

COUNCIL MEETING – 17TH OCTOBER 2013

Extract from the Minutes of the Constitution Committee Meeting on 19th September 2013

11 SCHEME OF DELEGATION FOR THE IMPLEMENTATION OF THE SCRAP METAL DEALERS ACT 2013

The Committee considered a proposed scheme of delegation for the Implementation of the Scrap Metal Dealers Act 2013 which would be coming into force on 1st October 2013.

The Act was designed to provide a more robust scheme for monitoring the scrap metal industry. A scheme of delegation needed to be put in place to allow for full implementation of the Act by the time the first applications under it were made to the Council.

Decisions on fees and charges and a policy needed to be made by the Licensing Committee, which was due to consider the matter at its meeting on 30th September.

RESOLVED

That

- (1) subject to the detail being worked up and approved by the Licensing Committee on 30th September, Council be recommended that:
 - (a) in so far as it is necessary as a matter of local choice, this function be specified as a non-executive function; and
 - (b) procedures and a scheme of delegation be set up to implement the Scrap Metal Dealers Act 2013 and to determine applications for licenses under the Act, taking account of the following principles:
 - policy is delegated to the Licensing Committee
 - the ability to set fees and charges is delegated to the Licensing Committee
 - a member decision making body (e.g. a licensing sub-committee) shall determine any applications where the applicant has indicated he/she is taking advantage of their opportunity for a hearing (i.e. after a notice has been given under Section 7 of the Act by the licensing authority stating it proposes to refuse the application, the applicant may ask for a hearing and the opportunity to make written or oral representations)
 - a member decision making body only may initiate a revocation of a licence.
 - a member decision making body only may impose conditions on a licence.
 - An officer should be empowered to make decisions in respect of approvals of licences and may refuse a licence in circumstances where the applicant has not expressed the wish to make

representations within the specified time after a notice has been served under Section 7 stating the licensing authority proposes to refuse the application.

- (2) Council be recommended to authorise the Interim Head of Legal Services and Monitoring Officer to make appropriate changes to the Constitution following the meeting of the Licensing Committee.

Extract from the Minutes of the Licensing Committee Meeting on 30th September 2013

19 IMPLEMENTATION OF THE SCRAP METAL DEALERS ACT 2013

The Committee considered a report regarding the provisions of the Scrap Metal Dealers Act 2013, which was designed to provide a more robust scheme for monitoring the scrap metal industry and would be coming into force on 1 October 2013.

The current overlapping regimes for the vehicle salvage and scrap metal industries would be incorporated in a single regulatory system that reflected the current scope of the scrap metal industry. Local authorities were being given the power to better regulate these industries by being able to refuse to grant a licence to 'unsuitable' applicants and to revoke licences if the dealer became 'unsuitable'.

RESOLVED: – That Council be recommended:

- (a) To approve the scheme of implementation and delegations, as set out in Appendix 2 to the report.
- (b) To approve the details of the Suitable Person Test to be employed by Cheshire East Council, as set out in Appendix 1 to the report.
- (c) To approve the following fees and charges in relation to Scrap Metal Dealers licensing activities:

Site Licence: £160.00

Collectors Licence: £160.00