

**Minutes of the meeting of the Licensing and Regulatory Committee held at
County Hall, Usk on Tuesday 11th February 2014 at 9.30 a.m.**

PRESENT: County Councillor: L. Guppy (Chairman)

County Councillors: R. Edwards, D.J. Evans, M. Hickman, R.J. Higginson, J. Prosser, B. Strong, P. Watts and A. Webb.

OFFICERS IN ATTENDANCE:

Mr G. Perry	-	Public Protection Manager
Mrs L. O' Gorman	-	Principal Licensing Officer
Mr I. Gealy	-	Assistant Solicitor
Mrs S. King	-	Democratic Services Officer

APOLOGIES FOR ABSENCE

1. Apologies for absence were received from County Councillors J.I. Marshall and S.G.M. Howarth.

DECLARATIONS OF INTEREST

2. There were no declarations of interest.

CONFIRMATION OF MINUTES

3. The minutes of the Licensing and Regulatory Committee meeting held on Tuesday 22nd October 2013 were confirmed as a correct record and signed by the Chairman.

Members were reminded that a Licensing Training session had been arranged at Newport City Council on Tuesday 8th April 2014.

REPORTS FROM THE PRINCIPAL LICENSING OFFICER

4. We received reports from the Principal Licensing Officer, as follows:

- i) **Hackney Carriage and Private Hire Licensing Policy – Fitness criteria for Drivers and Operators**

We received a report which considered the Hackney Carriages and Private Hire Licensing Policy – Fitness Criteria for Drivers and Operators.

Officers advised that the report related to the policy adopted by Monmouthshire County Council on 30th March 2009. In September 2013 the Directors of Public

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Protection Wales (DPPW) – Technical Panel, which consists of Licensing Officers for each Welsh Authority, had amended the policy on dealing with convictions and it was recommended that the Council adopts the new policy.

We resolved to agree recommendations as follows:

- 1) To amend the Hackney Carriages and Private Hire Licensing Policy – as set out in Appendix A to this report (Fitness Criteria for Drivers and Operators)
- 2) That a period of 90 days consultation to those licensed under the remit of Private Hire and Hackney Carriage should take place.
- 3) That adverse responses be brought back to the Licensing and Regulatory Committee for consideration but should no adverse representation be made within that time period the policy be adopted.

ii) Intended Use Policy for the Licensing of Hackney Carriages

We received a report which considered the Intended Use Policy for the Licensing of Hackney Carriages.

The report had been through the DPPW Technical Panel, who had recognised that Authorities were received significant number of applications and enquiries from hackney carriage proprietors and drivers who reside outside the Council area.

Enforcement Officers would not be able to carry out enforcement in other Local Authority areas and it would also be difficult to monitor vehicles if they rarely operated within the area and this could have significant safety issues.

During discussion the following points were noted:

- It was recognised that operators within Monmouthshire were also registered with Torfaen. Members asked whether views of the transport department would be obtained regarding the policy. We were advised that the transport department would be consulted on both policies and there is a memo of understanding in place regarding licensed drivers being used for transport contracts.
- It was recognised that the authority had power of investigating vehicles, but this could not be done in another local authority area. However, there was a possibility to liaise for another authority to do it on behalf of Monmouthshire County Council.
- Currently applicants were asked to complete a pro forma, a section could be included to ask where vehicle would be kept. There would be no objection to interview applicants and gather evidence prior to the application. It was suggested that this factor could be included in the policy and that applicants would have the opportunity to demonstrate that they're operating appropriately.
- It was requested that a summary policy could be presented to the committee at a future meeting. Policies and guidance would be included on the website.
- In relation to responses, we agreed that the word 'adverse' would be left out of recommendation 3.

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We resolved to agree recommendations as follows:

- 1) Members consider the implementation of an intended use policy for hackney carriages (attached to this report as Appendix
- 2) That a period of 90 days consultation to those licensed under the remit of Hackney Carriages should take place.
- 3) That responses be brought back to Committee for consideration but should not adverse representation be made within that time period the policy be adopted.

iii) Scrap Metal Dealers Act 2013 – Statement of Licensing Policy

We received a report which considered the Scrap Metal Dealers Act 2013 – Statement of Licensing Policy.

Cabinet approved the application process, for those requiring a licence under the Scrap Metal Dealers Act 2013, on 2nd October 2013. The Gwent Licensing Forum drafted a policy to deal with scrap metal applicants.

The committee were advised that the matter was currently an executive function, however, the Welsh Government had indicated that there could be an amendment and it would be within the remit of the Licensing and Regulatory Committee.

During discussion the following points were noted:

- Clarification was provided regarding wording within the policy, where ‘Council’ was used it referred to the authority and council in that context would be generic and Gwent was defined by the 5 authorities names stipulated within paragraph 5.2 of the policy.
- It was requested that further clarification was included regarding the process and how issues would be progressed, it was noted that consistency was required. Officers confirmed that paragraph 6.8 could be developed.
- A scrap metal collector would need a license from each authority that was covered.

We resolved to agree recommendations as follows:

1. To endorse the Scrap Metal Dealers Act 2013 – Statement of Licensing Policy (attached as Appendix A) prior to recommendation to Cabinet.
2. That a period of 90 days consultation to those licensed by Monmouthshire County Council under the remit of the Scrap Metal Dealers Act 2013, Heddlu Gwent Police, British Transport Police, National Resource Wales and Industry Associations.
3. That adverse responses be brought back to the Licensing and Regulatory Committee for consideration but should no adverse representation be made within that time period the policy will be deferred to Cabinet for a recommendation to adopt.

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DATE OF NEXT MEETING

5. Officers advised that in the view of the review of constitution being undertaken then some aspects would need to be included.

There would be an opportunity for additional items to be considered at Licensing and Regulatory Committee meetings, such as public protection matters and food regulations.

The committee would be notified of any policy changes that were required.

We noted the date of the next Licensing and Regulatory Committee as Tuesday 11th March 2014, 10am at County Hall, Usk.

The meeting ended at 10.15am.