

Minutes of a meeting of the Licensing Committee held in the Vernon Cross Room, Ely Museum, Market Street, Ely on Wednesday 12 February 2014 at 9.30am.

PRESENT

Councillor Michael Allan (Chairman)
Councillor Sue Austen
Councillor Lavinia Edwards
Councillor Lindsey Harris
Councillor Tony Goodge
Councillor Chris Morris
Councillor John Palmer
Councillor Tony Parramint
Councillor Philip Read
Councillor Sue Willows
Councillor Andy Wright

APOLOGIES

Councillor Allen Alderson
Councillor Elaine Griffin-Singh

IN ATTENDANCE

Liz Knox – Head of Environmental Services
Sarah Steed – Senior Legal Assistant
Karen See – Principal Environmental Health Officer (Domestic Team)
Tracy Couper – Principal Democratic Services Officer

ALSO IN ATTENDANCE

2 members of the public attended the meeting.

27. **DECLARATIONS OF INTEREST**

There were no interests declared.

28. **MINUTES**

The Chairman referred to the fact that, due to staff absences in the Democratic Services Team, the Minutes were inadvertently omitted from the Agenda and had been circulated separately. The Chairman highlighted the sickness absence of the usual clerk to the Licensing Committee, Ms Melanie Sage, and expressed the best wishes of the Committee to her for a speedy recovery.

It was resolved:

That the Minutes of the Licensing Committee meeting held on 13 November 2013 be confirmed as a correct record and signed by the Chairman.

29. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman made the following announcements:

'Rewiring Licensing' Publication

The Local Government Association has published a document entitled 'Rewiring Licensing' which outlines the Association's call for full reform of the licensing framework. This proposal would deliver a deregulatory approach that freed up business and Council time while maintaining important safeguards for local communities and businesses.

A copy of the publication was circulated to all Members of the Committee.

Update on changes to way Taxi Licensing Sub-Committee Hearing outcomes are reported in public minutes

At the Licensing Committee meeting on 9 October 2013, the Committee instructed the Head of Legal and Democratic Services to format wording for consultation with the Hackney Carriage and Private Hire Trade to inform them that following future Taxi Licensing Sub-Committee Hearings involving disciplinary matters only, where the Sub-Committee resolved to take action, that the Licensee name will be openly published with the disciplinary action.

A letter was circulated to the Hackney Carriage and Private Hire Trade, including the National Private Hire Association, and the consultation ran for 28 days from 21 October 2013 to 18 November 2013. The Head of Legal and Democratic Services did not receive any representations or objections during the consultation period.

As no objections/representations were required to be considered by the Licensing Committee, as of 1 December 2013 following, all future Taxi Licensing Sub-Committee Hearings involving disciplinary matters only, where the Sub-Committee resolves to take action, the Licensee name will be openly published with the disciplinary action in the public minutes.

However, the public minutes will not be published for 21 days after the hearing in order to allow for any potential appeal to the Magistrates Court.

All future Taxi Licensing Sub-Committee Hearing reports involving current Licence Holders will include a paragraph indicating that if the Taxi Licensing Sub-Committee decides on disciplinary action against the licence holder that

the name of the driver and disciplinary action will be published in the public minutes after 21 days.

The Taxi and Private Hire Blue Book has also been amended to reflect the changes in the way Taxi Licensing Sub-Committee Hearing outcomes are reported in public minutes.

30. **POLICY AND GUIDELINES FOR CONSIDERATION OF SCRAP METAL DEALERS SITE AND COLLECTORS LICENCES**

The Licensing Committee considered a report, (N215) previously circulated, containing a draft policy and guidelines for consideration of Scrap Metal Dealers Site and Collectors licences.

The Principal Environmental Health Officer (Domestic Team) reminded Members that at the Member/Officer training provided by James Button on this subject, it was strongly advised that the Council adopt such a policy for Scrap Metal licensing. To date, 4 Site licences had been granted, with 1 further application currently being processed. 6 Collectors licences had been granted and a further Collectors licence was awaiting information from the Police.

Councillor Harris highlighted minor typographical errors and queried the wording in particular paragraphs of the policy as follows:

Paragraph 2.3 c) – Councillor Harris queried the wording used and the Principal Environmental Health Officer (Domestic Team) explained that this was taken directly from the legislation. The Principal Environmental Health Officer (Domestic Team) also explained that both selling on and selling off of scrap metal were licensable activities.

Paragraph 3.2 – **Site Licence** – amend to ‘All sites where a licensee carries on business as a scrap metal dealer....’

Paragraph 4.6 – amend to ‘If a licence is issued to a business under a trading name the licensee...’

