

DONCASTER METROPOLITAN BOROUGH COUNCIL

LICENSING COMMITTEE

19TH SEPTEMBER, 2013

A MEETING of the LICENSING COMMITTEE was held at the CIVIC OFFICE, WATERDALE, DONCASTER on THURSDAY, 19TH SEPTEMBER, 2013 at 10.00 a.m.

PRESENT:

Chair – Councillor Ken Keegan

Councillors Patricia Bartlett, Elsie Butler, Moira Hood, David Nevett, Susan Phillips, Patricia Schofield and Paul Wray.

APOLOGIES:

Apologies for absence were received from the Vice-Chair, Councillor Linda Curran and Councillors Paul Coddington, Pat Hall, Barbara Hedley and Sue McGuinness.

6. DECLARATIONS OF INTEREST, IF ANY

There were no declarations made at the meeting.

7. MINUTES OF THE LICENSING COMMITTEE MEETING HELD ON 18TH JULY, 2013

RESOLVED that the minutes of the Licensing Committee meeting held on 18th July, 2013, were approved as a correct record and signed by the Chair.

8. MINUTES OF THE LICENSING SUB-COMMITTEE 'A' MEETINGS HELD ON 19TH JULY, 2013 AND 23RD AUGUST, 2013 AND LICENSING SUB-COMMITTEE 'B' MEETINGS HELD ON 5TH JUNE, 2013 AND 16TH AUGUST, 2013

RESOLVED that the minutes of the Licensing Sub-Committee 'A' meetings held on 19th July, 2013 and 23rd August, 2013 and Licensing Sub-Committee 'B' meetings held on 5th June, 2013 and 16th August, 2013, be noted.

9. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY – AMENDMENT TO REFERENCES TO THE CRIMINAL RECORDS BUREAU

The Committee considered a report which sought approval to amend the

Council's Hackney Carriage and Private Hire Licensing Policy and associated conditions following recent changes (made) to the name of the Criminal Records Bureau (CRB) to the Disclosure and Barring Service (DBS).

Members noted that the Doncaster Council Hackney Carriage and Private Hire Licensing Policy (HC & PH Licensing Policy) required all licensed hackney carriage drivers, private hire drivers and private hire operators to undertake criminal record checks. The Criminal Records Bureau (CRB) had recently changed its name to the Disclosure and Barring Service (DBS). Whilst there were no proposed changes to the level and frequency of criminal record checks for licensed drivers and operators the report sought Members approval to amend the Policy and the associated conditions to take account of the changes.

It was reported that the current Policy made numerous references to the Criminal Records Bureau (CRB) and to CRB checks when referring to the licensing of Private Hire drivers, Hackney Carriage drivers and Private Hire Operators. The Criminal Records Bureau had now become the Disclosure and Barring Service and it was therefore necessary to amend the Policy and conditions to reflect this change. This was merely a name change and no changes were being proposed with regard to the existing policy with regard to the requirement for, type or frequency of criminal record checks for licensed drivers and operators.

The revised changes to the Policy were set out in Appendix A to the report.

RESOLVED that the Hackney Carriage and Private Hire Licensing Policy and Doncaster Council's Private Hire Driver's Licence Conditions (Appendix 11 of the Policy) be amended such that all references to the Criminal Records Bureau (CRB) are either replaced with reference to the Disclosure and Barring Service (DBS) or substituted with a generic term e.g. criminal record check as appropriate.

10. LICENSING OF SCRAP METAL DEALERS – SCRAP METAL DEALERS ACT2013 STATEMENT OF LICENSING POLICY AND GUIDANCE TO APPLICANTS

The Committee considered a report which presented a Statement of Licensing Policy and guidance for applicants, which outlined the Council's Statutory responsibilities for licensing, compliance and enforcement in relation to scrap metal dealers.

Members noted that the Scrap Metal Dealers Act 2013 came into force on 1st October 2013, and changed the regime from registration to licensing and gave the Council the discretion to refuse an application given certain criteria and also gave the power to condition or revoke an existing licence in some circumstances. The Act gave the Council the authority to set fees in respect of

applications and variations of licences.

Members were informed that over the last few years, with the increased value of metal, there had been high profile scrap metal theft, therefore, as a consequence of this the Government had introduced new legislation which repealed the Scrap Metal Dealers Act 1964 and Part 1 of the Vehicles (Crime) Act 2001 and brought forward a revised regulatory regime for the scrap metal dealing and vehicle dismantling industries.

The regulations relating to the relevant offences and relevant enforcement action under the Act had been circulated to Members of the Committee prior to this meeting.

A template of the Scrap Metal 'Collectors Licence', outlining the statutory information that was to be contained on the licence was tabled at the meeting for Members' information.

Discussion followed the presentation of the report, during which the Licensing Officer and the Business Safety and Licensing Manager answered a range of questions from Members and provided clarity in relation to the implications of the proposals particularly relating to:-

- itinerant collectors of scrap metal (i.e. a man in a van who regularly collect scrap metal through door to door collections) who must register with the Council to obtain a mobile collectors licence in order to be able to operate in the local authority's area.
- the different types of licences specified within the Act, i.e. a site licence for those scrap metal dealers operating from fixed sites named in the licence and mobile collectors licence for those carrying out business other than at a site.
- the display of licences - how and where was the site licence and the mobile collectors licence to be displayed.
- a mobile collectors licence would not allow a dealer to operate in any other local authority area, therefore, a separate licence would need to be obtained from each Council in which the dealer wanted to operate.
- the fees charged by the Council to purchase a site licence (£320 for 3 years) and a mobile collectors licence (£200 for 3 years) and the costs to replace a defaced or lost licence (£25).
- Record keeping requirements for scrap metal dealer sites.
- The circumstances when a licence would be refused and the right of appeals to the Magistrates Court.

- Issued licences being placed on the National Register of Licences maintained by the Environment Agency.
- Scrap metal dealers operating from more than one site named in the licence.
- Enforcement action and revenue from enforcement activity.
- Communicating the legislative changes to scrap metal dealers and mobile collectors.
- Household waste collected by tradesmen, plumbers and electricians would not be required to be licensed as scrap metal dealers.

Members welcomed the report and requested that information relating to the Licensing of Scrap Metal Dealers 2013 and the Hackney Carriage and Private Hire Licensing Policy be circulated to all Members of the Council, in order to raise Members awareness of the changes.

RESOLVED that the Statement of Licensing Policy and Guidance to Applicants, be noted.