

# SHEFFIELD CITY COUNCIL

## Licensing Committee

### Meeting held 12 September 2013

**PRESENT:** Councillors Clive Skelton (Deputy Chair), Nikki Bond, Jillian Creasy, Roger Davison, Neale Gibson, Adam Hurst, George Lindars-Hammond, Denise Reaney, Stuart Wattam, Cliff Woodcraft and Joyce Wright

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#### **1. APOLOGIES FOR ABSENCE**

1.1 Apologies for absence were received from the Chair (Councillor John Robson) and Councillor Nikki Sharpe.

#### **2. EXCLUSION OF PUBLIC AND PRESS**

2.1 No items were identified where resolutions may be moved to exclude the public and press.

#### **3. DECLARATIONS OF INTEREST**

3.1 There were no declarations of interest.

#### **4. MINUTES OF PREVIOUS MEETINGS**

4.1 The minutes of the meetings of the Licensing Committee held on 25<sup>th</sup> July, 2013 and the Licensing Sub-Committee held on 10<sup>th</sup>, 11<sup>th</sup>, 17<sup>th</sup>, 20<sup>th</sup>, 24<sup>th</sup> and 27<sup>th</sup> June, 1<sup>st</sup>, 2<sup>nd</sup>, 8<sup>th</sup>, 15<sup>th</sup>, 16<sup>th</sup>, 18<sup>th</sup>, 22<sup>nd</sup>, 23<sup>rd</sup>, 29<sup>th</sup> and 30<sup>th</sup> July and 1<sup>st</sup> and 5<sup>th</sup> August, 2013 were approved as correct records.

#### **5. SCRAP METAL DEALERS ACT 2013**

5.1 The Committee received a report of the Chief Licensing Officer informing Members of the new Scrap Metal Dealers Act 2013.

5.2 Shimla Finch, Principal Licensing Officer, informed Members of the new Act and its implications, which was due to come into effect on the 1<sup>st</sup> October, 2013 and asked that the Committee approve the fees and application documents for a Scrap Metal Dealer licence, as outlined in the report, and give approval for the published scheme of delegation to be amended to reflect the legislative changes.

5.3 Shimla Finch stated that the statute revises the regulatory regime for scrap metal dealing and vehicle dismantling and that Local Authorities will continue to act as the main regulator, but the new statute gives Authorities more powers to refuse and revoke licences if it considers dealers to be unsuitable and allows them greater rights of entry and inspection. She added that the changes in the legislation have been prompted by the impact of metal theft which has become an increasing problem across the United Kingdom as the value of metal has risen.

- 5.4 Shimla Finch outlined the two types of licence to be brought in by the Act, these being a “site licence” and a “collector’s licence”. She stated that a person can only hold one licence in a Local Authority area, but can hold a licence in more than one Local Authority area. She indicated that a site licence requires all of the sites at which the licensee carries on the business as a scrap metal dealer within the Local Authority area to be identified, and a site manager be named for each site. A collector’s licence authorises the licensee to operate as a mobile collector in the area of the issuing local authority but does not permit the collection of scrap metal from any other local authority area nor does it allow the licensee to carry on a business at a site within any area.
- 5.5 Shimla Finch added that scrap metal dealers who are currently registered under the Scrap Metal Dealers Act 1964 or Vehicles (Crime) Act 2001 (Motor Salvage Operators) will be deemed to currently hold a licence but are required to submit an application for a licence between the 1<sup>st</sup> and 15<sup>th</sup> October, 2013. A temporary licence will be issued and valid until a formal licence decision is issued by the Local Authority. If a registered dealer does not submit an application by the 15<sup>th</sup> October, they would be required to apply for a new licence. Scrap metal dealers who are not currently registered can apply for a licence but until such licence is issued, they cannot trade legally.
- 5.6 Shimla Finch then stated that the application for a licence must be accompanied by a fee, as it will provide Local Authorities with the funding needed to administer the system and ensure compliance.
- 5.7 In response to questions from Members of the Committee, Shimla Finch stated that under the Act, licences must be displayed in a prominent place in an area accessible to the public, currently these will be placed on the dashboard of vehicles and the Licensing Section were looking into ways of displaying licences more prominently, but this would possibly mean an increase in fees.
- 5.8 RESOLVED: That (a) the Committee approves the new forms, proposed new fees and recommends that the Council amends the Licensing Committee’s published scheme of delegation to reflect the legislative changes; and
- (b) greater publicity is given to the commencement of the new Act.

## **6. PRIVATE HIRE AND HACKNEY CARRIAGE LICENSING - DRIVERS/APPLICANTS REFERRAL POLICY**

- 6.1 The Chief Licensing Officer submitted a report relating to the review of the current policy in respect of referring current and prospective licensed drivers to the Licensing Sub-Committee and the setting of the guidelines as to when a driver and applicant should be referred.
- 6.2 Clive Stephenson, Principal Licensing Officer, presented the report and stated that the current referrals procedure has been in place since 2009, and the Local Authority aims to conduct a review of licensing policies on a three yearly cycle and therefore it is before the Licensing

Committee for consideration. He stated that similarly with most policies it is a source of guidance only and can be subject to interpretation. He stated that the report gives a flavour to Members of policies which are adopted in different parts of the country and is source of information only and not recommendation.

- 6.3 In response to questions, Clive Stephenson stated that in most instances, Licensing Officers are able to grant licences when satisfied that the person is a fit and proper person to hold a licence and use their discretion as to when it is appropriate for an applicant to be referred to the Sub-Committee for consideration. He added that Licensing Officers have a duty of care to the public to follow up any complaints received and check with the driver regarding the circumstances of a complaint before deciding on what action to be taken.
- 6.4 Members felt there was a need for greater clarity as to the nature of the warnings issued, the number of warnings given before a referral is made to the Licensing Committee and that consideration be given as to the length of time a warning remains on a licence.
- 6.5 The Committee heard representations from Hafeas Rehman (Sheffield Taxi Trade Association) and Peter Davies (GMB trade union), who both indicated that they were happy with the current policy. They stated the present system is fair, works well and nothing needs to change.
- 6.6 RESOLVED: That the Committee determines that there should be no major change to the policy as set out in the report, but requests the Chief Licensing Officer to report to the Committee in three months' time (a) with proposals for the inclusion within the policy of any conviction for any drugs offences or related offences to the supply of drugs resulting in a custodial sentence or drug related offences which the Chief Licensing Officer considers to be of a serious nature, any caution or fixed penalty notice for any drugs offences or related offences to the supply of drugs and (b) with regard to the definition of offences and warnings and that any caution and/or conviction of drug offences be included within the current policy.

## **7. PRIVATE HIRE AND HACKNEY CARRIAGE LICENSING - HACKNEY CARRIAGE APPLICATION POLICY**

- 7.1 The Chief Licensing Officer submitted a report asking Members to consider the need for Sheffield City Council to introduce a policy in relation to the Hackney Carriage Vehicles it licences and where those vehicles will trade and be used.
- 7.2 Clive Stephenson, Principal Licensing Officer, gave background information to the policy and stated that the Licensing Section wanted to take the "moral high ground" on this and stated that in Sheffield, there is a limitation policy on the number of Hackney Carriages for a reason and recently there has been an

increase in the population of “out of town” Hackney Carriages working within the Sheffield District.

- 7.3 Members of the Committee and Trade Association representatives made a number of comments regarding the report.
- 7.4 RESOLVED: That the Committee, although supporting the policy in principle, requests the Chief Licensing Officer to report back to the Committee in three months’ time with further clarification on the specific wording to be introduced into the application form for new and renewal applications and within the wording of the Policy.