



Buckinghamshire Council Licensing Committee

Minutes

MINUTES OF THE MEETING OF THE LICENSING COMMITTEE HELD ON TUESDAY 5 SEPTEMBER 2023 IN THE OCULUS, BUCKINGHAMSHIRE COUNCIL, GATEHOUSE ROAD, AYLESBURY HP19 8FF, COMMENCING AT 6.30 PM AND CONCLUDING AT 7.47 PM

MEMBERS PRESENT

A Baughan, J Baum, D Dhillon, P Gomm, T Green, W Raja, J Rush, B Stanier Bt, J Towns, G Wadhwa and H Wallace

OTHERS IN ATTENDANCE

S Gallacher, A Thomlinson, E Cook, L Hornby and C Crelling

Agenda Item

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Paul Griffin, Nick Southworth and Andrew Wood.

2 DECLARATIONS OF INTEREST

Councillor Tony Green declared a prejudicial interest in item 5 (Draft Charitable Collections Policy) as he is a member of the Royal British Legion for the High Wycombe area and arranges collections during the poppy appeal period. Councillor Green left the room prior to the commencement of the debate on this item and did not return or take part in the vote on this item.

3 MINUTES OF THE PREVIOUS MEETING

The Minutes of the Meeting held on 14 June 2023 were agreed as a correct record.

4 BUCKINGHAMSHIRE COUNCIL DRAFT SCRAP METAL LICENSING POLICY

The Committee received a report on the new draft Scrap Metal Licensing Policy following a six-week public consultation. The purpose of the report was to provide a summary of the consultation responses, to comment on these and to identify and recommend any changes to the draft policy in response to the consultation.

On the 14 June 2023, the Licensing Committee approved a new draft Scrap Metal Licensing Policy for public consultation. A six-week public consultation on the draft Policy was carried out, primarily by way of a survey published on Your Voice Bucks. The consultation process ran from 03 July 2023 up to and including 13 August 2023. In total, there were only 6 responses during the consultation period. 5 people responded to the survey and an additional 1 response was

received by email. The summary of survey responses was attached at Appendix 1 of the report. The free text comments provided via the survey were shown in Appendix 2 of the report. An email response was received from Bucks Fire and Rescue Service and was attached as Appendix 3 of the report. The Environment Agency were also asked to comment on the proposed policy but advised that they did not have sufficient resource to do so. All those that responded either strongly agreed or agreed with the proposals within the draft policy.

There were no proposed changes to the draft policy following public consultation, the reasons for which were set out section 2 of the report. If recommended for approval by the Licensing Committee, the policy, which was attached at Appendix 4 of the report, would go forward for Key Decision by the Leader of the Council with a proposed implementation date of 1 February 2024, taking into consideration any practicalities such as updating Council webpages, application forms and back-office processes.

Members were invited to ask questions of officers. In response to a question regarding fees, officers explained that fees were set on a cost recovery basis and that once the new Policy had been adopted a review of scrap metal licence fees would be carried out and any changes proposed would be brought before the Licensing Committee. This would most likely happen in February 2024 when the Council would be in a better position to calculate how much it was costing to provide the Service under the new Policy.

A Member, having expressed concern that there were only 6 responses to the consultation, asked how many scrap metal licence holders there were in Buckinghamshire and how the consultation had been undertaken. In response officers advised that the Council currently licenced 15 scrap metal dealers, broken down into 8 site licences and 7 mobile collector licences. Officers explained that they had carried out a comprehensive consultation process following a consultation plan which had been created in conjunction with the Council's consultation team. Consultation was principally by way of a survey published on Your Voice Bucks. Links to the survey were sent to all relevant stakeholders, including affected licence holders, Ward, Town and Parish Councillors, Community Boards, Thames Valley Police, Buckinghamshire Fire and Rescue Service, British Transport Police, Environment Agency and National Infrastructure Crime Reduction Partnership. The survey was also publicised through the Council's media channels. It was also publicised in the Town and Parish Councils Newsletter on 8 August 2023. Officers explained that the small number of respondents could be because there were only 15 scrap metal licence holders in Buckinghamshire and because the subject matter was very prescriptive based on the legislation which already applied to businesses.

A Member raised a concern that the Environment Agency didn't provide any feedback as part of the consultation process as they did not have the resources and asked whether the Council could rely on the Environment Agency for any support if it was required. In response, the officers advised that they did not have any experience of needing support from the Environment Agency and were unable to answer this until such time as support was required. Officers went on to explain that it was more likely that the Council would look for support from the British Transport Police and Thames Valley Police for assistance with inspections and contact the National Crime Reduction Partnership for guidance. The public register was published by the Environment Agency and the Environment Agency was responsible for maintaining this register.

Following a question regarding why a dealer could only hold one type of licence in any one council authority area, it was noted that this was what was prescribed in the legislation. Officers advised that they did not know the reasons for why this was prescribed in legislation, but they would contact the relevant Government department to ask what the reason for this was and would report back to the Licensing Committee.

A Member welcomed the new Policy and praised officers for the work they had carried out. The Member commented that the only other thing they would have liked for the Policy to have covered in more detail was the issue of metal being taken from skips in the early hours of the morning.

