

Minutes of the meeting of the **REGULATORY COMMITTEE** held at the Council Offices, Whitfield on Friday, 28 March 2014 at 10.03 am.

Present:

Chairman: Councillor B W Butcher

Councillors: S C Manion  
J M Smith  
R J Thompson

Also present: Applicant  
Applicant's Solicitor

Officers: Senior Solicitor  
Licensing Enforcement Officer  
Democratic Support Officer

588 APOLOGIES

An apology for absence was received from Councillor P S Le Chevalier.

589 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute members appointed.

590 DECLARATIONS OF INTEREST

There were no declarations of interest from Members.

591 EXCLUSION OF THE PRESS AND PUBLIC

It was moved by Councillor R J Thompson, duly seconded and:

RESOLVED: That, under Section 10(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the remainder of the business on the grounds that the item be considered involves the likely disclosure of exempt information as defined in the paragraph of Part 1 of Schedule 12A of the Act.

592 SCRAP METAL DEALERS' ACT 2013 - APPLICATION FOR A SCRAP METAL DEALER'S SITE LICENCE

The Committee considered the report of the Head of Regulatory Services on an application for a Scrap Metal Dealers Licence. The application was for a site licence which authorised the licensee to carry on business at any site in the authority's area identified in the licence.

The application had been referred to the Regulatory Committee as the Basic Disclosure from Disclosure Scotland had disclosed two previous convictions that were 'relevant offences' under the new Scrap Metal Dealers Act 2013 and were therefore relevant to any decision as to the applicant's suitability to hold a licence. As part of the application, the applicant confirmed that he was a registered waste carrier and was in possession of a valid permit, issued by the Environment Agency.

In accordance with the general procedure, Members offered the applicant the opportunity to present evidence concerning the circumstances surrounding the convictions. The Members were advised that the offences, which dated from 2010, would be spent as of 2015.

The Committee withdrew to consider the application. Upon reconvening the Senior Solicitor explained that advice had been given to Members in relation to sections 1 and 3 the Scrap Metal Dealers Act 2013. In particular, she had advised in relation to s.3(2), factors which could be taken into consideration and s.3(6), which states that the authority must have regard to the guidance from the Secretary of State on determining suitability. The Senior Solicitor also stated that she advised in relation to s.3(8), which dealt with imposition of conditions if the Committee considered it to be necessary.

RESOLVED: That, in accordance with s.3(1) of the Scrap Metal Dealers Act 2013, the Committee was satisfied that the applicant was a suitable person to carry on business as a scrap metal dealer and therefore a site licence be GRANTED without conditions.

(Councillor S C Manion made a Voluntary Announcement of Other Interests stating that he was a member of the Kent County Council Planning Committee.)

The meeting ended at 10.49 am.