

REPORT FROM: PLANNING, ECONOMIC DEVELOPMENT AND
REGULATORY SERVICES MANAGER

TO: LICENSING COMMITTEE

DATE: 23RD JULY 2019 10:00

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**PROPOSED REVOCATION OF A SCRAP METAL DEALER MOBILE
COLLECTOR'S LICENCE – GG & SONS**

PURPOSE OF REPORT

To consider revocation of a Scrap Metal Dealer Mobile Collector's Licence held by Mr. Gareth Greenwood, under the trading name GG & Sons.

RECOMMENDATIONS

The Committee is asked to consider the revocation of Mr. Greenwood's Licence under and in accordance with Section 4 (3) of the Scrap Metal Dealers Act 2013 – 'no longer satisfied the licensee is a suitable person to carry on a business as scrap metal dealer'.

The Committee may also choose to allow the Licence to continue until its expiry date.

ISSUE

A. Licence Holder

1. Mr. Greenwood's Scrap Metal Dealer Collector's Licence (MSMDC/18/0858) was granted in the trading name GG & Sons on 9th July 2018 for the standard period of three years, and is due to expire on 9th July 2021. A copy of the licence is attached as Appendix 1.
2. Mr. Greenwood's Licence allows him to collect scrap metal as a mobile collector within the Borough of Pendle. On application the address Mr. Greenwood gave as is his own was –

(a) 4 Beamsley Court, Skipton, North Yorkshire BD23 2SU.

3. As part of the application procedure Mr. Greenwood supplied details of the permit he used to carry waste metal. At the time of application Mr. Greenwood detailed his Waste Carriers Licence (Upper Tier) issued by the Environment Agency as number CBDU234632 in the name GG and Sons which was valid from 17th April 2018 to 17th April 2021:
 - (a) This is registered at the address: 4 Beamsley Court, Skipton, North Yorkshire BD23 2SU.

B. Details

4. Following complaints regarding a possible unlicensed vehicle breakers business and storage of scrap in a vehicle in Earby the Council's Licensing Enforcement Officer made enquiries and discovered that the vehicle belonged to Mr. Greenwood.
5. Following receipt of further complaints Mr. Greenwood was invited by letter to the Town Hall to attend a meeting with the Council's Licensing Enforcement Officer on 25th April 2019. Mr. Greenwood did not attend this meeting and as a result was telephoned on 29th April 2019. On this occasion Mr. Greenwood said he would not attend a meeting to discuss the issues. In the telephone call Mr. Greenwood confirmed he had moved to 133 Colne Road, Earby, something he had not made the Licensing Department aware of. Mr. Greenwood was asked to confirm his change of address in writing, something, to date, he has not done.
6. After more complaints regarding alleged unsafe storage and dangerous deposits from his vehicle Mr. Greenwood was, despite his earlier insistence, invited by letter to a further meeting on 8th May 2019 and warned that revocation of his licence may result from his non-attendance. Upon receipt of the letter Mr. Greenwood left a message on the department's answerphone to confirm he would not attend the meeting.
7. A copy of the Licensing Enforcement Officer's report into this matter is attached as Appendix 2. Documents referred to in the report are attached as Appendices 2A to 2I.
8. Mr. Greenwood was then written to on 14th May 2019 and told that revocation of his licence would now be sought;
 - (a) This is the standard process to commence the revocation procedure in accordance with Schedule 1 Section 7 (1) of the Scrap Metal Dealers Act 2013 ("the Act") (attached as Appendix 3).
 - (b) Given the above, it was now felt no other course of action was possible.
9. On 15th May 2019 Mr. Greenwood telephoned to say he would contest revocation of his licence and he was subsequently written to on 20th May 2019 and given until 25th June 2019 to make written representations.
10. On 24th June 2019 a letter was received from Mr. Greenwood confirming he would make oral representations at any hearing arranged and he would be representing himself.

C. Background Information

11. Under the Act there is no review procedure for scrap metal dealers and the only recourse of dealing with holders, where relevant offences are not committed, is by revocation of the licence.

12. Initially, as is the case for all types of licensing enforcement, dialogue should ideally be entered into or words of advice given to address concerns so courses of action, such as revocation, can be avoided.

13. In determining whether the holder is a suitable person, the authority may have regard to any information which it considers to be relevant, including in particular:

- (a) Whether the holder has been convicted of any relevant offence;
- (b) Whether the holder has been the subject of any relevant enforcement action;
- (c) Any previous refusal of an application for the issue or renewal of a scrap metal licence (and the reasons for refusal);
- (d) Any previous refusal of an application for a relevant environmental permit or registration (and the reasons for the refusal);
- (e) Any previous revocation of a scrap metal licence (and the reasons for the revocation);
- (f) Whether the applicant has demonstrated that there will be in place adequate procedures to ensure that the provisions of this Act are complied with.

(Section 3 (2))

14. The authority may consult other persons regarding the suitability of a holder, including in particular:

- (a) Any other local authority;
- (b) The Environment Agency;
- (c) The Natural Resources Body for Wales;
- (d) An officer of a police force.

(Section 3 (7))

D. Considerations

15. Section 4 (3) of the Act states that, "The authority may revoke a licence if it is no longer satisfied that the licensee is a suitable person to carry on business as a scrap metal dealer."

16. Section 4 (4) of the Act allows consideration of Sections 3 (2) to (7) of the Act to apply.

17. The Committee can also choose to allow the licence to carry on until its expiry date.

18. Under Paragraph 9 (1) of Schedule 1 to the Act a licensee may appeal to a magistrates' court within 21 days of the decision at which revocation was determined.

IMPLICATIONS

Policy:	There have been no changes to policy.
Financial:	None arising directly from the report.
Legal:	These are set out in the body of the report.
Risk Management:	None arising directly from the report.
Health and Safety:	None arising directly from the report.
Sustainability:	None arising directly from the report.
Community Safety:	None arising directly from the report.

Equality and Diversity: None arising directly from the report.

APPENDICES

1. Copy of Scrap Metal Dealer's Licence MSMD/18/0858;
2. Licensing Enforcement Officer's Statement:
 - a. Letter
 - b. Photograph
 - c. Photograph
 - d. Letter
 - e. Photograph
 - f. Photograph
 - g. Photograph
 - h. Letter
 - i. Copy of part of Application Form
3. Scrap Metal Dealers Act 2013.

LIST OF BACKGROUND PAPERS

None