

LICENSING COMMITTEE

10 March 2014

PRESENT: Councillor Mrs Brandis (Chairman); Councillors Mrs Bloom, Hawkett, Huxley, Lambert, Mills, Mrs Phipps, Mrs Renshell, Mrs F Roberts, Sir Beville Stanier and Vick.

APOLOGIES: Councillors Mrs Blake, Cooper, Douglas-Bate and Rand

1. MINUTES

RESOLVED –

That the Minutes of 4 November 2013 be approved as a correct record.

2. PENALTY POINTS SYSTEM FOR TAXI ENFORCEMENT

At the July 2013 meeting of the Licensing Committee, members had discussed a report on the use of a penalty points system for hackney carriage and private hire (taxis) enforcement. Members had agreed in principle to the adoption of such scheme and authorised the Licensing Services Manager to undertake a consultation, by way of a questionnaire, with the trade and other relevant organisations before bringing a report back to this committee.

The purpose of a penalty points system would be to take enforcement action over certain repeated breaches of the Council's taxi standards. Although the Council's licensing policy dealt with serious breaches of licensing conditions, there continued to be less serious breaches and offences where a suspension would not be warranted, such as not wearing or producing on request a badge, or failing to display the licensed plate or door signs.

It had been proposed that such breaches or offences could be dealt with by way of a points system similar to the way in which a driving licence could accrue points for driving offences. It was also proposed that should a driver accrue twelve points then his suitability to continue to be licensed would be formally reviewed.

The proposed Penalty Points System and the guidance notes were attached as an appendix to the report. Also attached as an appendix were the comments received following the consultation as mentioned above.

Three members of the trade and PC Lucy Emerson of Thames Valley Police attended the meeting to make representations and answered questions put to them by Members.

Members sought clarification on the software/handheld devices to be used, numbers of points issued for breaches and offences, when an interview should take place, and how a driver is informed of a breach or an offence. It was confirmed that the system used would

be the same as that currently used by the parking enforcement officers and would be capable of immediately generating a "ticket", updating the driver's status on the Licensing Services databases and generating letters to the driver. It was also confirmed that the Penalty Points system would be reviewed in twelve months time, taking into account any problems that had arisen in rolling out and implementing the system.

Members agreed that the reference to "Taxi" in the title of the document be changed to "Hackney Carriage and Private Hire" for the avoidance of doubt; that failing to carry the required first aid kit or fire extinguisher be designated 3 and not 2 points and that drivers be interviewed by a licensing officer when at least 9 points have been accumulated as opposed to waiting until any further breaches occur. Members also agreed that after the system had been implemented it should be reviewed and at that stage consideration should be given to making any further changes if necessary.

It was also suggested that a meeting take place between the trade, AVDC, and Thames Valley Police on problems faced by all three parties and that a report on this be brought back to a future meeting.

RESOLVED –

- (1) That the proposed Penalty Points System for Hackney Carriage and Private Hire Enforcement be agreed, as amended, subject to approval by the Cabinet Member for Environment and Health, and
- (2) That the Cabinet Member for Environment and Health be asked to delegate to the Environmental Health and Licensing Group Manager and the Licensing Services Manager, the authority to make changes to the system having consulted with the Cabinet Member for Environment and Health.

3. SCRAP METAL DEALERS ACT, 2013 – UPDATE

At the Licensing Committee in November 2013, Members had approved the arrangements to implement the Scrap Metal Dealers Act 2013, and also approved the delegations in respect of refusals, revocations and variations to licences. The Act commenced on 1 December 2013 and it had been agreed at the November meeting that a further report would be brought to the Licensing Committee in March 2014 to review the arrangements that had taken place in implementing it.

It was reported that twenty eight applications for Scrap Metal Dealers licences had been received; nine for site licences and nineteen for collectors. In total twenty licences had been issued. Three applicants produced disclosures with relevant offences. The applicants were put on notice that the council were minded to refuse their applications and the reasons why. One applicant did not respond so the application was refused. Another applicant, having made an oral representation, was granted a licence subject to a compliance check after six months and a new application being submitted in twelve months.

In addition to the applications outlined above, licensing services had received a number of enquiries from businesses as to whether a licence would be required under the Act.

Licensing services had been working closely with Thames Valley Police and the Environment Agency through the Metal Theft Working Group. Unfortunately, a dedicated police team, Operation Precious, had recently been disbanded. However, two Neighbourhood Officers would be assisting licensing services with inspections and complaints.

Formal action had been required in respect to one dealer, who had been trading as a scrap metal dealer and motor salvage operator before the Act was introduced. The business had failed to make a complete application and was advised that they could no longer trade. However, they still continued to trade and a Closure Notice had been served.

It was confirmed that once a Closure Notice was served then trading had to cease immediately, and that after seven days if trading was still continuing then either the Council or the police could apply for a Closure Order. A JP would then decide if it would be appropriate to issue a court summons. Neither the Council nor the police had the authority to force an operator who had been trading without a licence to close unless a closure order is made by the Magistrates' Court first. An operator could, however, be prosecuted for carrying on a business as a scrap metal dealer without a licence.

The next step for the licensing team would be to check that those licensed were keeping correct records and that those who were licensed as collectors didn't require a site licence instead.

RESOLVED

- (1) That the Members noted the report.