there were a lot of extra meetings, it should be noted that this summer the Council had received only half the number of applications than they did last year. However, as they were restricted to hearing only one application per meeting and officers had to notify all residents within a 150 metre radius; this had contributed to the exceptional increase in the number of meetings. However, it was still too early to draw any firm conclusions. There were also concerns about costs such as the cost for the GIS service and for members travelling time.

It was also noted that officers were keeping a note of the numbers of the members of the public who attended these meetings.

4. Date of Next Meeting

The date of the next meeting was noted.

CHAIRMAN