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LICENSING SUB-COMMITTEE

MD SPARES -SCRAP METAL ACT HEARING

AGENDA

10.30 am	Tuesday 29 March 2016	Council Chamber - Town Hall
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Members 3: Quorum 2

COUNCILLORS:

Linda Van den Hende (Chairman) Phil Martin Frederick Thompson

> For information about the meeting please contact: James Goodwin - 01708 432432 james.goodwin@onesource.co.uk

Protocol for members of the public wishing to report on meetings of the London Borough of Havering

Members of the public are entitled to report on meetings of Council, Committees and Cabinet, except in circumstances where the public have been excluded as permitted by law.

Reporting means:-

- filming, photographing or making an audio recording of the proceedings of the meeting;
- using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
- reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later if the person is not present.

Anyone present at a meeting as it takes place is not permitted to carry out an oral commentary or report. This is to prevent the business of the meeting being disrupted.

Anyone attending a meeting is asked to advise Democratic Services staff on 01708 433076 that they wish to report on the meeting and how they wish to do so. This is to enable employees to guide anyone choosing to report on proceedings to an appropriate place from which to be able to report effectively.

Members of the public are asked to remain seated throughout the meeting as standing up and walking around could distract from the business in hand.

AGENDA ITEMS

1 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS

(if any) - receive

2 DISCLOSURE OF INTERESTS

Members are invited to disclose any interest in any of the items on the agenda at this point of the meeting.

Members may still disclose any interest in an item at any time prior to the consideration of the matter.

3 CHAIRMAN'S ANNOUNCEMENT

The Chairman will announce details of the arrangements in case of fire or other events that might require the meeting room or building's evacuation.

4 **REPORT OF THE CLERK** (Pages 1 - 6)

Procedure for the hearing – Scrap metal Dealers Act 2013.

5 MD SPARES, UNIT 5, SALAMONS WAY, RAINHAM, RM13 9UL - APPLICATION FOR A SITE LICENCE UNDER THE SCRAP METAL DEALERS ACT 2013 (Pages 7 - 24)

To consider an application for a site licence, under the Scrap Metal Dealers Act 2013 for MD Spares, Unit 5, Salamons Way, Rainham, RM13 9UL.

Andrew Beesley Committee Administration Manager This page is intentionally left blank

LICENSING SUB-COMMITTEE

Subject Heading:

Report Author and contact details:

Procedure for the Hearing: Scrap Metal Dealers Act 2013

James Goodwin – 01708 432432 james.goodwin@onesource.co.uk

PROCEDURE FOR THE HEARING: SCRAP METAL DEALERS ACT 2013 (APPLICATION FOR A SITE LICENCE)

This is a hearing to consider an application for a site licence under Schedule 1, Paragraph 7(8) of the Scrap Metal Dealers Act 2013. The Licensing Act 2003 (Hearings) Regulations 2005 will govern the arrangements for the hearing of the application now under consideration. This report accords with the requirements of that Act and the Regulations, and in particular Regulations 21-25 (procedure at the hearing).

1. Membership of the Sub-Committee:

- 1.1 The Sub-Committee comprises three members of the Licensing Committee, with a quorum of two members. Unless there are objections, in the absence of three members, the hearing shall proceed with the quorum of two.
- 1.2 A member of the Licensing Committee will be excluded from hearing an application where he or she:

1.2.1 is a Ward Councillor for the Ward in which the premises, subject to the application, are located; or

1.2.2 has a personal interest in the application.

2. Roles of other participants:

2.1 The Legal Advisor is not a party to the hearing. The role of the Legal Advisor is to provide legal advice relating to the application and submissions.





2.2 The Clerk is not a party to the hearing. The role of the Clerk is to record the hearing and the decisions of the Sub-Committee, and ensure efficient administration

3. Chairman's Briefing meeting:

- 3.1 Prior to this hearing, the Sub-Committee Chairman will have met the Legal Advisor and/or Clerk to determine whether further clarification is required of any issues contained in the review application or any representation.
- 3.2 During this representation validation meeting, no decision will have been made or discussion held regarding the substantive merits of the review application or representations.

4. Location and facilities:

- 4.1 All hearings will be heard at the Havering Town Hall unless otherwise directed.
- 4.2 Interpreters will be provided by the Council on request, provided notice is given at least five working days before the hearing.

