



NOTICE OF MEETING

- Meeting:** Licensing Committee
- Date and Time:** Tuesday, 3 September 2013 at 7.00 pm
- Place:** Council Chamber, Civic Offices, Fleet
- Telephone Enquiries to:** Mrs Martine Fullbrook
(01252) 622122 Ext 4126
- Members:** Barrell, Blewett, Butler, Evans, Glen,
Harward, Ive (Chairman), Kennett, Morris,
Oliver, Radley JR

G Bonner
Chief Executive

CIVIC OFFICES, HARLINGTON WAY
FLEET, HAMPSHIRE GU51 4AE

AGENDA

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AND BRAILLE ON REQUEST**

1 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 2 July 2013 are attached for confirmation and signature as a correct record. **Paper A**

2 APOLOGIES FOR ABSENCE

3 DECLARATIONS OF INTEREST

To declare disclosable pecuniary, and any other, interests.

4 CHAIRMAN'S ANNOUNCEMENTS

5 LICENSING SUB-COMMITTEE HEARING – Premier Express

To note the minutes of the review of the premises licence of the Premier Express, Hook held on 24 July 2013. **Paper B.**

6 STREET TRADING CONSENTS POLICY

At the Licensing Committee meeting of 2 July 2013 members provisionally approved amendments, subject to consultation to Hart District Council's Street Trading Consent Policy and Conditions. The original policy was formally approved by Members in June 2007 as required under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. The proposed changes to conditions were requested by the Environmental Health Department with regard to Sanitary provisions and Gas Safety. The provisionally approved policy and conditions are attached at Appendix 1. **Paper C**

RECOMMENDATION

- 1 That the proposed changes to the Street Trading Consent Policy and Conditions are formally approved.
- 2 That the additional conditions which have been produced following feedback from Odiham Parish Council are considered.

7 SCRAP METAL DEALERS ACT 2013

To inform the Licensing Committee of the impending changes to the regulatory regime for Scrap Metal under the provisions of the Scrap Metal Dealers Act 2013 and the increased duties and powers which this gives to the Council. **Paper D**

RECOMMENDATION

That the contents of the report and the potential implications surrounding hearing for the refusal, variation or revocation of scrap metal licenses be noted.

Date of Despatch: 27 August 2013

The Human Rights Act 1998 (the Act) has incorporated part of the European Convention on Human Rights into English Law. Any recommendations, either to take or not to take enforcement action, have been assessed to make sure that the decision is compatible with the Act. If there is a potential conflict, this will be highlighted in the individual report on the relevant item.

Note for Councillors: After the meeting there will be an informal update from Officers.

LICENSING HEARING

Date and time: Thursday, 24 July 2013 at 10.30 am

Place: Council Chamber, Civic Offices

COUNCILLORS: Evans, Ive and Radley JR

OFFICERS:

David King	Principal Licensing Officer
Louise Misselbrook	Shared Legal Services
Nick Steevens	Head of Environmental Health and Licensing
Gill Chapman	Committee Services

LICENSE HOLDER:

Keyur Patel Premier Express, Hook

Also in attendance:

Paul Worrall	Trading Standards
Eleanor Doyle	Trainee, Trading Standards
PC Iain Barnes	Hampshire Constabulary
Tim Fifield	Shared Legal Services

1 APPOINTMENT OF CHAIRMAN

Councillor Ive was elected Chairman.

2 DECLARATIONS OF INTEREST (PERSONAL OR PERSONAL AND PREJUDICIAL)

None declared.

3 APPLICATION UNDER THE LICENSING ACT 2003 FOR A REVIEW OF PREMISES LICENCE 07/00101 /LAPRE ISSUED TO MR KEYUR PATEL OF PREMIER EXPRESS, 1-2 GRAND PARADE, HOOK, RG27 9HF

Members reviewed this premises licence having consideration to section 51 of the Licensing act 2003 and Hart District Council statement of licensing policy.

The Principal Licensing Officer summarised his report.

Mr Worrall reported that Trading Standards had asked for a review of the premises licence under crime and disorder and protection of children concerns, particularly after two recent incidences of underage selling.

