

Public Document Pack

Date Wednesday, 11th December, 2013
Time 7.00 pm
Venue Committee Room 1, Civic Offices, Merrial Street,
Newcastle-under-Lyme, Staffordshire, ST5 2AG
Contact Julia Cleary



Civic Offices
Merrial Street
Newcastle-under-Lyme
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ST5 2AG

Supplementary Agenda Cabinet

PART 1- OPEN AGENDA

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SUPPLEMENTARY REPORT

Scrap Metal Dealers Act 2013

Submitted by: (Democratic Services Manager)

Portfolio: (Environment and Recycling)

Ward(s) affected: (all)

Purpose of the Report

To seek approval that three Cabinet Members be given delegated authority to vary or revoke licences issued under the Scrap Metal Dealers Act 2013.

A hearing will need to be held to determine any revocations or suspensions.

Recommendation:

- That three Cabinet Members, be given delegated authority to vary or revoke licences issued under the Scrap Metal Dealers Act 2013.

Background

The Scrap Metal Dealers Act 2013 received Royal Assent on 28 February 2013 and took effect from October this year.

Section 3 of the Act states that the Council must not issue a licence unless it is satisfied that the applicant is a suitable person to carry on business as a scrap metal dealer. In assessing an applicant's suitability the Council can consider any information it considers relevant but the list specified in the legislation includes the following and a decision based on these factors will put the Council in a stronger position should it be asked to defend its decision:

- The applicant or site manager have been convicted of a relevant offence or subject to any relevant enforcement action
- The applicant has previously been refused a scrap metal dealers licence
- The applicant has previously been refused a relevant environmental permit or registration
- They had previously held a scrap metal dealers licence that has been revoked

Much of this information is set out in the application form and it is an offence for the applicant to make a false statement.

As part of the application process the applicant will be required to provide a basic disclosure certificate with the application form. Refusal by an applicant to supply a certificate would be grounds for the council to consider what further information it needs to judge whether the applicant is suitable.

In any case the Democratic Services Manager or relevant licensing officer will liaise with the Head of Environmental Health and the police prior to granting any scrap metal dealer licence.

At the present time, the Council's Scheme of delegation does not refer to the act.

This Council operates executive arrangements under the Local Authorities (Functions and Responsibilities)(England) Regulations 2000 All functions are Executive functions unless the regulations say otherwise. Although most Licensing Functions are exercisable by the Council this is

not the case with Scrap Metal Dealers. All functions in this connection are Executive functions and any delegations must be made by the Executive.

If the Council proposes to refuse, revoke or vary a licence then the applicant must be given notice of the reasons and be told that they can make representations. The representations need to be made within 14 days. If no representations are made then the Council may proceed with the desired course of action. If representations are made then they must be considered. If it is proposed by the Applicant that oral representations will be made then the Council must arrange a hearing.

If the Council refuses a licence, revokes or varies it then the applicant must be given notice of the decision and the reason for it. The notice must also detail the appeal provisions. The Applicant then has the right to appeal to the magistrates court within 21 days of the notice of decision.

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

REPORT TO CABINET

Date 11th December 2013

REPORT TITLE Appointment of Attendant to the Mayor of Newcastle under Lyme
Submitted by: Democratic Services Manager - Julia Cleary
Portfolio: Communications, Policy and Partnerships
Ward(s) affected: All

Purpose of the Report

To seek approval that the Head of Business Improvements and Partnerships , in consultation with the appropriate Portfolio Holder, be given delegated authority to formalise the appointment of the Attendant to the Mayor of Newcastle under Lyme (on a voluntary basis).

Recommendations

Cabinet is requested to delegate authority to the Head of Business Improvements and Partnerships following consultation with the appropriate Portfolio Holder as outlined above.

Reason

The appointment is currently an executive function and at present can only be authorised by the Cabinet.

1. **Background**

In July 2012, applications were invited from persons interested in accompanying the Council's Mayor to civic occasions both inside and outside of the Borough as directed by the Mayor, Deputy Mayor, Council Leader or Mayor's Secretary.

The Mayor's attendant is required to attend and assist at small receptions hosted by the Mayor in the Parlour at the Civic Offices some of which would be held in the evening.

Other duties carried out by the attendant include attendance at meetings of the Full Council, a number of events at weekends including the annual Mayor's Civic Service, Mayor's Ball, the Remembrance Day Parade and Civic mass. The attendant is also expected to carry out general housekeeping duties associated with the Parlour and the civic regalia and silverware.

A decision was made in July 2012 to appoint an individual to the post of Attendant to the Mayor.

2. **Issues**

This report formalises the appointment of the Attendant to the Mayor via delegated powers given to the Head of Business Improvement & Partnerships from Cabinet. This will allow the Council to clarify the basis for the appointment of the current post holder.

It is considered that, as the civil engagements aspect of the post will be limited, the Borough Council's most suitable and flexible option is for the Mayor's Attendant to remain self-employed

and for the Council to enter into a contract for their services, including undertaking official functions as and when required, subject to approved expenses being reimbursed. This would leave the post-holder free to derive additional income from elsewhere (should they wish to do so).

3. **Outcomes Linked to Sustainable Community Strategy and Corporate Priorities**

One of the Council's corporate priorities is "Creating a Borough of Opportunity". One of the key outcomes under this priority is around accessing opportunities for personal development and growth. The appointment of the Attendant to the Mayor was one such opportunity.

4. **Legal and Statutory Implications**

Contained in the report – the contents of the report have been developed with the appropriate legal advice.

5. **Equality Impact Assessment**

No issues have been identified – an open recruitment and appointment process was undertaken in July 2012 and this report confirms that appointment.

6. **Financial and Resource Implications**

If the Mayor's Attendant is appointed as referred to and a contract for services entered into with them it would be reasonable to reimburse expenses. This is quite normal in such appointments.

7. **Major Risks**

None identified

8. **Key Decision Information**

This is not a key decision and was not included in the forward plan.