

## **SCRAP METAL DEALERS DETERMINATION HEARING**

**MONDAY 17 MARCH 2014 at 2.00PM**

### **PRESENT:**

Councillor Dr Tickner (Finance, Governance and Resources Portfolio Holder)  
Mr M Lambert (Director of Governance)

### **OTHER ATTENDEES:**

Detective Sergeant Peter Goulston (Cumbria Police)

### **OFFICERS:**

Licensing Manager  
Licensing Officer

### **APOLOGY FOR ABSENCE**

There were no apologies for absence submitted.

### **DECLARATIONS OF INTEREST**

There were no declarations of interest affecting the business to be transacted at the meeting.

### **SMD.01/14 PUBLIC AND PRESS**

**RESOLVED** – That in accordance with Section 100A(4) of the Local Government Act 1972 the Public and Press were excluded from the meeting during consideration of the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in the paragraph number (as indicated in brackets against each minute) of Part 1 of Schedule 12A of the 1972 Local Government Act.

### **SMD.02/14 APPEAL AGAINST REFUSAL TO GRANT SCRAP METAL DEALERS COLLECTORS LICENCE (Paragraph 1)**

**Portfolio** Finance, Governance and Resources

### **Subject Matter**

The Licensing Officer submitted report GD.14/14 regarding the proposal to refuse an application for a Scrap Metal Dealers Collectors Licence.

The Applicant, JG, was in attendance at the meeting.

The Director of Governance outlined the procedure the Hearing would follow. The Applicant confirmed that he had received and read the Licensing Officer's report. The Director of Governance advised the Applicant that he had a right to be represented but he indicated that he did not wish to be so represented.

The Licensing Officer reported that an application for a Scrap Metal Dealer Collector's licence had been received from the Applicant. As part of their consideration of the application the Licensing Office had requested further information. The Applicant was informed that he was not able to trade in the area until his application was determined.

The Licensing Officer reported that the Licensing Manager had carefully considered the application, the Applicant's previous offence, the lack of bank account details as required by Schedule 1, paragraph (2)(1)(i) and the information supplied by the relevant Local Authorities, Cumbria Police and the Environment Agency. The Licensing Manager was not satisfied that adequate procedures would be in place to ensure that the provisions of the Act were complied with and he therefore proposed to refuse the application as he did not consider the Applicant to be a 'suitable person'. A Notice of Refusal had been sent to the Applicant which also informed him of his right to make representations against the decision.

In response to questions the Licensing Officer clarified the following:

- The Applicant's offence was not deemed a 'relevant' offence under the legislation but it could be taken into account in terms of the application as it related to the collection of scrap metal and the Hearing may have regard to any information which it considers relevant.
- The application was not a renewal, it was a new application.

Detective Sergeant Goulston addressed the Hearing. He stated that the combination of the Applicant's previous offence and his lack of a business bank account gave Cumbria Police cause for concern and as a result they felt that the Applicant was not a suitable person to deal in scrap metal in the area.

Detective Sergeant Goulston clarified that the Collectors Licence that the Applicant had applied for allowed him to pay for scrap metal by cashless means when it was collected, it did, however, prevent him from holding the scrap metal. He added that the change in the legislation to cashless payments had resulted in a 30% reduction in metal related crime.

The Applicant then addressed the Hearing. He outlined the details of his previous offence and explained that he had made a genuine mistake and had not understood the limitations of the licences he had held at the time. He had found the new legislation difficult to understand and had lost trade because he had to ask for identification from the people he was collecting from. He had been given conflicting advice from different local authorities on the licences that he had needed and had not fully understood the extent of the Collectors licence. He understood the need for a business bank account and agreed to take the necessary steps to open one. He added that his previous offence had been a mistake and he wanted to ensure that he had all the necessary licences in place.

In response to questions the Applicant clarified the following:

- All of the cheques he cashed were traceable to him.
- He did not pay for the scrap metal he collected.
- He had a paper trail showing where he had collected the scrap and where he sold it.
- He collected scrap from people who called him or by knocking on doors.
- He was self employed and could produce the relevant paper work.

The Licensing Officer reminded the Hearing of the relevant Legislation and outlined the options open to the Hearing.

The Applicant had nothing further to add.

The respective parties then withdrew from the meeting whilst the Hearing Panel gave detailed consideration to the matter.

## **RESOLVED**

That the meeting be adjourned until the 9 April 2014 at 9.45am. JG, the Applicant is requested to produce the following documentation to the Licensing Office no later than 12 noon on Thursday 3 April 2014:

- Evidence showing that the Applicant has set up a business bank account with cheque facilities in his name;
- Examples of his business records;
- Proof that he is registered self employed.

The evidence will be considered at the adjourned meeting and a decision on the application will be given at that time.

*The meeting was adjourned at 2.55pm until 9 April 2014 at 9.45am.*

## **SCRAP METAL DEALERS DETERMINATION HEARING**

**WEDNESDAY 9 APRIL 2014 at 9.50am**

### **PRESENT:**

Councillor Dr Tickner (Finance, Governance and Resources Portfolio Holder)  
Mr M Lambert (Director of Governance)

### **OTHER ATTENDEES:**

Detective Sergeant Peter Goulston (Cumbria Police)

### **OFFICERS:**

Licensing Manager  
Licensing Officer

The Licensing Officer summarised the resolution of the Scrap Metal Dealers Determination Hearing which took place on 17 March 2014 and was adjourned until today. In response to the resolution the Applicant had submitted the requested documentation to the Licensing Office on 1 April 2014, copies of which had been circulated to Members of the Hearing.

The Hearing discussed the submitted paperwork and asked JG for clarification on a number of points.

The respective parties then withdrew from the meeting whilst the Hearing Panel gave detailed consideration to the matter.

The Hearing Panel's decision was:

**CONSIDERATION OF AN APPLICATION FOR A SCRAP METAL DEALERS  
COLLECTORS LICENCE  
Section 1, Scrap Metal Dealers Act 2013**

This matter concerned the submission by JG of an application for a Scrap Metal Dealers Collectors Licence under the Scrap Metal Dealers Act 2013.

The Hearing had considered the application and had taken into account the evidence before it. In particular, it had listened to the submissions made by:

1. JG, the Applicant
2. Detective Sergeant Peter Goulston (Cumbria Police)
3. The Licensing Manager
4. The Licensing Officer

The Hearing had also considered written evidence in the form of a document from Lloyds Bank showing JG had opened a Sole Trader account, receipts for income and expenditure of JG's business and a Tax Self Assessment Notification as requested by the Panel.

After careful consideration, the Hearing Panel had decided to grant JG a Scrap Metal Dealers Collectors Licence for a period of three years.

The Hearing Panel was satisfied that the applicant was a suitable person to carry on a business as a Scrap metal Dealer in accordance with Section 3 of the Scrap metal Dealers Act 2013.

The Hearing Panel advised JG that his business records would be reviewed after six months.

The decision would be confirmed in writing.

(The meeting ended at 10.01am)