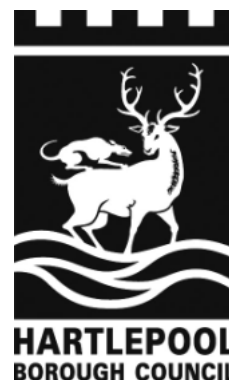


LICENSING COMMITTEE AGENDA



Wednesday 16th October 2013

at 10.00am

**in Committee Room B,
Civic Centre, Hartlepool**

MEMBERS: LICENSING COMMITTEE

Councillors Ainslie, Beck, Cook, Dawkins, Fleet, Gibbon, Griffin, Hall, Jackson, Martin-Wells, Morris and Tempest

1. **APOLOGIES FOR ABSENCE**
2. **TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
3. **MINUTES**
 - 3.1 To approve the minutes of the meeting held on 17th July 2013
4. **ITEMS REQUIRING DECISION**
 - 4.1 Scrap Metal Dealers Act 2013 – *Director of Public Health*
5. **ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT**

**Date of next meeting – Wednesday 15th January 2014 at 10.00am in
Committee Room B**



LICENSING COMMITTEE

MINUTES AND DECISION RECORD

17 July 2013

The meeting commenced at 10.00 am in the Civic Centre, Hartlepool

Present:

Councillor: Ray Wells (In the Chair)

Councillors: Jim Ainslie, Paul Beck, Rob Cook, Mary Fleet, Steve Gibbon,
Sheila Griffin, George Morris and Sylvia Tempest

Also in attendance:

Councillor Geoff Lilley
Stephen Picton, Taxi Driver

Officers: Sylvia Pinkney, Public Protection Manager
Tony MacNab, Solicitor
Angela Armstrong, Principal Democratic Services Officer

1. Apologies for Absence

Apologies for absence were received from Councillors Keith Dawkins and Ged Hall.

Members noted that Councillor Hall was currently unwell and wished to pass on their best wishes to him for a speedy recovery.

2. Declarations of interest by Members

None.

3. Confirmation of the minutes of the meeting held on 24 April 2013 and 7 May 2013

Confirmed.

4. Any Other Items which the Chairman Considers are Urgent

The Chairman ruled that the following items of business should be considered by the Committee as a matter of urgency in accordance with the provisions of Section 100(B) (4)(b) of the Local Government Act 1972 in

order that the matter could be dealt with without delay.

5. Any Other Business – National Taxi Driver of the Year Award

Members were reminded that last year, Hartlepool taxi driver Mr Osborne had won Swinton Insurance's National Taxi Driver of the Year competition because of his service to the local community. At the time, Members had applauded Mr Osborne's efforts and in recognition of the positive impact that such a success had on the reputation of Hartlepool and its taxi drivers, he was given on year's free renewal of his taxi licence at a cost of £70.

The Chair informed Members that remarkably, another Hartlepool taxi driver, Mr Stephen Picton had won the same competition this year in recognition of his efforts in raising over £50,000 for local charities. In winning the award Mr Picton received a trophy and free insurance from Swinton for one year.

Members congratulated Mr Picton on his success and in recognition of the positive impact such good news will have on the reputation of Hartlepool, he was given a free renewal of next year's taxi drivers' licence.

Mr Picton thanked Members for this note of recognition and requested that the cost of his taxi licence be donated to the Miles for Men Charity.

Decision

That the £70 cost of Mr Picton annual taxi drivers' licence be donated to the Miles for Men Charity in recognition of him winning Swinton Insurance's National Taxi Driver of the Year competition.

6. Licensing Committee – Sub Committee Memberships *(Assistant Chief Executive)*

The report outlined the recent changes to the Council's governance arrangements which had resulted in the Licensing Committee reducing its membership from 15 to 12. Following discussions with the Chair, four sub-committees were created for the consideration of premises licences and three sub-committees were created for the consideration of hackney carriage and private hire licences. Details of these sub-committees were included in the report.

