

Notice of Meeting

Scrap Metal Dealer Hearings Sub-Committee

Date: Thursday 22 June 2023

Time: 9.30 am

Venue: The Annexe, Crosfield Hall, Broadwater Road, Romsey SO51 8GL

For further information or enquiries please contact:

Emma Silverton - 01264 368001

esilverton@testvalley.gov.uk

Legal and Democratic Service

Test Valley Borough Council,

Beech Hurst, Weyhill Road,

Andover, Hampshire,

SP10 3AJ

www.testvalley.gov.uk

Membership of Scrap Metal Dealer Hearings Sub-Committee

MEMBER

WARD

Councillor N Adams-King

Blackwater

Councillor D Drew

Harewood

Councillor P North

Bourne Valley

Scrap Metal Dealer Hearings Sub-Committee

Thursday 22 June 2023

AGENDA

- 1 Appointment of Chairman**
- 2 Apologies**
- 3 Declarations of Interest**
- 4 Procedure Rules** **4 - 5**

Procedure Rules for Scrap Metal Dealer Hearings Sub-Committee.
- 5 Exclusion of the Public** **6**

The following report is exempt.
- 6 Scrap Metal Dealers Licence - Hearing** **7 - 50**

To determine an application for a Scrap Metal Dealers Licence.

ITEM 4

Hearings Procedure Rules - Scrap Metal Dealer Hearings Committee

Procedure Rules for Cabinet Hearings Committee hearing of representations relating to Scrap Metal Dealers Licence applications and other matters.

Application

These Procedure Rules shall apply to all hearings of applications and other matters pursuant to the Scrap Metal Dealers Act 2013 and subordinate legislation and any amendments thereto.

Terms of Reference of the Hearings Committee:

1. The Committee will hear representations where the Head of Legal and Democratic Services is minded to refuse an application for a new licence, revoke an existing licence or vary an existing licence to add one or both of the mandatory conditions. All references to applicant should be taken to mean applicant or existing licence holder as appropriate.

Procedure for hearing licensing applications:

1. The Council's scheme of public participation will not apply.
2. A Chairman shall be appointed at the commencement of the meeting.
3. The Chairman will explain the procedure to all those present.
4. The Hearing shall take place in private. The Council has decided to exclude the public from all of the hearing as it considers that the public interest in so doing outweighs the public interest in the hearing taking place in public.
5. A party to whom notice has been given may attend the hearing and may be assisted or represented by a person whether or not that person is legally qualified.
6. The hearing shall take the form of a discussion led by the Committee.
7. To facilitate the discussion the following procedure will be followed in all cases:
 - (i) The Licensing Manager of the Council or his representative will present the facts of the application and any other relevant information, to the Committee.
 - (ii) The Applicant or his representative may address the Committee.
 - (iii) Any other parties present may address the Committee.

8. The Members of the Committee may ask any questions of the Licensing Manager or his representative, or of any party or other person appearing at the hearing.
9. Documentary or other evidence may be produced at the hearing with the consent of all the parties.
10. Where a party fails to attend or be represented and the Committee considers it necessary in the interests of facilitating ensuring a fair hearing, it may adjourn the hearing to a specified date or hold the hearing in a party's absence.
11. The Committee may require any person attending the hearing who in their opinion is behaving in a disruptive manner to leave the hearing and refuse to permit that person to return or permit him to return only on such conditions as the Committee may specify. Any such person may submit to the Committee in writing before the end of the hearing any information which he would have been entitled to give orally had he not been required to leave.
12. The Committee may ask questions of its legal adviser.
13. The Committee will deliberate in private.
14. The Committee may request advice in private of its legal adviser regarding the drafting of reasons.
15. The Committee will make its determination either at the conclusion of the hearing or within the period of five working days beginning with the day or the last day on which the hearing was held.
16. A record of the hearing will be taken in a permanent and intelligible form.

ITEM 5

Exclusion of the Public

Recommended:

That pursuant to Regulation 4 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the public be excluded from the meeting for the consideration of reports on the following matters on the grounds that they involve the likely disclosure of exempt information as defined in the following Paragraphs of Part 1 of Schedule 12A of the Local Government Act 1972, as amended, indicated below. The public interest in maintaining the exemption outweighs the public interest in disclosing the information for the reason given below:

Scrap Metal Dealers Licence - Hearing

Paragraphs 1, 2, 3 & 7

It is considered that the report contains exempt information within the meaning of paragraphs 1, 2 & 7 of Schedule 12A of the Local Government Act 1972, as amended. It is further considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information because the information relates to a named individual, could reveal the identity of an individual and relates to action taken in connection with the prevention, investigation, or prosecution of crime.