

WEST LANCASHIRE BOROUGH COUNCIL

KEY DECISION FORWARD PLAN CONSTITUTION 6, RULE 15 (GENERAL EXCEPTION)

To: Chairman of the Executive Overview and Scrutiny Committee

I hereby give notice that, in accordance with Constitution 6, Rule 15(b) the following matter, "Scrap Metal Dealers Act 2013 – Approval of Licence Fees" is likely to be the subject of a key decision, which has not been included on the Forward Plan. It is impracticable to defer the decision until it has been included in the next Forward Plan. The reason for this is that it has only recently come to light that there is an inconsistency in the legislation relating to in the implementation to this Act. A decision by Cabinet is required so that the Council can administer this new legislation by the statutory deadline of 1 December 2013.

By way of explanation, this new legislation effectively replaces previous legislation governing scrap metal dealers and associated activities. This means that the new legislation would be similarly administered through full Council and delegated to the Licensing and Appeals Committee. Accordingly, reports to full Council and Licensing and Appeals Committee have been submitted and approved.

However, the Local Government Association have only recently expressed an opinion that this legislation effectively sets up a new licensing regime, separate from the previous system, and therefore is an executive function, which should be administered by Cabinet.

Clarification is currently sought from central Government, but until that time, it is thought prudent to obtain suitable delegation through both executive and non-executive routes, which will allow the Council to determine licence applications submitted under this new legislation by the deadline of 1 December 2013.

The above key decision will be taken in public subject to Constitution 6, Rule 10.

Dated: 4 November 2013

Gill Rowe
Managing Director (People and Places)

N.B. Five days are required to elapse between the date of this notice being made available to the appropriate Chairman and made available to the public via the Councils' Notice Board and the date of the decision being taken.

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website

