



LICENSING AND ENFORCEMENT COMMITTEE

MEETING : Tuesday, 10th September 2013

PRESENT : Cllrs. Noakes (Chair), Porter (Vice-Chair), Brown, Tracey, C. Witts, Lugg, Hanman, Mozol, Randle, Toleman and Gilson

Officers in Attendance

Gill Ragon, Public Protection Manager

Steve Isaac, Solicitor

Lisa Jones, Food Safety and Licensing Service Manager

Tony Wisdom, Democratic Services Officer

APOLOGIES : Cllr. Durrant

12. DECLARATIONS OF INTEREST

No declarations were made on this occasion.

13. MINUTES

The minutes of the meeting held on 18th June 2013 were confirmed and signed by the Chair as a correct record.

14. PUBLIC QUESTION TIME

There were no questions from members of the public.

15. PETITIONS AND DEPUTATIONS

There no petitions or deputations.

16. SCRAP METAL DEALERS' ACT 2013

The Food and Licensing Service Manager presented the report which provided an update on new legislation in respect of scrap metal dealers and motor salvage operators. The report also proposed five recommendations to the Council which requested various delegations to the Licensing and Enforcement Committee, the Licensing and Enforcement (Enforcement) Sub-Committee and officers to enable the Council to fulfil its responsibilities under the Scrap Metal Dealers Act 2013.

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She advised Members that the Act which was expected to come into force from 1st October 2013 would replace the Scrap Metal Dealers Act 1964 and Part 1 of the Vehicles (Crime) Act 2001.

She noted that the Act required all individuals and businesses engaged in the trade to obtain either a site/premises licence or a mobile collectors' licence to collect scrap metal within the City Council's boundaries.

It would not be permissible for site licence holders to apply for a mobile collectors licence. It was anticipated that straightforward applications would be determined by officers under delegated powers and contentious or disputed applications would be referred to a Member Panel. It was considered that the Licensing and Enforcement Sub-Committee would be the appropriate Member Panel to determine applications that were contentious or involved judgements about the past criminal record of applicants.

The Public Protection Manager undertook to look at changing the wording of the community safety Implications at Paragraph 11.1, Community Safety.

In answer to questions, the Licensing and Food Safety Manager was not able to estimate the impact on work loads but noted that the licence would provide income from the associated fees. Members noted that there would be costs incurred in enforcement action against those operating without a licence.

The Chair advised that a Members' Information Sheet would be issued in the near future and would provide further detail on the following issues:

- Authentication and records required to be maintained by mobile scrap collectors.
- Hours of operation for mobile collectors especially in respect of loudspeakers.
- Design and style of licences and practicability of including photographic identification.
- How long the scrap collectors can sound their vehicle chimes within the law.

RESOLVED TO RECOMMEND TO COUNCIL that:

- (1) Council delegates the function to consider appeals against officer decisions or contentious applications for scrap metal dealer licences to the Licensing and Enforcement Committee with sub-delegation to Licensing and Enforcement (Enforcement) Sub-Committee;**
- (2) Council delegates the function to determine and approve policy for implementation and delivery of the Scrap Metal Dealers Act 2013 to the Licensing and Enforcement Committee;**

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- (3) Council delegates the function to determine fees for Scrap Metal Dealers licence applications to the Licensing and Enforcement Committee;**
- (4) Council delegates the function of processing minor amendments to policy as a result of pending guidance, to the Director of Services & Neighbourhoods in consultation with the Chair of Licensing and Enforcement Committee; and**
- (5) Council delegates the function of considering and approving non-contentious applications for scrap metal dealer licences to the Food and Licensing Service Manager.**

17. MEMBERS' UPDATE

The Licensing and Food Safety Manager presented the report which provided details of key licensing activities carried out in the last quarter including enforcement work, progress updates on the Committee work plan and changes in licensing law.

The Chair noted that the agenda for the December 2013 meeting would also include an item in respect of the taxi rank review and proposals for a rank in Southgate Street. The Licensing and Food Safety Manager advised that the section was liaising with County Highways and it was hoped to set up an on-line survey in the Gloucester Citizen newspaper. A Member suggested that the Student Union be approached for the views of students who would use such a rank.

The Licensing and Food Safety Manager undertook to find out why signs for the Eastgate Street weekend closure referred to 22.00 -05.00 as the Nightsafe Group had been told that the closure could only be applied from 23.00 hours.

She also advised that Cabinet had not yet determined the proposed Gating Order for Organ's Alley and when that decision had been made she would be looking at suitable styles of gates and locks. It was intended that access would only be granted to those requiring access to property in the Alley including statutory and emergency services.

RESOLVED that the report be noted.

18. DATE OF NEXT MEETING

Tuesday, 10th December 2013 at 18.30hours.

Time of commencement: 18:30 hours

Time of conclusion: 19:03 hours

Chair