5. Notification of attendance:

5.1 The Chairman will enquire of the parties who is in attendance and the parties will indicate their names (and, where relevant, whom they represent). A register will be circulated before the commencement of the hearing on which the applicant, his/her advisers and companions and all interested parties (and/or their representatives) will be asked to record their attendance.

6. **Procedural matters**:

- 6.1 Prior to the commencement of the hearing, the Chairman of the Sub-Committee will orally inform the parties whether their applications to have certain people attend the hearing (e.g. witnesses) have been granted or refused. Note this relates to people other than those attending on behalf of a party in the capacity as a representative of the party.
- 6.2 Prior to the commencement of the hearing the Chairman of the Sub-Committee will outline the procedure to be followed at the hearing. This will normally be as follows:

Introduction of the application:

The party requesting the review will outline:

- details of the application and relevant representations received from the parties;
- relevant legislation ;
- relevant Licensing Policy; and
- the time limit in which the Council must reach a determination.

Documentary evidence:

- Documentary or other information in support of applications, representations or notices should be provided to the Clerk of the Sub-Committee at least 7 clear working days before the hearing. If this information is produced at the hearing it will only be taken into account by the Sub-Committee if the Sub-Committee and all the parties consent to its submission. Permission to have this information included in the hearing should be requested at the beginning of the hearing before any oral submissions have been made.
- Statements made by people in support of a party's representation who are not present at the hearing, must be signed by the maker, dated and witnessed by another person. The statement must also contain the witness's full name and occupation.

Representations:

- The Chairman will invite each of the parties at the hearing or their representative sequentially to address the Sub-Committee and call any person/s to whom permission has been granted to appear. Each party will be allowed a maximum period of 10 minutes in which to address the Sub-Committee and call persons on his/her behalf.
- This 10 minute period is where each party has the opportunity to orally address the Sub-Committee and clarify any points on which the Sub-Committee has sought clarification prior to the hearing. This 10 minute period should be uninterrupted unless a member of the Sub-Committee or Legal Advisor considers that the speaker is making submissions that are irrelevant, frivolous or vexatious.
- Members of the Sub-Committee may ask questions of any party, at any time during the proceedings. Time taken in dealing with a Member's question will not be taken into account in determining the length of time available to the party in question to make their representation.

The sequence in which each of the parties will be invited to address the Sub-Committee will normally be in the order of:

- the Chief Officer of Police;
- the Applicant;

7. Failure of parties to attend the hearing:

7.1 If a party, who has not given prior notice of his/her intention not to attend the hearing, is absent from the hearing the Sub-Committee may either adjourn the hearing or hold the hearing in the party's absence. Where the hearing is held in the absence of a party, the Sub-Committee will still consider the application, representation or notice submitted by that party.

8. Sub-Committee's determination of the hearing:

- 8.1 At the conclusion of the hearing the Sub-Committee will deliberate in private accompanied by the Clerk and the Legal Advisor who will be available to assist the Sub-Committee with any legal problems but will not participate in any decision making of the Sub-Committee.
- 8.2 The Sub-Committee will normally make its determination and announce its decision at the end of the hearing.
- 8.3 Where all parties have notified the Sub-Committee that a hearing is not required the Sub-Committee must make its determination within 10 working days of being given notice that the hearing is not required.

9. Power to exclude people from hearing:

- 9.1 The public are entitled to attend the hearing as spectators. However, the Sub-Committee may exclude any person from the hearing including any person assisting or representing a party where:
 - it considers that the public interest would be best served by excluding the public or the individual person from the hearing; or
 - that person is behaving in a disruptive manner. This may include a party who is seeking to be heard at the hearing. In the case where a party is to be excluded, the party may submit to the Sub-Committee in writing any information which they would have been entitled to give orally had they not been required to leave the hearing.

10. Recording of proceedings:

10.1 A written record of the hearing will be produced and kept for 6 years from the date of the determination of the hearing.

11. Power to vary procedure:

11.1 The Sub-committee may depart from following any of the procedures set out in this document if it considers the departure to be necessary in order to consider an application, notice or representation.

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REPORT



LICENSING SUB-COMMITTEE

29 March 2016

Subject heading:

Report author and contact details:

MD Spares Unit 5 Salamons Way, Rainham, RM13 9UL Scrap Metal Dealers Act – Site Licence Paul Campbell, Licensing Officer 5th floor Mercury House x 2766

This application for a Site Licence is made by MD Spares Limited under section 1 of the Scrap Metal Dealers Act 2013. The application was received by Havering's Licensing Authority on 10th February 2016.

