

MINUTES of the meeting of Licensing Committee held on 16 July 2013 at 7.00pm

Present: Councillors Mike Stone (Chair), Wendy Curtis , Rob Gledhill, Tom Kelly (substituting Lynn Carr), Steve Liddiard, Sue Little, Tunde Ojetola (substituting Ben Maney), Robert Ray, Andrew Roast and Phil Smith

Apologies: Councillors Ben Maney, Lynn Carr, Gerrard Rice and Sue Gray

In attendance: Paul Adams – Principal Licensing Officer
Laura Bryan – Licensing Officer
Gavin Dennett – Head of Public Protection
Chris Pickering – Legal Services
Kenna-Victoria Martin – Democratic Services

The Chair informed the Committee that the meeting was to be audio recorded and published on the Councils website.

1. Minutes of Previous Meeting

The Minutes of the Licensing Committee, held on 10 January 2013, were approved as a correct record.

2. Additional Items

The Chair informed the Committee that there were no additional Items.

3. Declarations of Interest

Councillor Gledhill declared a Non- Pecuniary interest in Item 5, in that his neighbour collected scrap metal.

Councillor Little declared a Non-Pecuniary interest in Item 5, in that her neighbour was a scrap metal merchant.

4. Scrap Metal Dealers Act 2013

The Principal Licensing Officer introduced the report to Members and informed them that this new piece of legislation require scrap metal dealers or collectors to now be licensed, at present it was required that they be registered with the Local Authority. It was explained to Members that this legislation was due to come into effect, on the 1 October 2013, although it was thought that there may be a transition period starting on the 1 September meaning that officers would have to start taking applications from the 1 August, Officers informed members that they were still awaiting guidance and regulations from the Home Office.

The Committee were informed that officers would carry out the 'fit and proper person' test on the applications they were due to receive. Officers continued to explain to Members, that they would be looking for delegation, as with other licenses, should any representation be made from the police, environmental agencies or if Licensing officers have the slightest bit of doubt then a licence would be referred to the Licensing Sub-Committee for determination.

The Principal Licensing Officer explained that a fee could be charged for the administration and compliance of the licenses, it was not allowed however, to set a fee for the enforcement against people who did not have a license. Members were informed that officers had drafted a policy and setting of fees however; until they received the guidance from the Home Office they unfortunately were unable to put it in place.

Members of the Committee queried as to should a licensee have their license revoked, would it mean that trade would cease. Officers explained that for that to happen, then closure powers would need to be used however, until Officers had received the guidance from the Home Office, it was unclear as to what the case may be.

Following further questions from the Committee, it became apparent that Officers would be writing to all registered scrap metal dealers, within the next couple of weeks and would be placing advertisements in Trading Associations magazines. Members enquired as to once the new legislation was in place enforced how would the Council deal with enforcing it. Officers explained that enforcement would be split between Thurrock Council and Essex Police, with the police taking the lead.

Officers notified Members that there would be two types of licenses, a Collectors License and a Premises License. Officers continued to explain that all individuals would need to hold a license and would need to be licensed within the area they wished to collect or deal in.

RESOLVED:

That the Committee -

- i) Members noted the report and its contents.**
- ii) Noted that further reports will be brought forward to set fees, agree policy and delegated authority once further Regulations and guidance have been issued by the Secretary of State and the Home Office.**

5. Hackney Carriage and Private Hire Vehicle Specification and Licence Conditions

The Principal Licensing Officer introduced the report to the Committee and explained to Members that an amended version of Appendix A had been circulated; he continued to explain that the report had been brought back to

the Committee following public consultation, with Appendix A showing a summary of the consultation responses. Members thanked the Principal Licensing Officer and his team for bring the report back to the Committee.

Members enquired as to the Licence Plate for a Hackney Carriage vehicles being the property of Thurrock Council, Officers explained that the Licence Plates had always been the property of the Council; however they were now technically property of Thurrock Council.

The Committee followed with a question regarding advertising in the vehicles, the Principal Licensing Officer informed Members that with the use of technology increasing, safety must be the first priority all passengers and any advertisement would have to be relevant for all target audiences.

Following Members questions regarding tinted windows, it was explained to the Committee passengers always needed to be seen in any licensed vehicle although a slight tint would be allowed as long as people could see in as well out of the windows. Members enquired as to whether it would be possible to have a certain percentage tint within the policy as tinted windows were now part of factory fitting. Officers explained it would make it more difficult if a set percentage for tinted windows was maintained.

RESOLVED:

That the Committee considered the comments received from the public consultation and refers the vehicle specification and licence conditions for Private Hire and Hackney Carriage Vehicles as set out in appendix B without further changes to Full Council for adoption.

The meeting finished at 7.50pm.

Approved as a true and correct record

CHAIRMAN

DATE

**Any queries regarding these Minutes, please contact
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or alternatively e-mail kmartin@thurrock.gov.uk**