
BRECKLAND COUNCIL

At a Meeting of the

LICENSING COMMITTEE

**Held on Wednesday, 11 January 2017 at 10.00 am in
Norfolk Room, The Conference Suite, Elizabeth House, Dereham**

PRESENT

Councillor M. Chapman-Allen (Chairman)	Mr K.S. Gilbert
Mr K. Martin (Vice-Chairman)	Mrs K. Millbank
Mr S Askew	Mrs L.H. Monument
Mrs E J Bishop	Mr T F C Monument
Councillor C Bowes	Mr W. R. J. Richmond
Mr P. R. W. Darby	Mr F.J. Sharpe

Also Present

Detective Constable Andy
Brown

In Attendance

Tiffany Bentley	- Licensing Officer
Donna Hall	- Licensing & Business Support Manager
Sarah Wolstenholme-Smy	- Interim Legal Services Manager
Julie Britton	- Democratic Services Officer

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1/17 MINUTES (AGENDA ITEM 1)

The Minutes of the meeting held on 12 October 2016 were confirmed as a correct record and signed by the Chairman.

2/17 APOLOGIES (AGENDA ITEM 2)

Apologies for absence were received from Cllrs Hollis and Duffield.

3/17 URGENT BUSINESS (AGENDA ITEM 3)

None.

4/17 DECLARATION OF INTERESTS (AGENDA ITEM 4)

None.

**5/17 NON-MEMBERS WISHING TO ADDRESS THE MEETING (AGENDA
ITEM 5)**

None.

6/17 QUARTERLY TEAM UPDATE REPORT (AGENDA ITEM 6)

The Licensing & Business Support Manager provided Members with an update on the activities of the Licensing Team from October to December 2016.

It was noted that though the numbers were quite low, there was still a great deal of work involved in relation to the scrap metal applications and renewals. The Animal Boarding Licence renewals were higher than normal but this had been due to the expiry date being at the end of the year.

The Licensing Team was now using the services of Norfolk County Council Road Safety Team for the DVSA assessments; this had been working well and no procurement exercise had been necessary. Members were content to carry on with this approach.

An internal audit had been carried out in December 2016; the draft report was awaited; however, the verbal feedback that had been received had been positive. One audit recommendation had been to review the taxi licensing fees and policy both of which were underway.

Councillor Darby mentioned the number of Panels/Hearings that were scheduled and asked if this was normal. Members were informed that these were quite difficult to predict but the Licensing Panels were triggered by the Council's Policy; however, the last two had stemmed from the investigations by Trading Standards. The Chairman credited the work of the Trading Standards Team.

Councillor Darby also asked if Breckland had many Uber drivers. Members were informed that there was none that the Licensing Team was aware of in the Breckland area. The taxi legislation did not include that activity at all although it was just a matter of time before one came in; therefore, the Licensing Team was getting prepared just in case.

The report was otherwise noted.

7/17 SCRAP METAL LICENSING - THREE YEARS ON (AGENDA ITEM 7)

The Chairman welcomed Detective Constable Andy Brown from Norfolk Constabulary to the meeting. He had been invited to the meeting to speak about the partnership working with the Licensing Team on scrap metal licensing, particularly as the three year milestone had just passed following the introduction of the Scrap Metal Act, and the 3 year renewals for Breckland sites and collectors had just been carried out.

DC Brown provided the Committee with a detailed overview of what his role entailed, the problems encountered and the excellent relationship he had with the Breckland Licensing Team. He managed seven districts but felt that the Breckland Team was above the rest which he knew was down to the hard work, dedication and excellent communication of the Officers involved. The Chairman concurred with the above comments and thanked DC Brown for his high commendation.

DC Brown had been appointed to his current position in 2007 and had a very robust stance with the scrap metal dealers in Norfolk. In early 2010

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cashless legislation was brought in following the increase in scrap metal prices; however, this Act, in his opinion, was not fit for purpose and was due to be re-visited in 2018. He encouraged the Officers concerned to send any feedback to the Home Office stating their views on what they felt worked and what did not. There were a number of definitions in the Act that needed to be made clear for instance, the definition of scrap and what was deemed to be a 'fit and proper person' when issuing a licence.