Geographical description of the area and description of the building

Salamons Way is an industrial area of Rainham situated at the very south of the Borough of Havering, it is off Ferry Lane near the junction with Coldharbour lane.

Unit 5 is the area shaded on the map attached to my report this is on the south side of Salamons Way, Unit 5a is part of this full unit, I am not sure at the time of writing this report which part is classed as Unit 5a.

Unit 5 Salamons Way is a site licensed under the Scrap Metal Dealers Act 2013 to Car Breakers (Int) Ltd (licence number 016474)

On 3rd February 2016 I was involved in a joint authority inspections of premises in Salamons Way

I entered Unit 5 with a view to speak with the Site Manager of Car Breakers (int) Ltd Mr Maimouna Balde,

I noticed that the office area had changed from my previous visit. I spoke to Mr Michalis Nazm who told me that his business MD Spares was now operating at the premises he said was 5a Salamons Way.

It was quickly established that MD Spares was operating without a licence under the Scrap Metal Dealers Act and I served a Closure Notice on the premises.

The Environment Agency also spoke to Mr Nazm about not having the correct waste disposal certificates in place for the site. (this is now in place)

My actions of serving a Closure Notice on the 3rd February prompted Mr Michalis to apply for the Site Licence for his premises on the 10th

On the application form Mr Nazm puts himself down as the sole director of MD Spares Limited and as the Site Manager

Also on the form it states

"Have you, any listed partners, any listed directors, or any listed site manager(s) in this application ever been convicted of a relevant offence or been the subject of any relevant enforcement action?"

The "No" box was ticked

"If 'yes' you must provide details for each conviction, the date of the conviction, the name and location of the convicting court, offence of which you were convicted and the sentence imposed"

This area was left blank

A Basic Disclosure from Disclosure Scotland was included with the application which recorded no convictions

A copy of the application form and disclosure are attached to my report.

When an application is received by the licensing section various checks are made one of these is with the Metropolitan Police, on 23rd February PC Oisin Daly the police licensing officer made a representation against the application stating that they consider Mr Nazm not to be a suitable person under the Scrap Metal Dealers Act 2013.

Section 3(1) of the Scrap Metal Dealers Act 2013 states

"A local authority 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" Other parts of section 3 indicate what is relevant when determining an application.

Section 3 of the guidance deals with the application process and section 6 of the refusal of a scrap metal dealers licence.

To this end because of the police representation a letter was sent to Mr Nazm by e-mail and post on 29th February of my proposed decision to refuse the application giving until midnight on 15th March for him to make a representation against my proposal (the email and letter included the police representation)

A copy of my letter is attached to my report

On 14th February a representation and supporting documents were received from Mr Nazm by e-mail.

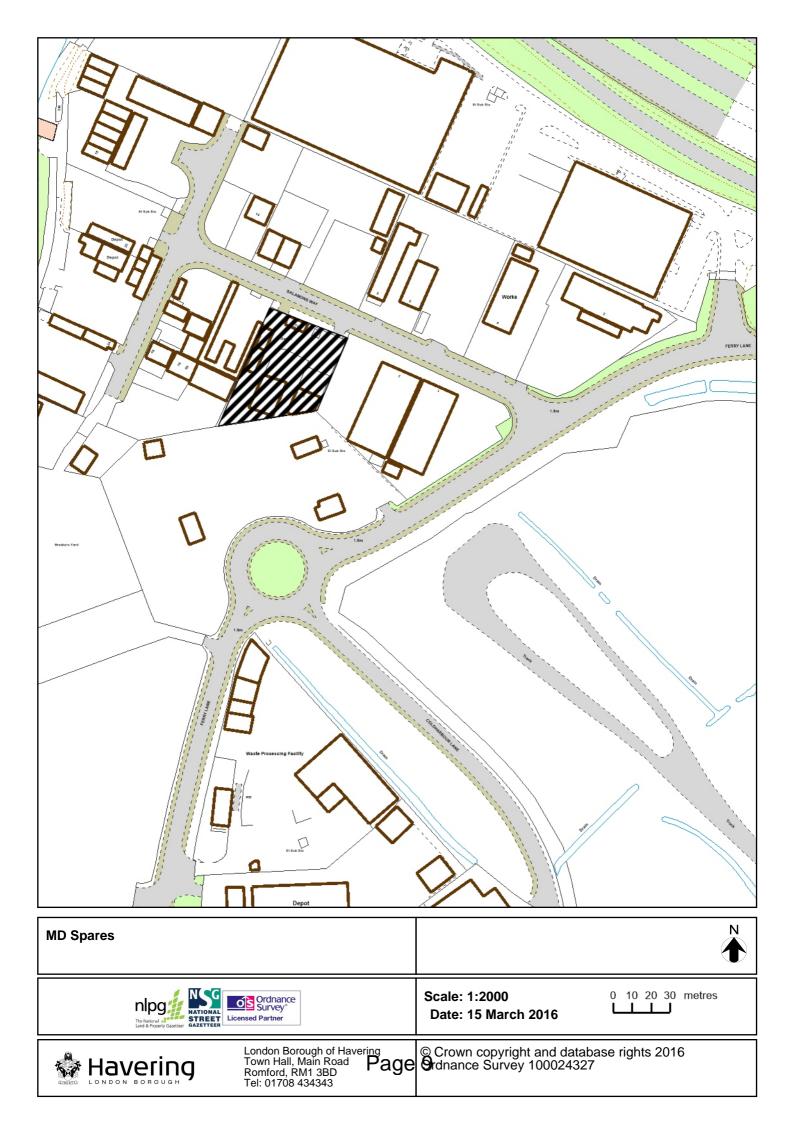
These documents are attached to my report