Many complaints had been received, often from parents, but also from others, some being taxi drivers. The absence of a workable CCTV unit had hindered investigations, being unable to confirm or deny allegations, with numerous excuses for it not being

operable. The premises was not showing 'Challenge 25' posters, which were now the norm all over Hampshire, there did not appear to be an up to date refusals log, and the apparent lack of staff training was also an issue.

Members confirmed that the License Holder was fully aware of the allegations set out and the importance of CCTV. Mr Patel stated that he now had CCTV installed. Unfortunately this only held 17-18 days of recordings and he was in the process of upgrading it to hold recordings up to 45 days.

The Panel asked what training was provided to staff, and whether it could be strengthened. Mr Patel had only one member of staff, which he had trained himself. The staff member he had now been instructed to ask for ID at every sale of tobacco and/or alcohol.

Mr Patel refuted claims that there were numerous instances of underage selling. The Panel asked if there was anything he could do about people buying alcohol for children. He stated that he could not know if people were buying alcohol for underage persons, but that he suspected taxi drivers were buying for children.

Members asked questions of the Officer, and the License Holder. Points under consideration included:

- That these problems had been going on far too long. For instance, if the CCTV system had been in place, as requested many times by Trading Standards, it would have been able to rebut the allegations in the licence holder's favour, or act as confirmation that an underage sale had taken place.
- Members understood the challenges of small businesses, and holders of licences were expected to meet conditions. Was Mr Patel unable to meet the present licence conditions.
- That the CCTV system should be up to standard – ie recordings should be available for the previous 28 days. Mr Patel insisted that this was now in hand and would be rectified in a matter of days.
- That if taxi drivers were involved their names/registration numbers should be given to the Licensing Department for inquiries to be made.
- That staff should be trained to insist on ID at every transaction of tobacco or alcohol.
- All refusals should be logged in a book. This did not seem to be happening at this time.
- Challenge 21 posters Challenge 25 posters should be displayed. (Mr Worrall confirmed he had these in his car and would hand them over to Mr Patel at the end of the meeting for immediate display on the premises.)

The meeting adjourned at 11.25 am and resumed at 12.45 pm.

A copy of the Decision Notice (attached) was given to the Applicants and Objectors and the Chairman summarised the approach taken by the Panel.

The meeting closed at 12.55 pm

**DECISION NOTICE OF THE
LICENSING COMMITTEE AT HART DISTRICT COUNCIL
ON 24 JULY 2013**

**APPLICATION FOR A REVIEW PREMISES LICENCE FOR PREMIER
EXPRESS, 1-2 GRAND PARADE, HOOK, RG27 9HF
DETERMINATION UNDER THE LICENSING ACT 2003**

The Licensing Sub Committee has carefully considered all the evidence and listened to the representations from the Applicant and licensing authority. The Committee has also had regard to the written representations.

The Committee considers it is necessary and proportionate to attach the following conditions to the premises licence in order to further promote the licensing objectives.

CONDITIONS

1. Suspension of the Premises Licence for a period of 1 week until conditions listed are implemented by the Operator.

CCTV

1. The premises shall have sufficient cameras located within the premises to cover all public areas including outside of the premises covering the entrance and the exit. The system will be able to cope with strobe lighting (where used) and all levels of illumination throughout the premises as well as outside areas
2. CCTV warning signs to be fitted in public places
3. The CCTV system must be operating at all times whilst the premises are open for licensable activity. All equipment shall have a constant and accurate time and date generation
4. The recording system will be able to capture a minimum of 4 frames per second and all recorded footage must be securely retained for a minimum of 28 days
5. Records must be made on a weekly basis and kept for inspection to show that the system is functioning correctly and that data is being securely retained
6. The DPS or premises manager must be able to demonstrate that the CCTV system has measures to prevent recordings being tampered with, i.e., password protected
7. There shall be sufficient members of trained staff at the premises during operating hours to be able to provide viewable copies immediately to police on request when investigating allegations of offences or criminal activity. Any images recovered must be in a viewable format on either disc or VHS. Footage supplied in a digital format on CD or DVD will also have a copy of the CCTV system software enabled on the disc to allow playback

8. In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Northern Police Licensing Unit and Licensing Officers at Hart District Council with 24 hours.

