

COMMITTEE: LICENSING PANEL

DATE: 19TH NOVEMBER 2014

**SUBJECT: PROCEDURE TO DEAL WITH APPLICATIONS UNDER THE
SCRAP METAL DEALERS ACT**

REPORT BY: HEAD OF POLICY AND PERFORMANCE

CONTACT OFFICER: BERT SIONG

TEL: 01582 546781

IMPLICATIONS:

LEGAL ☒

COMMUNITY ☐

SAFETY

EQUALITIES ☐

ENVIRONMENT ☐

FINANCIAL ☐

OTHER ☐

STAFFING ☐

WARDS AFFECTED: ALL

PURPOSE

1. To seek the Panel's approval for the Procedure for dealing with applications under Scrap Metal Dealers Act 2013 ("the 2013 Act").

RECOMMENDATION

2. That the Panel approves the procedure for dealing with applications under the 2013 Act, attached as Appendix A;

BACKGROUND

3. Where the Council proposes to refuse an application for or to revoke or vary a Scrap Metal collectors Licence under the 2013 Act, and the Applicant has invoked their right to make representations, an oral hearing before the Council's Licensing Committee or any of its sub-committees must be held.
4. On 5th February 2014, the Licensing Committee delegated the power to hold oral hearings under the 2013 Act, to any of its sub-committees (Licensing

Panels), whilst retaining its powers to hold such hearings if considered appropriate.

5. The Procedure attached at Appendix A has been prepared for use by the Committee / Panels, in conducting oral hearings.
6. The Panel is requested to approve the Procedure under its delegated responsibility and use it in conducting oral hearings under Scrap Metal Dealers Act 2013.

LEGAL IMPLICATIONS

7. As indicated above, a hearing must be held under the 2013 Act where the Council proposes to refuse an application for a licence and the applicant makes representations, or where it intends to revoke or vary a licence. Any such hearings must be conducted in a manner which is fair to the applicant or holder of a licence. The Procedure for Oral Hearings attached for approval meets this requirement and, if followed by the Committee or Sub-Committee when an applicant appears before it, will ensure that all those concerned have a fair hearing. This has been cleared by Clive Tobin, Senior Solicitor, in Legal Services on 18th August 2014.

APPENDIX

Appendix A: Procedure for Oral Hearings at Licensing Committee / Panels under the Scrap Metal Dealers Act 2013.