

**Minutes of a Meeting of the Licensing
Committee held at Surrey Heath House,
Camberley on 4 September 2013**

+Cllr Bill Chapman – Chairman
+ Cllr Ian Sams – Vice Chairman

+ Cllr Rodney Bates	+ Cllr Bruce Mansell
- Cllr Glyn Carpenter	- Cllr Ken Pedder
+ Cllr Mrs Vivienne Chapman	+ Cllr Chris Pitt
- Cllr Surinder Gandhum	+ Cllr Joanne Potter
+ Cllr David Hamilton	+ Cllr Pat Tedder
- Cllr Paul Ilnicki	+ Cllr Valerie White
+ Cllr Lexie Kemp	

+ Present
- Apologies for absence presented

Substitutes: Cllr Charlotte Morley substitute for Cllr Paul Ilnicki
Cllr Adrian Page substitute for Cllr Glyn Carpenter

04/L Minutes

The minutes of the meeting held on 29 May 2013 were signed by the Chairman.

PART I
(public)

05/L Scrap Metal Dealers Act 2013

The Committee was informed that the Scrap Metal Dealers Act 2013 had received Royal Assent on 28 February 2013, creating a revised regulatory regime for the scrap metal recycling and vehicle dismantling industries. Members were advised that the purpose of the Act was to introduce better regulation of the scrap metal industry. The Act stipulated that a dealer must obtain a licence in order to trade as a scrap metal dealer. There would be 2 types of licences: a site licence and a mobile collector licence.

It was reported that the Act required that an application for a licence must be accompanied by a fee. Whilst fees were to be set by the Local Authority on a cost recovery basis, the authority had a duty to have regard to the Guidance issued by the Secretary of State. Home Office guidance had suggested that, when setting fees, councils would want to take the following factors into account:

- All the activity required with processing and granting a licence such as considering applications and assessing the suitability of the applicant
- The costs of staff associated with supporting the service
- Support provided by other parts of the council to the licensing team such as legal services and any recharges there might be for rooms, heating and lighting from the centre of the authority
- The cost of providing advice and guidance to applicants on what will be a new process
- Carrying out inspections and ensuring compliance with the law.

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- Costs associated with consulting other agencies and bodies when considering if an applicant is a suitable person
- Working with any partners in ensuring compliance
- Issuing the licence
- Any officer time spent providing information for inclusion in the register of dealers.

It was noted that the fee could not be used to pay for enforcement action against unlicensed dealers.

The Committee was advised that meeting the provisions of the Act would be a function of the Licensing Committee and the Committee's Terms of Reference would therefore need to be updated accordingly. The Council would also need to consider delegating authority to the Executive Head of Community to carry out functions required by the Act.

It was also proposed that, if an applicant appealed an officer's decision to refuse a Licence, vary or impose conditions on a licence, or the revocation of a licence, the Licensing Sub Committee would consider the matter. The Licensing Sub Committee's Terms of Reference would consequently require updating to accommodate this function. Members noted that Schedule 1 of the Act provided an applicant with the right to appeal to a Magistrates' Court against a Licensing Sub Committee's decision.

The Committee was advised that, when issuing the licence, the Council had the power to include a condition that all scrap metal received must be kept in the form in which it is received for a specified period not exceeding 72 hours; it was, however, confirmed that this would only apply where the applicant or site manager had been convicted of a relevant offence.

RESOLVED that the Executive be advised to amend the Fees and Charges for 2013/14 to incorporate the fees for the licensing of Scrap Metal Dealers, as set out below:

Grant application (site 3 years)	£400
Renewal (site 3 years)	£400
Variation (site)	£200
Grant application (mobile 3 years)	£200
Renewal (mobile 3 years)	£200
Variation (mobile)	£100

RECOMMENDED that

- i) the Scheme of Delegation of Functions to Officers be updated as set out at Annex A to these minutes; and**
- ii) the Licensing Committee and Licensing Sub Committee's Terms of Reference be updated to incorporate the functions relating to the Scrap Metal Dealers Act 2013.**

06/L Gambling Act 2005 –Statement of Principles

The Committee was reminded that the Council had a statutory duty to adopt a Statement of Policy in order to exercise its functions under the Gambling Act 2005. The Council was required to review the Statement at least every 3 years. The current Statement would be in force until October 2013.

The draft Statement of Policy, which had been agreed by the Committee at its previous meeting, had been subject to a 3 month period of public consultation. No representations had been received during the consultation period.

The Committee was reminded that, although there were no racecourses or casinos within the borough at present, provision for such facilities had been retained within the Statement of Policy in order to provide for any future applications.

RECOMMENDED that the Statement of Policy for betting licensing, as attached at Annex B to these minutes, be adopted.

07/L Minutes of the Licensing Sub Committee Meetings

The Chairman signed the minutes of the Licensing Sub Committee meetings which had taken place since the previous meeting.

08/L Licensing Act 2003 – Summary of Decisions

The Committee received details of the decisions taken under delegated powers in respect of licence applications where no representations had been received from the responsible authorities or any other persons.

CHAIRMAN

Proposed Additions to the Scheme of Delegation of Officers

	FUNCTION	OFFICER	Non-Executive or Executive Function
	Scrap Metal Dealers Act 2013	Delegated to	
	To determine applications for a Scrap Metal Dealer Licence	Executive Head of Community	Non-Executive Function
	To determine a revocation of a Scrap Metal Dealer Licence	Executive Head of Community	Non-Executive Function
	To take any enforcement action in accordance with the Scrap Metal Dealers Act 2013	Executive Head of Community	Non-Executive Function