He explained the problems he had with serving notice on illegal sites and the various issues encountered with 'dealers' collecting from private dwellings. The licence itself provided certain powers to the local authority and the Police (as long as notice was given) to check scrap metal premises but for a collector issued with a licence residing at a private address there were no such powers only if stopped in transit.

The Safety Advisory Group was highlighted which was a Forum hosted by Breckland Council and managed by the Licensing Team and included officers from Norfolk Constabulary, Norfolk Fire and Rescue Service, East of England Ambulance NHS Trust, Norfolk County Council Highway Authority, Breckland Council Emergency Planning and Environmental Health. One of these events had asked collectors of scrap metal to bring their licenses in to ensure compliance and to assist those who were applying for a licence but had reading and writing difficulties in completing the application form.

The Licensing Officer reminded Members that the Environment Agency was also involved as scrap metal dealers that had a licence also had to have a permit.

Members were provided with an idea of scrap values.

Councillor Gilbert asked how much notice had to be given to visit a site. Members were informed that the Act stated 'reasonable' notice must be served.

Councillor Bishop asked DC Brown how he dealt with the Travelling Communities who were often involved in scrap metal collections without a licence. She also asked about penalties. In response, it was highlighted that this was also about getting the Act/legislation changed; however, Planning Enforcement could also be involved but only by way of a written complaint. In response to the latter question, Members were informed that a closure notice would have to be issued; the process of which was explained.

Councillor Bowes asked about the prosecution rate for Church (lead) theft. DC Brown explained that he spoke with the Diocese every day and visited every single theft and much was put in place to try and prevent these thefts. It was noted; however, that the responsibility of stopping the theft was not down to the Police but the owner of the Diocese.

Councillor Darby felt that all these Acts/legislations/laws etc could drive many people underground which in its self could cause more people to fly-tip. DC Brown said that most recycling centres took old electrical items such as refrigerators or if transportation was an issue then the item could be collected by Serco in Breckland's case or a registered scrap dealer

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could be contacted; there were many ways of getting rid of unwanted items so there was no excuse to fly-tip.

Councillor Richmond had noted that there was not much interaction with the Planning Enforcement Team and asked how this could be improved. It was noted that this could be improved by way of more communication and relevant protocols being put in place as this was just the same as an illegal activity without the relevant planning permission. The Licensing Officer pointed out that although very separate; there were certain powers in place.

Councillor Monument was interested in the feedback to the Home Office and was keen to share her ideas on relevant wording. She was also in strong support of applicants being able to prove whether they could read or write before applying for a licence.

The Chairman thanked DC Andy Brown for a very interesting discussion and assured him that all this useful information would be taken forward.

8/17 IMMIGRATION ACT (AGENDA ITEM 8)

The Licensing & Business Support Manager presented the report.

The Immigration Act had been discussed albeit briefly at the previous meeting as it was unclear at that time what the Act would be. The Immigration Act 2016 had come into effect on 1st December 2016. All nationalities, including UK citizens, who held a taxi or private hire driver licence or private hire operator licence, must now undergo the new immigration check known as "right to licence check". The Licensing Team had attended relevant training sessions provided by the Home Office. This was not considered to be an onerous task for the Licensing Team; however, this additional check could be more complicated for non UK citizens. The Council's Customer Contact Centre had been briefed on how to complete these new checks in conjunction with the Licensing Team. The Team had a good contact in the Home Office as there would be additional checks in relation to the Licensing Act coming into force in the Spring.

Existing licence holders must undergo the check on their next renewal from 1 December 2016.

Councillor Martin asked how such drivers could get a licence without being able to speak, read or write in English. The Licensing & Business Support Manager explained that there would be a number of checks that drivers would have to go through and a training session could be introduced as part of the process.

In response to a question, the length of time between renewals was three years. All other checks were completed on renewal and there were safeguards in place linked to the Disclosure and Barring Service (DBS) for certain offences.

A question in relation to whether anything was in place for foreign nationals to take a UK driving test was clarified.

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The report was otherwise noted.

9/17 NEXT MEETING (AGENDA ITEM 9)

The arrangements for the next meeting on Wednesday, 22 March 2017 at 10.00am in the Norfolk Room were noted.

The meeting closed at 11.40 am

CHAIRMAN