

LICENSING COMMITTEE

Meeting - 9 October 2013

Present: Mr Walters (Chairman)
Mr Denyer, Mr Egleton, Mrs Royston, Mr Samson, Mr D Smith and Ms Vigor-Hedderly

Apologies for absence: Mrs Simmonds, Mr Brown, Mr Clark and Mr Pepler

15. MINUTES

The minutes of the following meetings of the Licensing Committee were confirmed and signed by the Chairman:

- 10 July 2013
- 28 August 2013

16. LICENSING ACT 2003 POLICY THIRD REVIEW 2013

The Committee received a report which informed Members of the outcome of the consultation process carried out in respect of the revised Licensing Act 2003 Policy Statement and asked Members to consider whether to recommend the draft policy for adoption by Council.

On 10 July 2013 the Licensing Committee approved a draft updated version of the Licensing Policy Statement for consultation. A consultation exercise was undertaken for 8 weeks, between Wednesday 17 July 2013 and Wednesday 11 September 2013.

The Committee noted the two responses received as part of the consultation process, which were attached as appendix 1 and the amendments which had been made to the draft policy as a result of the comments made.

In the discussion which followed, it was clarified that whilst there were no plans to collect a Late Night Levy, this could be reviewed in the future.

The Committee welcomed the updated draft Statement of Licensing Policy.

RECOMMENDED to Council that the updated draft Statement of Licensing Policy be adopted.

17. CONSIDERATION OF SOUTH BUCKS DISTRICT COUNCIL ADOPTED POLICY APPROACH TO TINTED WINDOWS ON HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

The Committee received a report which invited Members to consider whether the Council's current adopted policy approach to tinted windows on hackney carriages and private hire vehicles should be amended.

The report had been submitted at the request of the Licensing Sub Committee, which met on the 14 August 2013 to consider an application for a private hire vehicle in respect of a vehicle that officers had declined to licence due to the very heavy level of tint on the rear windows and rear windscreen of the vehicle. Having granted the application, the Licensing Sub-Committee were of the opinion that the Licensing Committee should be given the opportunity to review the policy and consider whether it should be amended in order to provide further clarity and consistency.

South Bucks District Council's Hackney Carriage & Private Hire Licensing Policy states that in the interest of Public Safety, tinted windows must be approved at inspection by a Licensing Officer prior to the licensing of the vehicle. Any vehicles inspected that give rise to concern for Public Safety shall be referred to the Licensing Sub Committee for determination. To ensure vehicles are safe for public use, many other local authorities have adopted policies relating to restricting the level of tint permitted on the windows of private hire vehicles. The report set out the policies of a number of local authorities in the area as examples of this.

During the discussion, the advantages and disadvantages of the options as set out in paragraph 4.5 of the report were discussed and some Members expressed concerns on options a, b and d because of implications for public safety. A number of Members were of the opinion that option c was more appropriate as by allowing for more light to be transmitted into the windows it would allow for greater public safety. However, in order to ensure that the needs of certain users are met, it was proposed that the following exemption should be added to option c:

- exceptions to limiting the tint in the rear windows and rear windscreen will be permitted for executive private hire vehicles which meet the Council's dispensation requirements i.e. vehicles which are exempt from displaying licence plates as set out in the Council's Hackney Carriage & Private Hire Licensing Policy. There will be no limit on the level of tint permitted on rear passenger windows and rear windscreen of private hire vehicles meeting the dispensation requirements.

A motion to approve option c as amended above was moved by Cllr Egleton and seconded by Cllr Smith. On a vote, the motion was carried.

RESOLVED that the following proposed amendment to the policy be consulted upon:

Light transmitted through the front windscreen of hackney carriages and private hire vehicles must be at least 75%. All other windows including the rear windscreen must allow at least 70% of light to be transmitted. Exceptions to this policy will be permitted for executive private hire vehicles which meet the Council's dispensation requirements i.e. vehicles which are exempt from displaying licence plates as set out in the Council's Hackney Carriage & Private Hire Licensing Policy. There will be no limit on the level of tint permitted on rear passenger windows and rear windscreen of private hire vehicles meeting the dispensation requirements.