Refusals Book

1. A written log shall be kept of all refusals of tobacco and Alcohol. The Premises Licence Holder shall ensure that the refusals log is checked, signed and dated on a weekly basis by the Store Manager
2. The refusals log will be kept and maintained at the premises and will be available for inspection immediately upon request by Hampshire Constabulary and any responsible authority
3. The record of refusals will be retained for 24 months.

Challenge 25

1. There will be a Challenge 25 policy operating at the premises. Challenge 25 means that the holder of the premises licence shall ensure that every individual, who visually appears to be under 25 years of age and is seeking to purchase or be supplied with alcohol at the premises or from the premises, shall produce identification proving that individual to be 18 years of age or older.
2. Acceptable identification for the purposes of age verification will include a driving licence, passport or photographic identification bearing the "PASS" logo and the person's date of birth.
3. If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol will be made to or for that person
4. "Challenge 25" posters shall be displayed in prominent positions at the premises

Training

1. Staff will be trained regarding appropriate precautions to prevent the sale of alcohol to persons under the age of 18 the signs and symptoms of drunk persons and the refusal of sale due to intoxication. Records will be kept of such training which must be signed and dated by the member of staff who has received that training
2. All staff will receive refresher training every six months as a minimum and records are to be kept of this refresher training which should be signed and dated by the member of staff who received that training
3. All training records will be made immediately available for inspection by Hampshire Constabulary and any responsible Authority upon request. Training records will be kept for a minimum of two years. Training records will be kept on the licensed premises to which they relate to.

The Licensing Sub Committee recommends that the Premises Licence Holder seeks advice as required from Trading Standards in order to carry out training to the appropriate standard.

You have 21 days from the date of receipt of the decision notice to appeal this decision.

Chair

LICENSING

DATE OF MEETING: 3 SEPTEMBER 2013

SUBJECT OF REPORT: STREET TRADING CONSENTS POLICY

Report of: Principal Licensing Officer

Cabinet Member : Councillor John Kennett, Community Safety, Licensing and Environmental Health

I PURPOSE OF REPORT

1.1 At the Licensing Committee meeting of 2 July 2013 members provisionally approved amendments, subject to consultation to Hart District Council's Street Trading Consent Policy and Conditions. The original policy was formally approved by Members in June 2007 as required under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. The proposed changes to conditions were requested by the Environmental Health Department with regard to Sanitary provisions and Gas Safety. The provisionally approved policy and conditions is attached at Appendix I.

2 OFFICER RECOMMENDATION

- 2.1 That the proposed changes to the Street Trading Consent Policy and Conditions are formally approved.
- 2.2 That the additional conditions which have been produced following feedback from Odiham Parish Council are considered.

3 BACKGROUND

- 3.1 The provisionally approved amended Street Trading Consent Policy and conditions were put out for consultation on 15 July 2013. The amended policy was circulated to all Town and Parish Councils within Hart District Council, the Police, Hampshire County Council Highways, the Highways Department of Hart District Council and all the Street Traders currently licensed by Hart.
- 3.2 Only one comment was received on the amended policy from Odiham Parish Council (Appendix 2). The Parish Council have suggested that in addition to the proposed policy amendments the following conditions also be added:
 - 3.2.1 All electrical generators and connectors to be certified as for purpose with relevant IP54 connections and earth leakage trips. Feed power box to have certificate of use etc.
 - 3.2.2 Traders to clean up all of the trading area and where necessary wash areas down with disinfectant. (with the exception of washing areas with disinfectant, the tidying up of the traders area is addressed at number 6 of the conditions of the provisionally approved conditions).

