



# Buckinghamshire Council Licensing Committee

## Minutes

**MINUTES OF THE MEETING OF THE LICENSING COMMITTEE HELD ON WEDNESDAY 14 JUNE 2023 IN THE OCULUS, BUCKINGHAMSHIRE COUNCIL, GATEHOUSE ROAD, AYLESBURY HP19 8FF, COMMENCING AT 6.30 PM AND CONCLUDING AT 7.40 PM**

### **MEMBERS PRESENT**

A Baughan, D Dhillon, P Gomm, B Stanier Bt, D Town, H Wallace and A Wood

### **OTHERS IN ATTENDANCE**

S Gallacher, A Thomlinson, L Vallis and S Manek

### **Agenda Item**

#### **1 APPOINTMENT OF VICE-CHAIRMAN**

Members noted the appointment of Councillor Andrew Wood as the Vice-Chairman of the Licensing Committee for the Municipal Year 2023/2024.

#### **2 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Joseph Baum, Tony Green, Jonathan Rush, Nick Southworth and Gurinder Wadhwa.

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

There were no declarations of interest.

#### **4 MINUTES OF THE PREVIOUS MEETINGS**

The Minutes of the Meetings held on 11 April 2023 and 17 May 2023 were both agreed as accurate records.

#### **5 HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING ENFORCEMENT UPDATE**

The Committee received a report on the update on Hackney Carriage and Private Hire Licensing Enforcement. The report was for the Committee to note. The report focussed on the enforcement activity for the reference period 1<sup>st</sup> October 2022 to 31<sup>st</sup> March 2023. The report provides an overview of how the Policy is applied in practice, with a summary of application outcomes, complaints, investigations, and other enforcement activity carried out by the Council's Licensing Service.

The report highlighted the following information for the reference period:

- 2188 hackney carriage and private hire vehicles were licensed with the Buckinghamshire Council as at 31<sup>st</sup> March 2023.

- 1330 licence applications for vehicles licences were received, of this, 618 applications were for new licences and 712 were applications to renew existing licences.
- 21 vehicle licence applications were refused as the vehicles concerned failed to meet the Council's Policy requirement in relation to prohibiting category S insurance write offs.
- 86 vehicle licence applications were rejected for a variety of reasons, but mainly as incorrect information had been provided on the application forms, incorrect supporting documents had been provided or the applicant had failed to pay the application fee. Encouragingly the number of vehicle applications being rejected has fallen significantly, by way of comparison during the first six months following the introduction of the new Policy in September 2021, 212 applications had been rejected.
- 2916 hackney carriage and private hire drivers were licensed with Buckinghamshire Council as of 31<sup>st</sup> March 2023.
- The Council received 737 driver licence applications, 457 from new drivers and 280 from drivers applying to renew. Nine applications were refused on the basis that the Officers were not satisfied that the applicants could be considered fit and proper to be licensed. Sixty-six rejected applications were attributed to applicants failing to pay the application fee at the end of the online application. This rejection process for non-payment of fees is fully automated and requires no input from council officers.
- On 31<sup>st</sup> March 2023, 215 private hire vehicle operators were licenced with Buckinghamshire Council.
- The Council had received 37 new and 12 renewal operator applications. Twenty applications had been rejected mainly due to applicants submitting multiple incomplete applications.
- There were 163 recorded complaints received by the Licensing Service, the main reasons for complaint were behaviour, driving standards and parking. In addition to the complaints, sixty investigations were instigated in respect of drivers and 14 in respect of operators. Many of the investigations had been completed. Following an investigation, five drivers had their licences revoked. Sixteen drivers had their licences suspended.
- 349 vehicles were suspended for a variety of reasons. In accordance with legal provision, once served with a suspension notice, the vehicle proprietor had 21 days to rectify the issue before the suspension took effect. For more serious matters, vehicle licences could be suspended with immediate effect or revoked. Licences suspended with immediate effect would be deemed revoked after two months if the issue of concern had not been satisfactorily resolved. Thirty-two vehicle licences and one operator licence had been revoked.
- Three appeal cases had been heard at the Magistrates Court.