18. **SCRAP METAL DEALERS ACT 2013 UPDATE**

The Committee received a report which updated Members on the implementation of the Scrap Metal Dealers Act 2013, following the Special Licensing Committee meeting on 28 August 2013 and Special Council on 17 September 2013.

The report sought to address concerns which had previously been expressed by the Committee regarding the resourcing of the new licensing regime and the health and safety of officers and members when carrying out their respective duties under the Act.

In the discussion which followed, the Committee were reassured that the licensing fees, as set out in 4.1 of the report, had been set at the right level and were in line with other authorities.

It was suggested that officers might want to consider producing leaflets to give out to local builders in order to make them aware of the new requirements. It was also suggested that it would be useful to inform the local parish councils of the new requirements.

The Committee discussed issues surrounding fly-tipping and scrap metal dealers.

RESOLVED that the report be noted.

19. **SCHEDULE OF DELEGATED DETERMINATIONS / APPEALS TO MAGISTRATES AND CROWN COURTS**

Delegated Determinations made by the Licensing Officer in respect of Personal Licences

The Committee reviewed and noted a list of the delegated determinations made by the Licensing Officer covering Personal Licences during the period 20 June 2013 to 5 September 2013.

Delegated Determinations made by the Licensing Officer in respect of Premises Licences

The Committee reviewed and noted a list of the delegated determinations made by the Licensing Officer covering Premises Licences during the period 20 June 2013 to 5 September 2013.

Delegated Determinations made by the Licensing Sub-Committee in respect of Premises Licences

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The Committee noted that there were no sub-committee determinations in respect of Premises Licences during the period 20 June 2013 to 5 September 2013.

Delegated Determinations made by the Licensing Sub-Committee in respect of Hackney Carriage & Private Hire Licences

The Committee reviewed and noted a list of the delegated determinations made by the Licensing Officer covering Hackney Carriage & Private Hire Licences during the period 20 June 2013 to 5 September 2013.

Appeals to Magistrates / Crown Court

The Committee noted that there were no appeals pending.

20. LICENSING ACT 2003 - PREMISES / CLUB PREMISES APPLICATIONS PENDING

The Committee received a report from the Director of Services of details of Premises applications pending to date. The Committee noted that there were no pending applications for the period up to and including 5 September 2013.

RESOLVED that the report be noted.

21. LICENSING SUB-COMMITTEE

The minutes of the Licensing Sub-Committee held on 17 June 2013 were received.

22. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING

The Committee received a report from the Director of Services on details of licences issued during the period 20 June 2013 to 5 September 2013.

RESOLVED that the report be noted.

23. LICENSING OF STREET COLLECTIONS

The Committee received a report from the Director of Services on details of Street Collection Permits issued between 1 September 2012 and 5 September 2013. It was noted that the list of street collections would change on a daily basis as and when applications were received.

The Committee agreed that, as of now, the Committee would only receive a brief report on the number of Street Collection Permits which had been issued rather than a list providing details on each individual permit issued.

RESOLVED that

1. the report be noted.
2. future reports to only detail the number of permits issued.

24. LICENSING OF HOUSE-TO-HOUSE COLLECTIONS

The Committee received a report from the Director of Services showing the House-to-House Collection Permits issued between 20 June 2013 and 05 September 2013. The schedule to the report also included details of charity collections where a Home Office exemption certificate had been granted. It was noted that the list of House-to-House Collection Permits would change on a daily basis as and when applications were received.

The report contained some details of collections that had already taken place. This was because Charities were required to submit returns to the Licensing Team containing details of their collections and amounts raised. These returns were due in after the collections had taken place and show as outstanding on the report if the return had not yet been received.

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The Committee agreed that, as of now, the Committee would only receive a brief report on the number of House-to-House Permits which had been issued rather than a list providing details on each individual permit issued.

RESOLVED that

1. the report be noted.
2. future reports to only detail the number of permits issued.

25. ANY OTHER BUSINESS

None.

26. EXCLUSION OF PUBLIC

Members noted that the following item contained information which was not available to the press and public

Licensing Sub Committee

(Schedule 12A Part 1 para (1) - because of information relating to the financial and business affairs of any particular individual (including the authority holding that information))

The Committee received the Part II minutes of the Licensing Sub Committee held on 14 August 2013.

The meeting terminated at 6.47 pm