The "Scrap Metal Dealers Act 2013 Determining suitability to hold a scrap metal dealers licence"

Outlines what information may you have regard to?

The regard and circumstance that local authorities should deal with convictions that are held as "Spent"

It also mentions the circumstances and conditions that can be imposed on a licence.





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Application for a Scrap Metal Licence

Please indicate the type of licence you are applying for (please tick):	
A site licence 🛃 A collector's licence	
Are you applying as (please tick):	
An individual A company A partnership	
Please state your trading name: MDSPareS	
Is this application for a grant of a new licence or a renewal (please tick the relevant box):	
Grant of a new licence I Renewal of an existing licence	
If 'yes' please provide your existing licence number:	
Please provide details of any relevant environmental permit, exemption or registration (such as a scrap metal dealer or a motor salvage operator) in relation to the applicant:	
Type: Waste carrier Identifying number: CBD486405 Date of issue: 3.02.16	
Type: Identifying number: Date of issue:	
Continue on a separate sheet if necessary	
Please provide details, including licence number, of any other scrap metal licence issued by any authority to the applicant within the last 3 years (please use a continuation sheet if necessary):	
Are you registered as a waste carrier? (please tick)	
Yes 🗹 🖋	
If 'yes' please provide your carrier's registration number: $CBDu86405$	

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مراد میرید میشود و در بای میرید میرید و در مربق میروند و میرود. به است. این است. از این از این	
Details of prospective licence holder	
Title (please tick):	I am 18 years old or over. Please tick
Mr Mrs Miss Ms Other	Yes No
(please state):	Date of Birth: 07.09.1967
Surname: MICHALIS	Forenames: NAZM
Position/Role in the business: Director	
I attach a Basic Disclosure Certificate issued for the applicant by Disclosure Scotland 1: Yes Yes No	
If you do not provide a disclosure certificate your	application may be delayed or rejected.
Contact details (we will use your business addr we should use your home address).	ess to correspond with you unless you indicate
Business Address: 5	Telephone numbers: 07 886997411
Head office name or house name or number:	Daytime: 01708253412
First line of address: SaLaMONS	Evening:
way RainHam	Mobile:
Town/City:	
Postcode: RM13 9UL	
Home Address: 1 Deri avenu	Lingii gooress (ii you would preier us to l
House name or number:	correspond with you by email)::
First line of address:	M_ DIMITROVA @ Hot
ESSEX	Mail.com
Town/City:	
Postcode: RM13 9LX	Please note that you must still provide us with a postal address.

1 Further information about Basic Disclosure Certificates and Disclosure Scotland are set out in the explanatory notes accompanying this form.