Decision

The sub-committees of the Licensing Committee were agreed as follows:

Licensing Sub Committees for premises licences –

- 1) Councillors Hall (Ch), Dawkins and Fleet
- 2) Councillors Morris (Ch), Ainslie and Tempest
- 3) Councillors Cook (Ch), Gibbon and Griffin
- 4) Councillors Wells (Ch), Beck and Jackson

Licensing Sub Committees for hackney carriage and private hire licences –

- 1) Councillors Morris (Ch), Ainslie, Gibbon and Tempest
- 2) Councillors Wells (Ch), Beck, Cook and Jackson
- 3) Councillors Hall (Ch), Dawkins, Fleet and Griffin

7. **Application for a Dog Breeding Establishment Licence – Compound 3, Sandgate Industrial Estate, Mainsforth Terrace, Hartlepool, TS25 1UB** *(Assistant Director, Regeneration)*

The report outlined the background and legislation which governs the commercial breeding of dogs. On 16 May 2013, Trading Standards and Licensing Officers became aware of evidence suggesting commercial dog breeding at Compound 3, Sandgate Industrial Estate, Mainsforth Terrace, Hartlepool. As a result of a visit to this site, a formal application for a Dog Breeders licence was submitted. Following receipt of this application, the premises were inspected by a Veterinary Surgeon and Council Officer, a copy of the inspection report was attached at Appendix 2. The Veterinary Surgeon's recommendations were summarised in the report and in conclusion found that the premises were unsuitable for the commercial breeding of dogs.

A discussion ensued during which Members did not feel they could contradict the professional view of a Veterinary Surgeon and fully endorsed the refusal of a licence.

Decision

That the application for a Dog Breeding Establishment Licence made by Mr Armstrong be refused as in the opinion of the Veterinary Surgeon, the premises do not meet the criteria of the Breeding of Dogs Act 1973 under Section 1 (4) (a), (c), (d) or (i).

8. **Driving Standards Agency Test** *(Assistant Director, Regeneration)*

The report provided Members with an update on the ongoing impact of the implementation of the requirement for new private hire/hackney carriage drivers to pass the Driving Standards Agency Taxi Test.

Members were advised that there had been a significant reduction in new driver applications since the implementation of the new requirement and the withdrawal of much of the 'return to work' grant funding. However, the Public Protection Manager confirmed that from January 2013 to date, there had been 40 applications received.

It was noted that funding for various return to work schemes appeared to be increasing and the Licensing Team was beginning to receive a greater number of enquiries from potential applicants.

The Chair commented that the Driving Standards Agency test improved driving standards and ultimately the safety of the people in Hartlepool. It was requested that the scheme be resubmitted to the Committee for review in 12 months' time.

Decision

- (i) The report was noted.
- (ii) That the scheme be resubmitted to the Licensing Committee for review in 12 months' time.

The meeting concluded at 10.13 am

CHAIR

LICENSING COMMITTEE

16th October 2013



Report of: Director of Public Health

Subject: SCRAP METAL DEALERS ACT 2013

1. PURPOSE OF REPORT

- 1.1 To inform the Licensing Committee about the implementation of the Scrap Metal Dealers Act 2013.
- 1.2 To seek Committee's approval for the delegation of associated functions and responsibilities.

2. BACKGROUND

- 2.1 Members will be aware of the significant rise in metal thefts over recent years and the consequences that this has had on both individuals and local communities. The ease at which thieves could steal metal and sell it to scrap metal dealers anonymously made such thefts attractive to criminals and very difficult for enforcement agencies to trace.
- 2.2 At present, scrap metal dealers, and similar trades such as motor salvage operators, must register with the local authority but registration is an administrative process that simply allows for a record to be maintained of businesses operating in that sector.
- 2.3 The Scrap Metal Dealers Act 2013 (the 'Act') will be implemented in October 2013 and will deliver much needed reform of the scrap metal trade.
- 2.4 The Act has been introduced to remove many of the loopholes from previous legislation and will require, amongst other things, scrap metal dealers (both fixed site and itinerant) to be licensed by the local authority and sales of scrap metal for cash will no longer be permitted.
- 2.5 Two types of licence are to be introduced – site licences will allow a dealer to operate from the sites named on the licence whilst collectors licences only have to name the dealer and the local authority area that they are licensed to operate within. Collectors licences cover dealers who do not have a site and regularly collect through door-to-door collections.

