

**BRISTOL CITY COUNCIL
PUBLIC SAFETY AND PROTECTION COMMITTEE
2nd SEPTEMBER 2014**

Application for the Grant of Scrap Metal Dealers Site Licence

Applicant: Octavian Marin

Proposed trading name: N/A

Report of Service Manager – Regulatory Services

Purpose of Report

To determine an application for the grant of a Scrap Metal Dealers Site Licence.

Background

1. With effect from 1 October 2013 the Scrap Metal Dealers Act 2013 replaced the Scrap Metal Dealers Act 1964 and Motor Salvage Operators Regulations 2002. The new Act placed a requirement on all businesses involved in the buying or selling of scrap metal to be licensed by the Council. Existing dealers and operators, who were previously registered, were able to apply for a licence between 1 October and 15 October 2013 in order to continue to operate under the benefit of a deemed licence until their application was determined.
2. Conditions may only be attached to a licence if the applicant or site manager has been convicted of a relevant offence. One or both of the following conditions may be imposed in these circumstances:
 - (a) that the dealer must not receive scrap metal except between 9am and 5pm on any day;
 - (b) that all scrap metal received must be in the form in which it is received for a specified period, not exceeding 72 hours, beginning with the time it is received.

3. On 15 January 2014 Mr Octavian Marin applied for a Scrap Metal Dealers Site Licence in respect of 69 Whitehall Road, Bristol, BS5 9GB, which, if granted, would enable the applicant to trade lawfully at the above location. Mr Marin had previously applied for a Scrap Metal Dealers Collectors Licence on 29 October 2013 which was subsequently amended to a Site licence application on the above date.

Consultation

4. Consultation regarding the applicant's suitability to hold a licence has been carried out with Avon and Somerset Constabulary.

Consultation Response

5. Avon and Somerset Constabulary responded with the following information:

Convictions

Date	11/02/2011
Court	Bath and Wansdyke Magistrates'
Offence	Theft
Disposal	Fine £50.00

Date	08/07/2011
Court	Bath and Wansdyke Magistrates'
Offence	Theft
Disposal	Fine £65.00 Costs £20.00

Caution

Date	08/01/2014
Offence	Carrying on a business as a scrap metal dealer without authorisation

Police intelligence reported the two theft convictions referred to above related to the theft of scrap metal from a skip and theft of scrap metal from a garden.

The Caution related to collecting scrap metal without a licence and failing to record the details of the persons scrap metal was collected from.

6. In March 2014 Mr Marin provided a Basic Disclosure which records the convictions referred to above.

7. The Licensing Manager served a notice of proposal to refuse the application on Mr Marin on 13 May 2014. A copy of which is attached at Appendix A.
8. Mr Marin made representations against the proposal to refuse, a copy of which is attached at Appendix B.
9. Section 3 of the Scrap Metal Dealers Act 2013 states that a Council must not issue or renew a scrap metal licence unless it is satisfied that the applicant is a suitable person to carry on business as a scrap metal dealer. In making this assessment the Council may have regard to any information which it considers relevant including in particular:
 - (a) whether the applicant or any site manager has been convicted of any relevant offence; .
 - (b) whether the applicant or any site manager 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 the 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.

A Scrap Metal Dealers Site Licence expires at the end of a period of three years beginning with the day on which it is issued. However the licence may be revoked if:

- (a) It is satisfied that the licensee does not carry on business at any of the sites identified in the licence
 - (b) It is satisfied that a site manager named in the licence does not act as site manager at any of the sites identified in the licence
 - (c) It is no longer satisfied that the licensee is a suitable person to carry on business as a scrap metal dealer.
10. Mr Marin has been provided with a copy of the report and has been invited to the meeting.

RECOMMENDED the committee is asked to refuse the application

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985
Background papers

Contact Officer: Carl Knights, Senior Licensing Officer,
Neighbourhoods

Ext: Telephone 01179142502



**SCRAP METAL DEALERS ACT 2013
Section 5
Schedule 1, paragraph 7**

**NOTICE OF PROPOSAL TO REFUSE APPLICATION
RIGHT TO MAKE REPRESENTATIONS**

Bristol City Council, Licensing Office, Princess House,
Princess Street, Bristol BS3 4AG

TO: Mr Octavian Marin
OF: 69 Whitehall Road
Bristol
BS5 9BG

On 29 October 2013 the licensing authority received from Octavian Marin an application for the grant of a Scrap Metal Site Licence.

A Local Authority may not issue such a licence unless it is satisfied that the applicant is a suitable person to carry on business as a scrap metal dealer.

The Local Authority proposes to refuse your application because it has received the following information that it considers to be relevant in determining whether you are a suitable person to hold a scrap metal dealers licence: -

Convictions

Date	Court	Offence	Disposal
11/02/2011	Bath and Wansdyke Magistrates'	Theft	Fine £50.00
08/07/2011	Bath and Wansdyke Magistrates'	Theft	Fine £65.00 Costs £20.00

Intelligence has been received which the Police considered appropriate to disclose to the Licensing Authority concerning your suitability as a scrap metal dealer.

Caution

Date	Offence
08/01/2014	Carrying on a business as a scrap metal dealer without authorisation

Police intelligence reported the two theft convictions referred to above related to the theft of scrap metal from a skip and theft of scrap metal from a garden.


You may either make representations about the proposal to refuse the application, or inform the Local Authority that you wish to do so by the **3 June 2014**.

If you inform the Local Authority that you do not wish to make representations or you do not

respond to this Notice by the above date, the Local Authority may refuse the application.

If you inform the Local Authority that you wish to make representations a further reasonable period will be allowed to enable you to do so.

Where representations are received the Local Authority must consider them. If you inform the Local Authority that you wish to make oral representations you will be given the opportunity of appearing before a meeting of the Public Safety and Protection committee at a date and time to be arranged.

SIGNATURE		DATE	13 May 2014
	On behalf of the Licensing Authority		
Name of Officer Signing	Jonathan Martin Regulatory Compliance Unit Manager		

I am sorry it wasn't me taking the metal from the garden and the SKYP it was my driver. this won't happen again ever. so can you please let my authorisation to start normal because we tried it for 8 months and I still don't have an authorisation,

