

Licensing Enforcement Officer's Report

Officers were first made aware of issues in and around the Linden Road area of Earby after an on-line complaint was submitted, to the Council, on the 28th March 2019.

The original complainant alleged that an unlicensed vehicle breakers business had commenced operating at the rear of Linden Road and that that seemed to coincide with a scrap metal collection truck being parked on Hartley Street which had a sticker on the front giving the name 'GG & Sons Scrap Collections'.

Following on from this, officers commenced investigating the complaint and confirmed that Mr Gareth Greenwood was the holder of Scrap Metal Dealer Mobile Collectors Licence MSMDC/18/0858 and was trading under the name of 'GG & Sons'.

Another complaint was received by the Council on the 15th April 2019. The complainant alleged that Mr Greenwood's business was affecting local residents in that his scrap collection vehicle was parked almost permanently at the side of Linden Court flats which is a sheltered housing complex.

The complainant further alleged that Mr Greenwood regularly collected scrap in his car and then proceeded to throw the contents into the high sided scrap collection vehicle which, on one occasion, led to one of the objects almost hitting a passing dog walker. It was further alleged that debris such as broken glass, leaking oil or chemicals were running off the truck bed.

As a result of the complaints received, the Council's Licensing Enforcement Officer wrote to Mr Greenwood on the 17th April 2019 at the address held on file, 4 Beamsley Court in Skipton, requesting his attendance at a meeting at Nelson Town Hall on 25th April 2019, a meeting which Mr Greenwood failed to attend. A copy of the letter sent to him is attached as Appendix 2A.

Further correspondence, from the complainant, received on the 18th April 2019, informed Officers that five large propane bottles had been left, overnight, on the back of Mr Greenwood's vehicle which again was parked at the side of Linden Court flats. A photograph of the cylinders is attached to the report as Appendix 2B.

As the 18th April was the Thursday before Easter and the school holidays, the Enforcement Officer had serious safety concerns that the highly flammable bottles could be left in that location over the Easter period so he contacted the Police, by e-mail, to see if they could assist. The Police responded by confirming that an Officer had already visited the area the previous day when only one cylinder was on the vehicle. The Officer spoke with another complainant and advised them that they had no powers to deal with the problems caused by this vehicle and suggested that it required Council intervention.

A further complaint was received by Officers on the 23rd April regarding a large trampoline which had been placed on top of some scrap metal on the back of Mr

Greenwood's vehicle. The complainant was concerned that, as it didn't appear to be anchored down, if a gust of wind caught the trampoline, especially if the vehicle was moving, it could cause 'devastation.'

Additional complaints were also received on the 24th, 26th and 28th April alleging that the glass from a metal framed table placed in the back of his truck had shattered into tiny shards, a fluid was running off the back of the vehicle and that it had been parked on Hartley Street, over the weekend, gradually being filled higher with scrap. A photograph of the truck, taken on Sunday the 28th April is attached to the report as Appendix 2C.

As Mr Greenwood failed to attend the meeting at the Town Hall on the 25th April the Enforcement Officer telephoned him on the 29th April. During the conversation Mr Greenwood refused to attend a meeting citing an irrelevant section of PACE (Police and Criminal Evidence Act). He verbally confirmed that he had moved address to 133 Colne Road, Earby and he was asked to confirm that in writing. At the time of compiling this report Mr Greenwood has still not confirmed his new address in writing.

In order to try and resolve the issues, Mr Greenwood was sent another letter on the 30th April further requesting him to attend a meeting on the 8th May. A copy of this letter is attached to the report as Appendix 2D.

On the same day, Officers received another e-mail alleging that the scrap collection truck had been parked, for several hours, blocking the back street at the rear of Linden Road before being moved, after his evening rounds had finished, to the outside of the Cricket Club on William Street.

Upon receipt of the letter Mr Greenwood left a telephone message on the 1st May, asking what law he had broken, quoting a European Directive regarding storing scrap metal in a vehicle, referring to Section 4(3) of the Scrap Metal Dealers Act and that he'd not broken any law. Finally he said that he wouldn't be attending the meeting on the 8th May and he looked forward to seeing the Enforcement Officer in Court.

Later that day the Enforcement Officer visited Earby and found Mr Greenwood's vehicle parked up on Rostle Top Road. Although no scrap metal was on the vehicle there were numerous shards of glass strewn across the floor which confirmed the allegation made by the complainant on the 24th April. A photograph of the glass is attached as Appendix 2E.

Two weeks later on the 14th May, the complainant e-mailed to say that 'the truck had moved around a bit' but that the vehicle was parked, just over half full of scrap, at the junction of Linden Road and Rostle Top and, according to a neighbour, had been there for two days.

On Sunday 19th May the complainant forwarded a photograph, taken that afternoon, of the truck, laden with scrap metal, which was parked outside of a property on Linden Road. The photograph is attached to the report as Appendix 2F.

In addition to the current complaints the Council has received, on the 12th July 2018, which was only three days after the grant of his collectors licence, Mr Greenwood was spoken to, by the Enforcement Officer, whilst he was collecting scrap metal at the rear of Lower West Avenue in Barnoldswick.

In the vehicle with him was another male who confirmed that he was not directly employed by Mr Greenwood. Under the Scrap Metal Dealer's Act 2013 a mobile collector's licence covers any employee working for that business. If, as in this case, they are not directly employed by the licence holder then a separate collector's licence should have been obtained by the male.

It also transpired, during the conversation with Mr Greenwood, that he could not provide any details as to where he obtained the scrap metal from on the rear of his vehicle. Section 13 – 15 of the Act require licence holders to keep records of metal received and disposed of in addition to recording the details of the person it was received from together with the documents used to verify the name and address of the supplier and payment made. A photograph of Mr Greenwood's vehicle, taken at the rear of Lower West Avenue is attached as Appendix 2G.

As his licence was only issued three days previously, a decision was taken, on this occasion, to issue a warning. A letter, sent to Mr Greenwood confirming this course of action, is attached to the report as Appendix 2H.

When Mr Greenwood made his initial application on the 6th July 2018 he indicated, in Section 4 on his application form, that, any scrap metal that had been purchased would not be stored before disposal (weighed in). Had he confirmed, in the application, that he would be storing the scrap on his vehicle for prolonged periods, including overnight, prior to weighing it in, then permission for his licence would not have been granted. A copy of the relevant page in Section 4 is attached as Appendix 2I.

Whilst not directly associated with the collector's licence issued to Mr Greenwood, within the complaints received, local residents have expressed concerns that he also runs a second hand car business from his home address and indiscriminately parks various vehicles around the area causing access issues for them. One complainant describes Mr Greenwood and his spouse as being 'anti-social to say the very least' claiming that they 'have turned the neighbourhood on its head in recent weeks.'

This type of behaviour seems to be characteristic of the approach he has decided to adopt when contacted by the Council Officer in that he refused to attend a meeting on two occasions and he has failed, despite verbal and written requests, to formally inform Licensing Officers of his change of address.

Due to his previous non-compliance in July 2018, his recent total lack of co-operation in trying to resolve the issues that have been brought to the Council's attention and the fact that he is storing scrap metal on his vehicle for prolonged periods, Licensing Officers propose to revoke his licence as they are satisfied that Mr Greenwood is no longer a suitable person to carry on a business as a scrap metal dealer.