

Application for: Scrap Metal Dealer – Collector’s Licence.

Submitted by: Mr John Noah Woolley 518 Hartshill Road
Hartshill Stoke on Trent
Staffordshire ST4 6AF

Ward(s) affected: All Wards in Newcastle under Lyme Borough.

Purpose of the Report

An application has been received from John Noah Woolley for the grant of a Scrap Metal Dealer – Collectors Licence

Recommendations

The Committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives.

1. Background

1.1 Mr Woolley has applied for a Scrap Metal Dealer Collector’s licence. A requirement of the application process is to provide a disclosure from Disclosure Scotland at a basic level. Mr Woolley did not have his DBS with him at the time of the application and completed and signed a Declaration of Convictions that his only offence was shoplifting in 2008 -2009. In view of this, the application was granted. When the DBS was received it revealed that Mr Woolley had been convicted of offences each year from 2006 to 2010 approximately 20 offences. A copy of the signed Declaration of Convictions and the DBS are at Appendix 1.

2. Issues

2.1 Section 3 (1) of the Scrap Metal Dealers Act 2013 provides that a Local Authority must not issue a Scrap Metal Licence unless it is satisfied that the applicant is a suitable person to carry on a business as a Scrap Metal Dealer.

2.2 Section 3 (2) of the Act provides, “In determining whether the applicant is a suitable person the authority may **have regard to any information which it considers to be relevant, including in particular –**

(a). whether the applicant or any site manager has been convicted of any **relevant offence.**”

2.4 The Scrap Metal Dealer Act 2013 Schedule 1 says:

“Offence of making a false statement.

(1) The local authority may request (either when the application is made or later) that the applicant provide such further information as the authority considers relevant for the purpose of considering the application.

5 An applicant who in an application or in response to a request under paragraph 4

(a) makes a statement knowing it to be false in a material particular, or
(b) recklessly makes a statement which is false in a material particular,

is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 (£1,000) on the standard scale.”

2.5 The Theft Act 1986, Offences relating to stolen goods:

“Handling Stolen goods

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(1) a person handles stolen goods if (otherwise than in the course of the stealing) knowing or believing them to be stolen goods he dishonestly receives the goods, or dishonestly undertakes or assists on their retention, removal, disposal or realisation by or for the benefit of another person, or if he arranges to do so”.

2.6 Since his application with the Council, Mr Woolley has also been licensed as a Scrap Metal Collector by Stoke on Trent City Council and Staffordshire Moorlands, copies of the licences are at Appendix 2.

2.7 Having considered the foregoing, do the Panel consider that Mr Woolley remains a suitable person to continue to hold a Scrap Metal Dealer Collector’s Licence.

2.8 Mr Woolley has been invited to attend the meeting and also make written submission in connection with his application. A copy is at Appendix 3.

3. Options

3.1 The Panel can:

- (a) to take no action (in which case the licence will continue for the full term of 3 years).
- (b) revoke the licence.

4. Proposal

4.1 That the Panel considers the options.

5. Reason for the Proposal

5.1 To continue to ensure the safety of the public using this form of transport.

6. Outcomes Linked to Sustainable Community Strategy and Corporate Priorities

6.1 In line with the Council’s objective – creating a safer Borough.

7. Crime and Disorder

7.1 Reducing the incidence of crime.

8. Human Rights

8.1 Article 6 (i) guarantees an applicant a fair hearing
Article 14 guarantees no discrimination

Date of hearing: Tuesday 1st April 2014