

Crawley Borough Council

Minutes of Licensing Committee

4 September 2013 at 7.30pm

Present:

Councillor B K Blake (Chair)

Councillor L S Marshall-Ascough (Vice-Chair)

Councillors M L Ayling, N Boxall, B J Burgess V S Cumper, C R Eade,
C J Mullins, C Oxlade, B J Quinn, D J Shreeves,
K Trussell and W A Ward

Officers Present:

Tony Baldock	Environmental Health Manager
Mez Matthews	Democratic Services Officer
Astrid Williams	Solicitor

Apologies for Absence:

Councillor D M Peck

1. Members' Disclosure of Interests

No disclosures of interests were made by Members.

2. Minutes

The minutes of the meeting of the Committee held on 12 November 2012 were approved as a correct record and signed by the Chair.

3. Scrap Metal Dealers Act 2013

The Committee considered report PES/120 of the Head of Planning and Environmental Services which provided detail regarding the new Scrap Metal Dealers Act 2013, proposed delegations of powers and a licence fee level. The Committee was informed that new legislation would come into force on 1 October 2013 and replaced the old registration system for scrap metal dealers with a licensing system. The Committee noted that the Council would be the licensing authority for the new scrap metal licensing regime for the Borough.

The Committee noted that the urgent action procedure had been used to update the Constitution to delegate the fee setting function for the new licences to the Licensing Committee to ensure that applications could be received and processed in time for the implementation of the Act.

In response to concern that the licence fees appeared high, the Committee's attention was drawn to Paragraph 8.3 of the report which stated that the licence fees had been calculated to recover the administrative expenses incurred to date shared equally amongst known traders and the administrative expenses arising from the processing of applications. It was proposed that the fees be reviewed after a three year period at which time they might be reduced as the initial start costs would no longer apply.

The Committee's attention was drawn to Paragraph 3.7 which explained the differences between the two types of scrap metal licence. The Committee acknowledged that criminal offences would apply nationally and a Disclosure and Barring Service (criminal record) check would raise any relevant offences which had been committed by a scrap metal licence applicant.

The Committee thanked the Environmental Health Manager for such a comprehensive report.

RESOLVED

1. That licence fees be set at £595.52 for a Site Licence and £514.27 for a Collectors' Licence, and that a licence would cover a period of 3 years;
2. That Full Council be recommended to:
 - (a) Approve the proposed delegations as set out in Appendix A to the report;
 - (b) Authorise the Head of Legal and Democratic Services to amend the Constitution to give affect to 2(a) above and to delete any delegations relating to legislation repealed by the Scrap Metal Dealers Act 2013.

4. Scheduling of Licensing Sub Committee Dates

At its meeting on 7 March 2012 (minute 30 refers) the Licensing Committee had agreed that the dates for meeting of the Licensing Sub Committee be set a year in advance. The advance setting of provisional dates had been in operation for 2012/13 and continued to be in use for 2013/14, however it had become apparent that only a few of the scheduled dates were being used and the majority of the scheduled dates had been cancelled. Although other Licensing Sub Committees had taken place, it had not always been possible to use the scheduled dates due to the tight timeframes in which Sub Committee must legally be heard.

The Police, Vice-Chair (in the absence of the Chair) and the Cabinet Member for Customer and Corporate Services (as Portfolio Holder) had agreed that the Committee be asked for a steer on whether provisional dates for Licensing Sub Committees should be set for 2014/15 and beyond.

The Committee considered the proposal, and although some members of the Committee were of the opinion that provisional dates were beneficial as they reminded Councillors to keep the date free, the majority of the Committee was in agreement that provisional dates for Sub Committees should no longer be set.

RESOLVED

That provisional Sub Committee dates cease to be set for 2014/15 and beyond.

5. Licensing Sub Committee Minutes

The minutes of the following meetings of the Licensing Sub Committee were approved as a correct record and signed by the Members indicated below:-

Date	Sub Committee Minutes	Minutes signed by
5 November 2012	Application for the Grant of a New Premises Licence – Marston’s PLC – ‘(New Build)’, Maidenbower Office Park, Balcombe Road, Crawley.	Councillor B J Burgess (Chair of the Panel)
30 May 2013	Application for a Personal Licence – Mr V Rajakumar. Summary of Part B Proceedings	Councillor D J Shreeves (Chair of the Panel) subject to minute 31a being amended to read as follows: “The Sub Committee gave further consideration to the application and to the relevant matters raised at the meeting. The Sub Committee considered the application against the promotion of the licensing objectives, particularly the prevention of crime and disorder objective. The Sub Committee carefully considered the objection from the Police, Mr Rajakumar’s evidence and the relevant guidance issued by the Secretary of State. RESOLVED That, having considered all the relevant matters it was appropriate to reject the application for the promotion of the crime prevention licensing objective. Mr Rajakumar’s application was consequently rejected.”

Date	Sub Committee Minutes	Minutes signed by
30 May 2013	Application for a Personal Licence – Mr V Rajakumar. (The information contained in these unabridged minutes was exempt from disclosure by virtue of Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972.)	Councillor D J Shreeves (Chair of the Panel)

6. Closure of Meeting

With the business of the Committee concluded, the Chair declared the meeting closed at 8.30pm.

**B K BLAKE
Chair**