- 2.6 Local authorities are required to administer and enforce the requirements of the Act and are permitted to levy appropriate fees to fund these new responsibilities. In Hartlepool these fees have been set at: -

Site fee (3 years)	£350
Collectors fee (3 years)	£120

- 2.7 Licence holders will be required to satisfy the licensing authority that they are a suitable person to operate as a scrap metal dealer and, when making its determination, a licensing authority can take into consideration matters such as previous criminal convictions and whether the applicant has previously been refused a licence or environmental permit.
- 2.8 Licences will last for three years unless revoked.
- 2.9 The new Act begins to take effect from 1st October 2013 but those scrap metal dealers and motor salvage operators already registered with the Council have until 15th October to apply for a new licence. Anyone not already registered must apply for a licence before 1st October.

3. ISSUES

- 3.1 The Act requires that scrap metal dealer licences must not be granted unless the licensing authority is satisfied that the applicant is a suitable person to carry on a business as a scrap metal dealer.
- 3.2 When determining whether an applicant is a suitable person the licensing authority may have regard to any information that it considers relevant, including in particular: -
- Whether the applicant or site manager has been convicted of any relevant offence;
 - Whether the applicant or any site manager has been the subject of any relevant enforcement action;
 - Any previous refusal of an application for the issue or renewal of a scrap metal licence (and the reasons for the refusal);
 - Any previous refusal of an application for a relevant environmental permit or registration (and the reasons for the refusal);
 - Any previous revocation of a scrap metal licence (and the reasons for the revocation)
 - Whether the applicant has demonstrated that there will be in place adequate procedures to ensure that the provisions of the Act will be complied with.
- 3.3 Members may be required, from time to time, to determine whether an applicant is a suitable person. It is proposed that such decisions could be made by a duly appointed sub-committee made up of Members of the full Licensing Committee.

- 3.4 **Appendix 1** details a range of functions that form part of the licensing and enforcement process and proposes how the discharge of those functions should be delegated.

4. **SECTION 17**

- 4.1 This new licensing scheme positively contributes to Section 17 by introducing a requirement for scrap metal dealers to be approved and licensed by the local authority.

5. **RECOMMENDATIONS**

- 5.1 That Licensing Committee note the contents of this report.
- 5.2 That Licensing Committee approve the delegation of functions and responsibilities as detailed in Appendix 1.

6. **BACKGROUND PAPERS**

- 6.1 There are no background papers.

7. **CONTACT OFFICER**

Louise Wallace
Director of Public Health
Hartlepool Borough Council
Level 3
Civic Centre
Hartlepool
TS24 8AY

Tel: (01429) 284030
E-mail: louise.wallace@hartlepool.gov.uk

Sylvia Pinkney
Public Protection Manager
Level 3
Civic Centre
Hartlepool
TS24 8AY

Tel: (01429) 523315
E-mail: Pinkne.pinkney@hartlepool.gov.uk

Appendix 1

Delegations – Scrap Metal Dealers Act 2013

Matter to be dealt with	Full Committee	Sub Committee	Officers
Application for a site/collectors licence		If objections are made	If no objections are made
Application for renewal of a site/collectors licence		If objections are made	If no objections are made
Application for variation of a site/collectors licence		If objections are made	If no objections are made
Revocation of site/collectors licence where licensee no longer carries on business at any site identified on licence			All cases
Revocation of site licence where a site manager named in the licence does not act as site manager at any sites identified on the licence			All cases
Decision about revocation of licence due to suitability of licensee		All cases	
Decision about imposition of conditions onto site/collectors licence		All cases	