

**LICENSING BOARD
14th August, 2013**

Present:- Councillor Wootton (in the Chair); The Mayor (Councillor John Foden) and Councillors Andrews, Barron, Beck, Buckley, Dalton, Dodson, Donaldson, Doyle, Goulty, Havenhand, McNeely and Sangster.

Apologies for absence had been received from Councillors Falvey, J. Hamilton, N. Hamilton, Read, P. A. Russell and Swift.

Q13. DECLARATIONS OF INTEREST.

There were no declarations of interest to record.

Q14. MINUTES OF THE PREVIOUS MEETING HELD ON 10TH JULY, 2013.

The minutes of the previous meeting of the Licensing Board held on Wednesday 10th July, 2013, were considered.

Resolved:- That the minutes of the previous meeting be approved as a correct record for signature by the Chairman.

Q15. PROPRIETOR'S REQUEST FOR INDIVIDUAL EXEMPTION TO LICENSED VEHICLE CONDITIONS.

Consideration was given to a report presented by the Licensing Manager (Licensing Service, Neighbourhood and Adult Services Directorate) concerning a request from the owner/proprietor of hackney carriage vehicle "KHA111S Toyota Avensis White" for permission to remove the Rotherham hackney carriage identity door signs and roof light from the vehicle when it was being operated as a private hire vehicle in another local authority area. Members noted that permission not to display such signs would constitute an exemption to conditions 2 and 5 of the hackney carriage vehicle conditions of licence.

The Licensing Board carefully considered the request as submitted.

Resolved:- That permission be refused to the proprietor's request for Individual Exemption to Licensed Vehicle Conditions as submitted.

Q16. EXCLUSION OF THE PRESS AND PUBLIC.

Resolved:- That the following items be considered in the absence of the press and the public as being exempt under the provisions of the Police Act, 1997, and Paragraphs 3 and 7 of Part 1 of Schedule 12A to the Local Government Act, 1972 (business affairs and the prevention of crime).

Q17. DETERMINATION OF LICENSING ISSUES - HOUSE TO HOUSE COLLECTION.

Consideration was given to the report submitted by the Licensing Manager (Licensing Service, Neighbourhood and Adult Services Directorate) concerning the following application for the grant of a licence to carry out house-to-house collections: -

Organisation	Area	Date
Woodlands Cancer Care	Whole of the Rotherham Borough area	1st September, 2013 to 30th November, 2013

Resolved:- That the application, as now submitted, be refused.

The Licensing Manager also informed the Licensing Board of a recent successful prosecution of a collection company that had previously been refused a licence to undertake house-to-house collections by the Rotherham Licensing Board. The company had subsequently been found to be operating in the Borough and had been convicted of operating illegally and fined £1,800 and costs. Enforcement activities had led to other potential prosecutions pending within the court system.

The Rotherham Licensing Service would be updating their communications and corporate stationery to include information about the successful conviction as a deterrent measure.

Q18. APPLICATIONS FOR THE REVIEW OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS' LICENCES.

The Licensing Board considered the report of the Licensing Manager (Licensing Service, Neighbourhood and Adult Services Directorate) relating to applications for the review of hackney carriage / private hire drivers' licenses in respect of Messrs. A.U.D.S. and B.Y..

Messrs. A.U.D.S., along with his representative from the Rotherham Private Hire Association, and B.Y. attended the meeting and were interviewed by the Board.

Resolved: - (1) That Mr. A.U.D.S. be issued with a written warning as to his future conduct in respect of his hackney carriage / private hire driver's licence.

(2) That Mr. B.Y.'s hackney carriage / private hire drivers's licence be suspended for a period of one month.

Q19. APPLICATIONS FOR THE GRANT OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS' LICENCES.

The Licensing Board considered the report of the Licensing Manager (Licensing Service, Neighbourhood and Adult Services Directorate) relating to applications for the grant of a hackney carriage / private hire drivers' licenses in respect of Messrs. M.H. and Q.U.Z..

Mr. M.H., along with his representative from the Rotherham Private Hire Association, attended the meeting and was interviewed by the Board.

Resolved: - (1) That the request for a grant of a hackney carriage/private hire driver's licence in respect of Mr. M.H. as submitted be refused.

(2) That the request for a grant of a hackney carriage/private hire driver's licence in respect of Mr. Q.U.Z. be deferred to offer the applicant a second opportunity to attend the hearing.

Q20. APPLICATIONS FOR THE RENEWAL OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS' LICENCES.

The Licensing Board considered the report of the Licensing Manager (Licensing Service, Neighbourhood and Adult Services Directorate) relating to an application for the renewal of a hackney carriage / private hire drivers' license in respect of Mr. A.A..

Resolved: - That the request in respect of Mr. A.A. be deferred to a future meeting of the Licensing Board in order for information to be received from the Criminal Records Bureau and the Driving and Vehicle Licensing Agency.

THE CHAIRMAN OF THE LICENSING BOARD ALLOWED THE INCLUSION OF THE FOLLOWING ITEM ON THIS MEETING'S AGENDA IN ORDER TO UPDATE THE MEMBERS OF THE LICENSING BOARD: -

Q21. SCRAP METAL DEALERS' ACT, 2013.

The Licensing Manager (Licensing Services, Neighbourhood and Adult Services Directorate) informed the Licensing Board of the legislative progress of the Scrap Metal Dealers Act, which became law on 24th February, 2013, and will come into force on 1st October, 2013.

The new law had licensing and enforcement implications for the Council. Finalised information in relation to the Act and its implications was being worked on in readiness for applications to be received from 1st October, 2013.

When it was available, the Licensing Manager proposed to update the Licensing Board of the Council's exact responsibilities and policy and

procedural framework at an early meeting. The Act required Scrap Metal Dealers and Motor Salvage Operators to be licensed with the local authority.

The provisions of the Act included site visits/assurance, enforcement activities and the financial audit of companies and individuals. The Council were required to set an application fee for the licences which will be set at a level to fully recover the costs associated with administering the system.

Resolved: - (1) That the information shared be noted.

(2) That further updates be provided to the Licensing Board as they became available.

Q22. DATE AND TIME OF NEXT MEETING: -

Resolved: - That the next meeting of the Licensing Board take place on Wednesday 11th September, 2013, to start at 9.30 a.m. in the Rotherham Town Hall.