Members were invited to ask questions of Officers. A Member noted that since most complaints were in respect of driver standards, what did the Council do to investigate driver standards to ensure they are improved? Secondly the Member asked for clarity over the number of complaints received and those that were investigated Officers informed the Committee that the 60 recorded investigations were in addition to the 163 recorded complaints. All complaints received were investigated to a full conclusion. Driver standards were investigated by thorough investigation, looking at corroborating evidence such as witnesses or CCTV and patterns of behaviour. All complaint investigations were recorded and kept on file and if a pattern of behaviour was present then this would lend more significant

weight to a decision as to a driver's suitability. As part of the application process, all drivers had to undergo mandatory training and assessments with a third-party company including an out on the road test, answering questions on the Council Policy and knowledge of the Highway code and all drivers had to complete the mandatory safeguarding training every three years.

A Member asked how many times top offending drivers who commit a serious offence and have been revoked, manage to get their licence back and if there was a zero tolerance to prevent the offence happening again? There also seemed to be two category types of vehicle condition, it was worrying to hear that some vehicles had no first aid kits and/or fire extinguishers and were given the opportunity to rectify this, was the Council too lenient. The Officer reassured the Committee that there was a very robust policy in place with very clear guidelines. Any driver licence that had been revoked for very serious offences would not get their licence back. There were clear rehabilitation periods stated in the policy. The criminal history was also checked through an enhanced DBS.

Where vehicles were found not to have first aid kits or fire extinguishers, the drivers were given 21 days to rectify and very often this would be done immediately and remedied very quickly.

It was reported that Buckinghamshire Council had signed up to the national register of revocations, refusals and suspensions which is checked prior to issuing licences. This would give the team the opportunity to speak to the other authority's to gain information and knowledge to aid with decision making. This was now a mandatory scheme, but the Council had been on Board from the beginning.

All drivers were required to be registered on the DBS Update Service. Whilst a driver was expected to inform the authority of any offences, this information would also be obtained through regular checks of the DBS Update Service.

A Member asked that of the 163 recorded complaints, 60 were related to the personal approach and attitude of the driver. Only 60 complaints had been investigated of the 163, so what actions had been taken for the rest of the complaints? Were there specific criteria in place for those complaints investigated? The Officer informed the Committee that all complaints received were investigated and then additionally further investigations took place that were instigated by other sources such as intelligence from police, proactive enforcement activities, and information from applications submitted. In the report time, 163 complaints were investigated with an addition of 60 from other sources.

A Member commented that the total number of vehicles licenced was just over 2000 and 1300 were in the last six months, was there a point at which the Council stopped issuing licences or did the Council continue to issue licences and drivers operated in neighbouring counties. Officers informed the Committee that driver licences were issued for three years and vehicle licences for one year. There were a few peak points within the year. If a valid application was received, it had to be considered. The council has no power to limit the number of private hire vehicles it issues, but legislation does allow the number of hackney carriages to be limited. Anecdotally private hire operators are actually saying there are not enough licensed vehicles. In terms of working in other areas, the Deregulation Act allows operators licensed in one area to an operator in another area. There was a joint enforcement protocol with Milton Keynes, working together to enforce.

A Member asked if residents with a guide dog were being refused and if there were any complaints about this. The Officer reported that there were very few complaints received where a resident with a guide dog had been refused a taxi. Drivers were given disability awareness training as part of the mandatory training to raise awareness. There had been some test purchasing by volunteers with assistance dogs and last time there had been a

100% success rate.

Finally, it was asked since there was no requirement for child seats, was there any guidance for drivers. Officers commented that this was encouraged but it was the responsibility of the parents.

There was a request to operators to have more female drivers.