- 3.3.3 Be a certified first aider and hold a first aid kit, fit for purpose.
- 3.3 The Environmental Health Department were consulted on the suggestions received from Odiham Parish Council and have suggested the following condition for Members to consider adding to the provisionally approved Street Trading Consent Policy and Conditions:
- 3.3.1 In relation to electrical generators, “Traders must provide documented evidence that all electrical equipment and the installation are maintained to prevent danger. Electrical installations must comply with the relevant legislation including the requirement for an inspection and testing of the installation by a competent person. The competent person must advise of any defects, carry out the necessary remedial work or isolate the system or part of the system which defective. Electrical cables must not be a tripping hazard and should be protected from accidental damage. A suitable CO2 fire extinguisher should be provided”.
- 3.4 The provisionally approved policy at condition 18 does however address the prevention of an outbreak of fire by traders and states a suitable fire extinguisher must be provided.
- 3.5 If Members do approve the additional conditions suggested by Environmental Health at 3.3 these will be added to the conditions as condition 21.

4 FINANCIAL IMPLICATIONS

- 4.1 None

CONTACT: David King, Principal Licensing Officer, x4721, david.king@hart.gov.uk

APPENDICES:

Appendix 1 - Proposed amended Street Trading Consent Policy

Appendix 2 - Email received as consultation response from Odiham Parish Council

HART DISTRICT COUNCIL

STREET TRADING CONSENT POLICY AND CONDITIONS

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982
PART III SCHEDULE 4**

STREET TRADING

A “consent street” means a street in which street trading is prohibited without a licence granted by Hart District Council. This includes all streets within Hart District Council

“street” includes any road, footway or other area to which the public have access without payment

“street trading” means selling or exposing or offering for sale of any article including a living thing in a street

A. *Legislation*

Under section 7 of the Local Government (Miscellaneous Provisions) Act 1982 when granting or renewing a street trading consent, the Council may attach such conditions to it as they consider reasonably necessary.

1. The trader shall not cause any obstruction of the street or any danger to any persons using the street
2. the trader shall not cause any nuisance or annoyance to any other person whether that person is using the street or otherwise or to the occupier of any building in proximity to the consent site
3. A street trading consent shall not be issued to any persons under seventeen years of age
4. the Council may include in a street trading consent permission for the holder to trade in a consent street from a stationary van, car, barrow other vehicle or portable stall
5. That consent will be subject to where the holder of the consent may trade and the times and periods they may trade
6. That street trading consent may be granted for a period not exceeding a twelve month period
7. The holder of a street trading consent may employ any other person to assist him in trading without a further consent being required providing that person has attained seventeen years of age

8. The Council may at any time vary the conditions of a street trading consent or revoke at any time
9. There is no right of appeal against the variation of a condition or refusal to grant or renew a street trading consent

B. Policy

1. The applicant should be able to demonstrate a clear demand for the services which he/she would provide were a street consent be granted and the number of street traders in the area must be considered relative to what the area can sustain
2. The applicant should provide proof of identification with the application form
3. The applicant must produce either photographic or graphical drawings of the intended trading stand or vehicle with the application
4. All street trading consents will be limited to trading hours which will be determined by the Council

C. Conditions

The Council may require the following additional conditions be attached to a street trading consent

1. A certificate of insurance covering public liability to a minimum amount of 5 million pounds shall be produced
2. There shall be no available means of attracting attention for the purposes of trading or any stands or signs away from the consent site
3. Any sale of a food commodity in which food is prepared .The unit shall have satisfactory hand washing facilities incorporated into it. Any consent holder who sells food shall be registered with the council's Environmental Health Section in accordance with the relevant regulations
4. The trader shall display the council issued street trading consent licence at all times whilst trading
5. The location of trading will be dependant upon:
 - A. The closeness of any shop selling similar commodity
 - B. The closeness of any other street trading consent selling a similar commodity
 - C. The decision of the licensing authority or committee
6. The consent holder must provide a receptacle for use by himself and customers to collect any waste, refuse or litter. All must be removed from the trading location at the end of each day's trading and properly disposed of