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Site details. Please list the details for each site where you propose to carry on business as a scrap metal dealer in this local authority area. If you operate more than two sites in the area please provide details for each site on a continuation sheet. [N.B- If the applicant operates multiple sites within a licensing authority area, provision should be made for more than one site manager]	
Full address of each site you intend to carry out business as a scrap metal dealer:	Site manager(s) details (if different from the applicant)
Site 1 Name or number: UNIT 5 First line of address: SALAMONS WAY Town/City: RAINHAM, ESSEX Postcode: RM13 9UL Telephone number: 01708253 412 07886997411 Email address: M_DIMITROVA@HOT MALL.COM Website address: NOA	Name: MICHALIS NAZM House name or number: 1 First line of address: DERI AVENUE Town/City: RAIN HAM, ESSEX Postcode: RMI3 9LX Date of Birth: $07/09/1967$ Basic Disclosure certificate attached: Yes WNO 2
Site 2 Name or number:	Name:
First line of address:	House name or number: First line of address:
Town/City:	Town/City:
Postcode:	Postcode:
Telephone number:	Date of Birth:
Email address:	Basic Disclosure certificate attached:
Website address:	Yes 🗌 No 🛄

2 If you do not provide a disclosure certificate issued for named persons by Disclosure Scotland issued no more than three months before the date of this application may be delayed or rejected.

Partnerships (If you are applying as a partnership, please provide the following details in respect of each partner – where there are more than two partners then please use a continuation sheet)	
Full name:	Full name:
Date of birth:	Date of birth:
Residential address:	Residential address:
Basic Disclosure certificate attached:	Basic Disclosure certificate attached:
Yes 🗌 No 🔲 3	Yes 🗌 No 🗍
Companies (If you are applying as a company please provide the details set out below about the company)	
Company name: MD SPARES LIMITED	
Registration number: 9387172	
Address of the registered office: Companies House, Cardiff	
Please provide the following details for each director(s), shadow director(s) and company secretary where these are different from the applicant and site manager(s) – where necessary please use a continuation sheet.	
Role: director	Role:
Name: MICHALIS NAZM	Name:
Date of Birth: ∅7 - 0 9 - 1967	Date of Birth:
House name or number: 1	House name or number:
First line of address: DERI AVENUE	First line of address:
TOWN/City: RAINHAM, ESSEX	Town/City:
Postcode: RM13 9LX	Postcode:
Basic Disclosure certificate attached:	Basic Disclosure certificate attached:
Yes 🗹 No 🗌 4	Yes 🗌 No 🗌

If you do not provide a disclosure certificate issued for named persons by Disclosure Scotland issued no more than three months before the date of this application your application may be delayed or rejected. If you do not provide a disclosure certificate issued for named persons by Disclosure Scotland issued no more than three months before the date of this application your application may be delayed or rejected. 3 4

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Please provide details of any site in the area of any other local authority at which the applicant carriers on business as a scrap metal dealer or proposes to do so:	
Address:	
Postcode:	
Please name the local authority which has licensed this site, or to whom applications have been made if before commencement of the Scrap Metal Dealers Act 2013:	
Please continue on a separate sheet of paper if necessary.	
Only applicable to sites established after 1 Nove	mber 1990
Do you have planning permission (please tick)	
Yes 🗹 No 🗔	
Details of prospective licence holder	
Title (please tick):	I am 18 years old or over. Please tick
Mr Mrs Miss Ms Other	Yes No
(please state):	Date of Birth:
Surname:	Forenames:
I attach a Basic Disclosure Certificate issued for the applicant by Disclosure Scotland 5:	
Yes 🗌 No 🗔	
If you do not provide a disclosure certificate your application may be delayed or rejected.	
Contact details (we will use your business address to correspond with you unless you indicate we should use your home address).	

5 Further information about Basic Disclosure Certificates and Disclosure Scotland are set out in the explanatory notes accompanying this form.

Business Address:	Telephone numbers:
Head office name or house name or number:	Daytime:
First line of address:	Evening: Mobile:
Town/City:	
Postcode:	
Home address:	Email address (if you would prefer us to correspond with you by email):
House name or number:	
First line of address:	
Town/City:	
Postcode:	Please note that you must still provide us with a postal address
Where will scrap metal that has been purchased be stored before further disposal?	
House name or number:	
First line of address:	
Town/City:	
Postcode:	
Will not be stored	
Will your business consist of acting as a motor that:	salvage operator? This is defined as a business
 wholly or in part recovers salvageable parts from motor vehicles for re-use or re-sale, and then sells the rest of the vehicle for scrap; wholly or mainly involves buying written-off vehicles and then repairing and selling them off; and, wholly or mainly buys or sells motor vehicles for the purpose of salvaging parts from them or repairing them and selling them off. 	
(please tick)	
Yes 🖌 No 🗌	

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The information contained in this form is true and accurate to the best of my knowledge and belief. I understand that if I make a material statement knowing it to be false, or if I recklessly make a material statement which is false, I will be committing an offence under Schedule 1 Para 5 of the Scrap Metal Dealers Act 2013, for which I may be prosecuted, and if convicted, fined.