**Resolved: The Committee noted the contents of the Hackney Carriage and Private Hire Licensing Enforcement report.**

## **6 BUCKINGHAMSHIRE COUNCIL DRAFT SCRAP METAL LICENSING POLICY**

The Committee received a report on the new Buckinghamshire Council draft Scrap Metal Licensing Policy. The determination of applications and fee setting in relation to scrap metal is an Executive function of the Council, with the power to grant licences and take enforcement, delegated to Officers. The policy would also provide guidance on the application process, a brief overview of relevant legislation and links to Government guidance. The Licensing Authority was required to consider and determine applications for licences relating to scrap metal in line with the relevant legislation.

Since becoming a unitary authority, fee levels had been harmonised and the licensing team had been working to consolidate records and develop working practices that were consistent across the new Council area. This had included finding new ways to work collaboratively with other departments such as planning, and with partners, such as TVP, Buckinghamshire Fire and Rescue Service and the Environment Agency, in order to carry out more effective compliance checks and intelligence gathering.

All scrap metal dealers must obtain a licence from the local authority in order to carry on their business. It is an offence to carry on a business without a licence. The offence was punishable on summary conviction with an unlimited fine.

A scrap metal dealer is defined in the Act as someone carrying on a business which consisted wholly or in part of buying and selling scrap metal, whether or not the metal was sold in the form in which it was bought.

Under the Act, scrap metal is defined as any old, waste, or discarded metal or metallic material and any product, article or assembly which was made from or contained metal and is broken, worn out or regarded by its last holder as having reached the end of its useful life.

There are two types of scrap metal licences as described in the legislation and guidance. These is a site licence and a mobile collector's licence. Both licence types lasted for a period of three years.

The Council currently licenced 15 scrap metal dealers, broken down into 8 site licences and 7 mobile collector licences. A dealer could only hold one type of licence in any one council authority area. A public register of licenced scrap metal dealers is maintained by the Environment Agency and the Council is required to provide the appropriate information on all scrap metal licences issued in our area to the Environmental Agency for this purpose.

Members were invited to ask questions of Officers. The Chairman asked for clarification on paragraph 2.7, whether metal stolen from historic sites was likely to be presented for sale in a

damaged state and therefore fell under the definition. It was confirmed that it was as defined in the report.

The Chairman asked about the cost of the licence and the cost to the Council to manage the process. The Licensing Officer informed the Committee that there were a very small number of licences issued by the Council and therefore there was a harmonised fee, once the policy had been adopted, this would be reviewed. Any changes of fees would be presented to the Committee.

A Member commented that they were happy to see the policy. The Member asked how mobile collectors would be managed and secondly, if farmers wanted to scrap metals, would they require a licence. The Officer informed the Committee that with the introduction of identify plates, this would raise awareness for residents that people collecting metal items from skips and gardens, require licenses. With respect to farmers, this would be assessed on a case-by-case basis and if it was only a by-product of the industry then it would be outside of the scope.

A Member asked why the policy was being issued now and what were the penalties for breaking the rules. The Member also raised that if washing machines and other similar items left in front gardens were not collected, would that be an issue as they would be just left or sent to landfill. The Officer explained that since becoming unitary, there was a work programme in place to review all the policies. Priority was being given to those policies that had potential high-level risk if not harmonised. All policies were in the process of being aligned. It was explained that currently a licence was required to collect appliances from skips and front gardens, there were wider issues around social responsibilities. Items were sometimes collected and striped down at inappropriate locations. And the penalty was a level 5 fine which carried an unlimited fine based on the income of the person being charged.

Finally, a Member asked if there had been any occurrences of lead being stolen from church roofs and sold and was advised that fortunately there had been a very few cases.

A Member suggested raising awareness for residents if the policy was approved. It was essential that residents could complain anonymously if they wanted.

The recommendation was that if the draft Scrap Metal Licensing Policy set out at Appendix 1, subject to any recommended amendments, was approved for consultation with relevant stakeholders.

On a vote being taken the recommendation was proposed by Cllr Wood and seconded by Cllr Gomm and: -

**RESOLVED that the draft Scrap Metal Licensing Policy set out at Appendix 1 of the report be approved for consultation with relevant stakeholders.**

## **7 DATE OF NEXT MEETING**

It was noted that the date of the next meeting was Tuesday 18 July 2023 at 6.30pm.