In response to a question regarding the justification for the creation of the new Policy, officers advised that whilst there was no statutory requirement for a policy under the legislation, it was now considered appropriate to produce a single policy for Buckinghamshire Council which sets out a clear and consistent framework for the Council's approach to scrap metal licensing. The adoption of a policy supports the Council's commitment to transparency, fairness and openness when determining applications and ensuring compliance with the relevant legislation. The Policy would ensure consistency of approach and it was considered that the Council would be far less likely to be open to legal challenge if a policy was adopted, which clearly sets out how applications would be considered, reasons for refusal and the approach to enforcement. Furthermore, the Policy would also give the Council an opportunity to set out how it would implement the Local Government Association's recommendations for good practice in relation to scrap metal licensing, such as carrying out compliance visits, partnership working with other agencies and intelligence sharing.

On a vote being taken the recommendation was proposed by Cllr Dhillon and seconded by Cllr Stanier and:-

RESOLVED:-

- 1) That following the consultation, the Scrap Metal Licensing Policy with a proposed implementation date of 1st February 2024 be agreed.**
- 2) That the Policy be recommended for approval as a Key Decision by the Leader of the Council.**
- 3) That the Head of Service for Licensing, in consultation with the Cabinet Member for Homelessness & Regulatory Services and Chairman of the Licensing Committee, be authorised to amend the implementation date of the Policy if required.**

5 DRAFT CHARITABLE COLLECTIONS POLICY

The Committee received a report on the draft Charitable Collections Policy. The report provided the feedback following a 6-week public consultation exercise, together with a number of recommended amendments to the original draft Policy.

On 1 February 2023, the Licensing Committee approved a draft Charitable Collections Policy, "Policy", for consultation. The Policy set out both the legal framework and a proposed approach to authorising charitable collections in public areas and by way of calling house to house. Following the meeting on 1 February 2023, a 6-week public consultation exercise took place between 9 May and 20 June 2023. Consultation was principally by way of a survey published on Your Voice Bucks. Links to the survey were sent to Ward Councillors, Town and Parish Councils, Community Boards, umbrella charity organisations (National Council for Voluntary Organisations, Community Impact Bucks, Association of Chief Executives of Voluntary Organisations, Thames Valley Police, Buckinghamshire Council Community Safety and town centre management teams. The survey was also publicised through the Council's media channels. 55 responses were received by way of the survey and 6 additional written responses were received. Appendix 1 provided a summary of the consultation responses and Appendix 2 contained a transcript of the typed responses from the survey. Appendix 3 contained the 6 additional written submissions.

Section 3 of the report set out the reasons why either amendments were being suggested or no change was being suggested in response to the consultation. It was noted that in paragraph 3.19 of the report, the recommendation being referred to was in paragraph 3.16 of the report and not paragraph 3.21 as was stated.

In summary, the following amendments to the Policy were being recommended:

- The Policy had been amended to allow applicants to apply for house-to-house collections to take place over a period of up to 28 days during the pre-Christmas period. (see Policy 2.8).
- The Policy has been amended to allow applicants to apply for house-to-house collections to take place until 8pm, with a discretion to apply for later hours during the pre-Christmas period. (see Policy 2.10).
- The Policy had been amended so that street collections are limited to town and village centres and other commercial areas. (see policy 3.24).
- The Policy had been amended to provide clarification that charities can still apply to collect in more than one ward/location under the same licence/permit. (see policy 2.5 and 3.9).

The draft Policy, with these amendments, was attached at Appendix 4 of the report.

Currently, the Council was able to regulate street collections because of historical adoptions of the model regulations by the legacy Buckinghamshire district councils and the transitional arrangements governing the formation of Buckinghamshire Council. Should the Licensing Committee be minded to agree to the ongoing control of charitable street collections, it was recommended that Full Council be asked to pass a new resolution to adopt the model regulations for Buckinghamshire Council.

Members were invited to ask questions of officers. In response to a question regarding whether consultees had been informed of the proposed amendments, officers advised that the draft Policy, including the recommended amendments, had been published on the Council's website as part of this meeting's agenda pack. Furthermore, should the Licensing Committee be minded to approve the recommended amendments, the final policy, which would include those amendments, would be sent out to those who responded to the consultation for information.

Following a question regarding the need for the Policy, officers explained that applications for charitable collections were currently being considered and determined according to the practices of the legacy district council areas or policies where these are in force. This had resulted in inconsistency and possibly perceived unfairness across the council area and a lack of effectiveness or efficiency for those processing the applications. Although there was no statutory requirement for a policy covering charitable collections, it was considered desirable and necessary to implement one so that Buckinghamshire Council would be seen to be transparent, consistent, fair and open when considering and determining applications for this activity.

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

RESOLVED:-

- 1) That the recommended amendments to the draft Charitable Collections Policy as set out in the report be agreed.**
- 2) That the final version of the Charitable Collections Policy, set out at appendix 4 of the report, with an implementation date of 1st February 2024 be agreed.**

- 3) That Full Council be requested to pass a resolution adopting the model street collection regulations as set out in the 'Charitable Collections (Transitional Provisions) Order 1974 (SI 1974/140) (Model Street Collections Regulations).
- 4) That the Head of Service for Licensing, in consultation with the Cabinet Member for Regulatory Services and Chairman of the Licensing Committee, be authorised to amend the implementation date of the Policy if necessary.

Councillor Tony Green, having declared a prejudicial interest, left the room prior to the commencement of the debate on this item and did not return or take part in the vote on this item.

6 DATE OF NEXT MEETING

It was noted that the date of the next meeting was 7 November 2023 at 6.30pm.