I understand that the local authority to whom I make my application may consult other agencies about my suitability to be licensed as a scrap metal dealer, as per section 3(7) of the Scrap Metal Dealers Act 2013, and that those other agencies may include other local authorities, the Environment Agency, the Natural Resources Body for Wales, and the police.

I understand that the purpose of the sharing of this data is to form a full assessment of my suitability to be licensed as a scrap metal dealer. I also understand that the sharing of information about me may extend to sensitive personal data, such as data about any previous criminal offences. Some details will also be displayed on a national register, as required by the Scrap metal Dealers Act 2013. I hereby expressly consent to this processing of my data and display of relevant information on the public register.

Signed:

Date: 05.02.16

Back (https://www.wastecarriersregistration.service.gov.uk/registrations/finish?locale=en)

Certificate of Registration under the Waste (England and Wales) Regulations 2011

Regulation authority		
Name	Environment Agency	
	National Customer Service Centre	
	99 Parkway Avenue	
Address	Sheffield	
	S9 4WF	
Telephone number	03708 506506	

The Environment Agency certify that the following information is entered in the register which they maintain under regulation 28 of the Waste (England and Wales) Regulations 2011.

Carriers details	
Name of registered carrier	MD Spares Limited
Registered as	an upper tier waste carrier
Registration number	CBDU86405
Address of place of business	MD Spares Limited Unit 5 Salamons Way Rainham Essex RM13 9UL
Telephone number	07886997411
Date of registration	Wednesday 3rd February 2016
	Page 19

Making changes to your registration

Your registration will last 3 years and will need to be renewed after this period. If any of your details change, you must notify us within 28 days of the change.



Public Protection

London Borough of Havering Toen Hall Main Road Romford RM1 3BB

t 01708 432777 *e* licensing@havering.gov.uk *text relay* 18001 01708 432777 Date 29 February 2016

www.havering.gov.uk

1 Deri Avenue Rainham RM13 9LX

Mr Michalis Nazm

Your Reference: My Reference: PPC//SR 017657

Dear Mr Michalis Nazm

Scrap Metal Dealer – Site Licence MD Spares, Unit 5, Salamons Way, Rainham, RM13 9UL

With regards to your application under the Scrap Metal Dealers Act 2013 for a site licence, which was submitted on the 9th February 2016.

I have received an objection to the application by the Metropolitan Police. Their objection is considered valid. Therefore I am proposing to refuse your application.

If a local council proposes to refuse an application, it must give the applicant notice of the proposed decision. The applicant then has 14 days in which to make representations.

Therefore you have <u>until the 15th March 2016</u> to submit a representation on why you consider that you should be granted a licence despite the objection by the Metropolitan Police. A copy of which is enclosed in this letter.

Should you submit a representation, then the application will be submitted for consideration by the Council. Following that consideration, you will be informed of the final decision with reasons.

If you do not make a representation, then the application will be refused.

Further information regarding the process can be found in the Scrap Metal Dealers Act 2013 and the Scrap Metal Dealers Act Guidance.

Cont....

Public Protection Bringing together Environmental Health & Trading Standards

Clean • Safe • Proud

Yours faithfully

ner

Paul Campbell

Public Protection Bringing together Environmental Health & Trading Standards

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HAVERING 1965-2015

Page 22

From:	Paul Campbell
Sent:	29 February 2016 11:46
То:	'maria dimitrova (m_dimitrova@hotmail.com)'
Subject:	Important Notice Proposed Refusal of Application
Attachments:	Proposed refusal.pdf; Police objection.doc

Dear Sir

It is proposed to refuse your application under the Scrap Metal Dealers Act 2013, please see the attached letter and Police objection.

It is important that if you are going to make a representation against the proposed decision that it reaches our office by post, or e-mail to <u>licensing@havering.gov.uk</u> by midnight on 15/03/2016

Paul Campbell | Licensing Specialist London Borough of Havering |Public Protection Town Hall, Main Road, Romford, RM1 3BB

e: paul.campbell@havering.gov.uk t:01708 432777 text relay: 18001 01708 433585

www.havering.gov.uk

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Page 23

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