

# LICENSING COMMITTEE

**2 September 2013**

**PRESENT:** Councillor Mrs Brandis (Chairman); Councillors Mrs Bloom, Cooper, Douglas-Bate, Hawkett, Huxley, Lambert, Mrs Phipps, Mrs Renshell, Mrs Roberts, and Vick.

**APOLOGIES:** Councillors Sir Beville Stanier, Mrs Blake, Rand and Mills

## **1. MINUTES**

RESOLVED –

That the Minutes of 8 July 2013 be approved as a correct record.

## **2. DECLARATIONS OF INTEREST**

Councillors Huxley and Lambert declared personal interests in item 4; Changing from National Driving Standards Agency driving test to Local Transport for Bucks tailored scheme, as they were both elected Members of Bucks County Council.

## **3. SCRAP METAL DEALERS ACT, 2013**

It was reported that metal theft had increased dramatically over the last couple of years and has had a significant impact on communities. The Association of Chief Police Officers (ACPO) estimated that metal theft costs the UK economy £770 million every year. Up until recently local authorities have had limited powers in dealing with scrap metal dealers and motor salvage operators, who could play a significant role as part of the supply chain in stolen metals.

The Scrap Metal Dealers Act 2013 (the Act) would replace the previous registration system for scrap metal dealers created by the Scrap Metal Dealers Act 1964 and in its place established a new licensing regime. Every scrap metal dealer would now be required to have a licence and operating without one would be a criminal offence. Also, the definition of scrap metal had been extended to include motor salvage operators.

Under the new regime there would be two types of licences. A site licence would be required in relation to any site where a licensee carried on a business as a scrap metal dealer. A site manager had to be named for each site and the licence allowed the licensee to transport scrap metal to and from those sites from any local authority area. A collector's licence allowed the licensee to operate as a collector in the area of the issuing local authority. Therefore a separate licence had to be obtained from each Council the collector wished to operate in. A dealer could only hold one type of licence in any one local authority area.

The new licensing regime commenced on 1 October 2013 and in order to provide time for councils to process applications, the Home Office would be implementing a transition process. The timeline for the transitional period was shown in detail in the report to Members.

Members commented and asked questions on a number of issues including timescales for the transition period, the number of registered dealers in the Vale, fees to be charged and how the charges would be arrived at, the different kinds of dealers/collectors and who required a permit under the new legislation, Bucks County Council and Environment Agency permits, fines for criminal offences and local authority waste collections.

It was confirmed that Local Authority waste collections were not covered by the Act. At the moment criminal offences could incur a maximum fine of £5000 (level 5), but this could be unlimited when other legislation is brought into force.

The fees that AVDC would be charging had yet to be set, but could only be based on officer costs. No income/profit could be made.

The officers' first priority would be to get existing dealers licensed. No other work, such as prosecutions, could be undertaken until December 2013.

Council would be asked at its meeting on 11 September to delegate functions under the Act to the Licensing Committee and the Licensing Services Manager.

## RESOLVED

- (1) That the Committee noted the report and asked that a report on the review of the interim arrangements be brought back to the Committee at its meeting on 4 November 2013.

## **4. CHANGING FROM NATIONAL DRIVING STANDARDS AGENCY DRIVING TEST TO LOCAL TRANSPORT FOR BUCKS TAILORED SCHEME**

Hackney carriage and private hire operators, drivers and vehicles were principally governed by the Local Government (Miscellaneous Provisions) Act 1976, Town Police Clauses Act 1847, Council byelaws and the conditions implemented by the licensing authority

The council currently licenced approximately 1000 drivers, being fairly split between private hire and hackney carriage licensees. Each year there were approximately 100 new applicants to be licensed while a similar number ceased working. Approximately 350 renewal licences were determined each year, giving a total of approximately 450 driver applications to be administered by this authority each year.

The council had a duty to ensure that applicants for a private hire or hackney carriage drivers licence were "fit and proper" for the purpose of obtaining the licence. This was currently done by ascertaining medical fitness through a Group 2 medical check, a

Criminal Record Check to check relevant criminal conduct and, for new drivers, a Driving Standards Agency (DSA) taxi test as recommended by the Department for Transport.

However, there was a long waiting list for the DSA test. Furthermore this test did not approach local issues. Because of these issues, the council had approached Bucks County Council Transport for Bucks (TfB) to design a driving course suitable for both new and existing private hire and hackney carriage drivers. A scoping document for the provision of this procedure had been attached as an appendix to the report.

The cost of the training package would be comparable to the DSA test, however the course would be tailored to offer both a 2 hour driving test as well as a 2 hour classroom based theory element that would address issues most relevant to this authority.

It was intended to use this course for all new drivers and also for it to be completed by all existing drivers on their subsequent renewal for one time only. It was envisaged that within 3 years all existing licensed drivers would have undergone this assessment.

The course could also be used in conjunction with the current policy on enforcement and it was envisaged that this would be employed by the council to deal with drivers who had received repeat complaints of bad driving standards.

Interest in the new test had been expressed by local disability organisations and Thames Valley Police who were keen to provide input into this test.

## RESOLVED

- (1) That the Committee noted the report and authorised the Licensing services Manager to consult with the trade and other local, relevant organisations on the details of a tailor made driving course in respect to taxi and private hire driver applicants, and a report on the outcomes to be brought back to the committee in due course.

(Councillors Huxley and Lambert declared personal interests in the above item, as they were both elected Members of Bucks County Council.)