Paragraph 5.4 c) – amend ‘those’ to ‘whose’

Paragraph 6.5 c) – add website address in

Paragraph 7.1 b) - The Principal Environmental Health Officer (Domestic Team) confirmed that wording taken directly from the legislation.

Paragraph 10.3 – amend to ‘The procedure on appeal under this section is to be by way of.....’

Councillor Wright asked if the Trade had been consulted on the draft policy. The Principal Environmental Health Officer (Domestic Team) stated that the Trade had been consulted on the fees, as reported at the last meeting of

the Committee. However, it was confirmed by the Senior Legal Assistant and Head of Environmental Services that the Trade would need to be consulted on the policy and it was agreed to amend the recommendations accordingly.

Councillor Wright referred to the fact that, under the legislation, Scrap Metal dealers required to have a licence for each District they operated in, which could be prohibitively expensive. He referred to one instance where a dealer would require 17 licenses for all the areas in which he operated. Therefore, he requested that representations be made to Government for a system whereby a Scrap Metal dealer was only required to be licensed for the District in which they were based. The Head of Environmental Services acknowledged that this did not seem to correspond to the Government's 'open for business' strategy and agreed to make the necessary representations.

In response to a question by Councillor Palmer, the Principal Environmental Health Officer (Domestic Team) advised that a farmer with scrap metal on their own land that was a by-product of the agricultural trade was excluded from the licensing requirements.

Councillor Morris referred to the term 'shadow director' in paragraph 5.4 c) of the policy and stated that this should more accurately be stated as 'non-executive director'. The Principal Environmental Health Officer (Domestic Team) confirmed that again this wording was taken directly from the legislation.

In response to a question by Councillor Read, the Principal Environmental Health Officer (Domestic Team) confirmed that the majority of the policy was a reproduction of the legislation and Home Office guidance, with the only real discretion for authorities being on the timescales.

It was resolved:

That approval be given to the policy and guidelines set out in Appendix 1 to the submitted report, subject to consultation with the Trade.

It was also resolved TO RECOMMEND TO COUNCIL:

That Council authorise the Monitoring Officer to include the delegations as set out in Appendix 2 to the submitted report within the Licensing Committee Scheme of Delegations to Committee and Officers.

31. **SCRAP METAL LICENSING SUB-COMMITTEE HEARING PROCEDURE**

The Licensing Committee considered a report, (N216) previously circulated, containing a draft Hearings Procedure for the Scrap Metal Licensing Sub-Committee. The Senior Legal Assistant reported that the procedure was based on those already approved for Taxi Licensing and Licensing Act 2003 Hearings and that the term 'other persons' used in the procedure to refer to

other local authorities, the Environment Agency and the Police, was taken from the legislation.

It was resolved:

That the Hearings Procedure for the Scrap Metal Licensing Sub-Committee, set out in Appendix 1 to the submitted report, be approved.

32. **FORWARD AGENDA PLAN**

The Committee received the Licensing Committee forward agenda plan.

The Chairman reported that the Licensing Committee meeting date on 12 March 2014 would be cancelled and the meeting on 21 May 2014 had been cancelled due to the announcement of the date for the European Elections being set for 22 May 2014. In both cases, the dates would be kept available for use for a Licensing Sub-Committee, as necessary.

Arising from the decision taken earlier in the meeting, an item now would be added to the Licensing Committee meeting on 9 April 2014 regarding the outcome of the consultation on the Scrap Metal Dealers Licensing Policy and Guidelines.

It was resolved:

That the Licensing Committee forward agenda plan and cancellation of the meetings scheduled for 12 March and 21 May 2014 be noted.

33. **EXCLUSION OF THE PRESS AND PUBLIC**

It was resolved:

That the press and public be excluded during the consideration of the remaining items because it was likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during these items there would be disclosure to them of exempt information of Category 1, 2, 5, 6 and 7, Part 1 Schedule 12A to the Local Government Act 1972 (as amended).

34. **ACTION TAKEN UNDER SECTION 61(2B) OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

The Licensing Committee considered an Exempt report regarding action taken by the Head of Legal and Democratic Services in consultation with the Vice-Chairman of the Committee (in the absence of the Chairman) in accordance with Section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.

It was resolved:

That the report be noted.

35. **EXEMPT MINUTES – 13 NOVEMBER 2014**

It was resolved:

That the Exempt Minutes of the Licensing Committee meeting held on 13 November 2013 be confirmed as a correct record and signed by the Chairman.

The meeting concluded at 10.10am.

Chairman:.....

Date:

Draft Minutes