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LICENSING & APPEALS COMMITTEE

Minutes of a Meeting held on Wednesday 22 January 2014 in the Council Chamber, Town Hall, Matlock at 10.30am.

PRESENT

Councillor Jean Monks - In the Chair

Councillors Tony Millward and Mike Ratcliffe

Brett Wilson (Barrister), Eileen Tierney (Licensing & Administration Officer), Beverley Booth-Jones (Legal Assistant) and Annette Reading (Democratic Services Assistant - Committees)

Mr Dale Archer – applicant

297/13 – ELECTION OF CHAIRMAN

It was moved by Councillor Tony Millward, seconded by Councillor Mike Ratcliffe and

RESOLVED That Councillor Jean Monks be elected as Chairman of the panel.
(Unanimously)

298/13 – SCRAP METAL DEALER'S LICENCE (SITE OR COLLECTOR'S)

It was reported that, in accordance with the Council's licensing procedures, Mr Archer's application for a Scrap Metal Dealer's Licence had been referred to the Licensing & Appeals Committee for determination. As part of the disclosure required from Mr Archer by the Scrap Metal Dealers Act 2013, a past conviction had been disclosed which would ordinarily have caused the Licensing & Administration Officer to refuse the application. The procedure set out in the 2013 Act allows an applicant whose application may be refused, to make representations to the Council and that the Council must consider those representations.

The Licensing & Administration Officer explained the circumstances of Mr Archer's referral to the Committee.

The Committee and the applicant were given an opportunity to question the Licensing & Administration Officer.

Mr Archer, the applicant, presented his case.

The Committee and the Licensing & Administration Officer were given an opportunity to question the applicant.

The Committee confirmed that they had enough information to determine the matter.

299/13 – EXCLUSION OF PUBLIC AND PRESS

It was moved by Councillor Jean Monks, seconded by Councillor Tony Millward and

RESOLVED That in accordance with Section 100(a) of the Local Government Act
(Unanimously) 1972 the public and press be excluded because it is likely that the nature of the business to be transacted would result in exempt information being disclosed.

The Committee resumed in public session.

300/13 - DECISION

It was moved by Councillor Jean Monks, seconded by Councillor Tony Millward and

RESOLVED That, having considered all the evidence put before it, the Committee
(Unanimously) determined:

That Dale Archer was suitable person to carry on business as a scrap metal dealer and that he would be granted as collectors licence to allow him to operate in Derbyshire Dales.

Reason for Decision

The reasons for the decision were as specified in the full Decision Notice, attached, which will be issued within 5 working days to all parties.

MEETING CLOSED – 11.15 am

LICENSING & APPEALS COMMITTEE DECISION

(Scrap Metal Dealer's Licence)

Record of proceedings of Derbyshire Dales District Council's Licensing & Appeals Committee held on 22 January 2014

Full name of Applicant: Dale Archer
Address 78 Lansdowne Road, Brimington, Chesterfield S43 1AY

Reason for attendance at the Sub Committee: Licence Applicant who had a criminal conviction. Determination by Committee on whether Mr Dale Archer is a fit and proper person.

CONSTITUTION OF COMMITTEE

Councillor Jean Monks (Chair)
Councillor Tony Millward
Councillor Mike Ratcliffe

NAMES OF OTHERS PRESENT (WRITE "NONE" WHERE APPROPRIATE)

Dale Archer - applicant
Eileen Tierney – Licensing & Administration Officer
Brett Wilson - Barrister
Beverley Booth-Jones – Legal Assistant
Annette Reading – Democratic Services Assistant - Committee.

Applicants' representative (state organisation if any)	Witness(es) NONE
The applicant presented his own case	NONE

1. The meeting was conducted in public, with the agreement of all parties.

The Committee withdrew into private session to consider its decision but stated that any legal advice offered during that time would be shared with those present when the meeting resumed.

2. Chairperson's note of evidence (ie concise details of all oral and written details put before the Committee)

Report from the Licensing & Administration Officer
Oral Representations from Mr Archer

2. Findings of Committee on questions of fact material to the decision (ie the relevant facts accepted from the evidence available):

Mr Archer's had a previous conviction for theft to which he had pleaded guilty at the magistrates' court.

There was another matter linked to the proceedings for the theft conviction but the 2013 Act stipulated that this was not relevant to this decision.

Mr Archer had been granted collectors licences in other districts.

Mr Archer had a knowledge of the procedures that a person who was operating as a collector of scrap metal had to follow in order to comply with the requirements of the 2013 Act.

4. Full text of **unanimous** decisions

That, having considered all the evidence put before it, the Committee determined:

That Dale Archer was a suitable person to carry on business as a scrap metal dealer and that he would be granted as collectors licence to allow him to operate in Derbyshire Dales.

5. Reasons for decision (ie an explanation of why, when applying facts to the statutory provisions, policy and guidance, where appropriate, a particular conclusion is reached, and, why, if it is not clear from Box 3, certain evidence has been accepted or rejected)

The Committee listened to the description of the offence given by Mrs Tierney and the report from the local police which provided some background to it. Having questioned Mr Archer about it, the Committee were satisfied that it was a low level offence to which he had had the good sense to plead guilty and that he had progressed since then.

The other matter linked to the proceedings for the conviction was not relevant and the Committee did not consider this when reaching its decision.

The Committee evaluated Mr Archer's responses to questions about the procedures to be followed, by him, under the 2013 Act and felt that he gave a credible account and that he was realistic in the practical steps that he would take to comply.

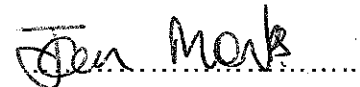
The Committee read the references that Mr Archer had supplied.

In conclusion the Sub-Committee determined that Dale Archer was a suitable person to carry on business as a scrap metal dealer.

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6. All parties are reminded that if they are unhappy with these decisions they have a right of appeal to the Magistrates Court within 21 days of receipt of this notice. (See details attached).

Date 22/1/14

Chairperson's Signature

A handwritten signature in black ink, appearing to read "Jen Mark", written over a dotted line.

APPEALS TO THE MAGISTRATES' COURTS

Many of the enforcement actions and decisions made by Derbyshire Dales District Council carry the right of appeal to the Magistrates' Court. This means that if you do not agree with the decision that the District Council has made you may contact the Magistrates' Court and ask them to formally review it. For example, anyone served with a formal enforcement notice has the right to appeal against that notice within 21 days of its service.

How do I make an appeal?

The right to appeal is normally set out on the reverse of the notice or in a letter that accompanies it.

The Derbyshire Dales District Council area is served by two Magistrates' Courts:

- North East Derbyshire and Dales Magistrates' Court, Tapton Lane, Chesterfield S41 7TW, Tel: 01246 224040, and
- Southern Derbyshire Magistrates' Court, St Mary's Gate, Derby DE1 3JR, Tel: 01332 362000

Which Court should I contact?

Generally speaking the North East Derbyshire and Dales Magistrates' Court serves the northern part of the District and Southern Derbyshire Magistrates' Court serves the southern part of the District.

The Court that you would need to contact to make an appeal will depend on the address to which the notice or other enforcement decision relates. If you are unsure which Court would deal with your appeal, we recommend that you contact one of them to check.

Where can I get help?

If you think you need help we would recommend that you speak to a solicitor who would be able to assist you with the Court processes.

The District Council is not able to recommend any particular firm of solicitors but would suggest you check in Yellow Pages or a local services directory.