

MINUTES OF A MEETING OF THE REGULATORY COMMITTEE HELD IN THE COUNCIL CHAMBER, COUNCIL OFFICES, CORKS LANE, HADLEIGH ON FRIDAY, 13 SEPTEMBER 2013

PRESENT: Mr A J Ward – Chairman

Mr D G Grutchfield
Mr R E Kemp

Mr N A Ridley
Mr R C Smith

The following Members were unable to be present:-

Mr M J Deacon, Mr J M Owen, Mr B Riley, Mr J R A Sayers and Mr L H Young.

1 DECLARATION OF INTERESTS

None declared.

2 MINUTES

RESOLVED

That the Minutes of the following meetings be confirmed and signed as correct records:-

Regulatory Committee

[21 June 2013](#)

Licensing and Appeals Committee

[21 June 2013 \(10 a.m.\)](#)

[21 June 2013 \(2 p.m.\)](#)

[2 August 2013 \(10.45 a.m.\)](#)

[2 August 2013 \(11.45 a.m.\)](#)

3 PETITIONS

None received.

4 QUESTIONS FROM MEMBERS

None received.

5 SCRAP METAL DEALERS ACT 2013

The Head of Environment submitted a report ([Paper N55](#)) proposing delegation arrangements for the discharge of the Council's functions under the Act. Members were aware that the Mid Suffolk Regulatory Committee will consider the same recommendations on 20 September, the intention being to develop an aligned scheme with a common fee structure.

The Corporate Manager – Licensing in introducing the report highlighted the effect of a recent court case (Westminster City Council) on setting fees. These could no longer reflect any element for enforcement, which would need to be covered from core funding and re-claimed where appropriate via court action. He was of the opinion however that the proposed draft fee levels would be sufficient, and that the new arrangements would be in place by the October start date despite the fact that further guidance on enforcement was still awaited from the Government.

The Corporate Manager referred to the Suffolk-wide approach to the new regime, his discussions with the Corporate Manager – Enforcement and the role of the police. He answered questions from Members, with particular reference to the effect on recycling disposals and incidental metal sales, the operation of the new inspection regime, the licensing of previously unlicensed operations and dealers, as opposed to the previous registration system, and the issue of metal theft. Members recognised the importance of making the general public aware of the prohibition on cash transactions, which was one of the main provisions of the new legislation, and noted that this aspect would be widely publicised. The Corporate Manager would provide a training session for Members and make a further report to Committee after a suitable period of operating the new system. There will be a periodic review of fee levels.

RECOMMENDED TO COUNCIL

- (1) That the discharge of all functions under the provisions of the Scrap Metal Dealers Act 2013 be delegated to the Head of Environment, with hearings of individual cases where the Head of Environment is minded not to grant a licence to be discharged by the Licensing and Appeals Committee acting as a Sub-Committee of the Council’s Regulatory Committee.**
- (2) That Part 3 of the Council’s Constitution be updated accordingly and that the Council’s Monitoring Officer be authorised to make the necessary amendments to the written Constitution to give effect to these changes.**

The business of the meeting was concluded at 10.05 a.m.

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Chairman