7. Any authorised vehicle must be roadworthy, have current relevant documentation and internal and external appearance including stall shall be maintained in a clean, neat and tidy condition
8. Any stall, or authorised vehicle used for street trading must be immediately removable at all times in the event of an emergency or at any other time be removed at the request of any officers of the emergency services or officer of the Council
9. No stall shall remain situated for longer than one hour after the authorised trading times
10. No consent holder shall trade at his authorised location on dates when road closure directives are in place for special events otherwise than with permission of that organisation applying for same
11. The consent holder shall be subject to any additional fees or charges levied by virtue of that area being subject to any market day or other special designated date
12. The consent holder or assistant shall be clean and tidy and behave in a civil and orderly manner at all times
13. When requested to do so by an authorised officer of the Council or police officer shall produce the consent for inspection
14. The consent is not transferable and is personal to the consent holder
15. The street trading consent does not imply or give any other permission, consent or authorisation to trade in any other products other than those previously granted on application or renewal
16. Failure to comply with any of these conditions may result in this street trading consent being revoked or refused or the Council may attach further reasonable conditions to the consent which it appears appropriate to meet particular circumstances
17. The consent licence must be surrendered to the Council if the consent holder ceases trading
18. Adequate precautions shall be taken by the consent holder to prevent the risk of an outbreak of fire at his/her stall or vehicle where a power source or heating appliance is present, eg a generator or bottled gas container, in these circumstance a suitable fire extinguisher must be provided
19. Traders whose operations include the use of any gas appliance must ensure that such items are maintained in a safe condition so as to prevent risk of injury to any person. The trader is required to have valid gas safety certificate or equivalent documentation from a gas registered and appropriate qualified engineer to certify that gas appliances and pipework are safe to use. Traders must provide written evidence such as a gas certification to Hart District Council prior to any street trading consent being issued, and also upon expiry of any gas certificate and following any alteration to the gas installation.

20. Traders must either provide or demonstrate access to suitable sanitary conveniences where necessary to the satisfaction of Hart District Council. Any agreement to use sanitary conveniences provided by anyone other than the trader must be confirmed in writing.

Hart District Council cannot and will not accept any liability for any accident or damage to any person, property or other thing whatsoever arising out of or in connection with the activities of the Licensee or matters relating to street trading consent

From: **Odiham Parish Clerk** <Clerk@odiham.org.uk>
Date: Mon, Aug 5, 2013 at 1:49 PM
Subject: RE: Amendment to the Street Trading Policy - CONSULTATION
To: Licence Hart <licence@hart.gov.uk>

To David

I have forwarded your email to councillors and have received feedback as follows:-

- (1) All electrical generators and connectors to be certified as for purpose with relevant IP54 connections and earth leakage trips. Feed power box to have certificate of use etc.
- (2) Traders to clean up all of the trading area and where necessary wash areas down with disinfectant.
- (3) Be a certified first aider and hold a first aid kit, fit for purpose.

I apologise if the above is already included in your policy.

Regards

Sarah

Mrs Sarah Weir
Clerk to Odiham Parish Council
01256 702716

From: Licence Hart [mailto:licence@hart.gov.uk]
Sent: 17 July 2013 14:12
To: Parish Councils
Subject: Amendment to the Street Trading Policy - CONSULTATION

Dear Sirs,

Ref: Proposed amended to the Street Trading Policy

On 2nd July 2013 the Licensing Committee of Hart District Council initially approved changes to the Council's Street Trading Policy, subject to one month's consultation with the Street Traders, Hampshire County Council, Hampshire Constabulary and Town and Parish Councils.

The changes to the Street Trading Policy are at points 19 and 20 of the attached policy. Should you wish comment on the policy the closing date for the consultation is 19th of August 2013

Yours faithfully,
David King
Principal Licensing Officer
Licensing Department
Hart District Council

LICENSING COMMITTEE

DATE OF MEETING: 3 SEPTEMBER 2013

TITLE OF REPORT: SCRAP METAL DEALERS ACT 2013

REPORT OF: Head of Environmental Health & Licensing

CABINET MEMBER: Councillor John Kennett, Community Safety, Licensing and Environmental Health

1. PURPOSE OF REPORT

- 1.1 To inform the Licensing Committee of the impending changes to the regulatory regime for Scrap Metal under the provisions of the Scrap Metal Dealers Act 2013 and the increased duties and powers which this gives to the Council.

2 OFFICER RECOMMENDATION

- 2.1 That the contents of the report and the potential implications surrounding hearing for the refusal, variation or revocation of scrap metal licenses be noted.

3 BACKGROUND

- 3.1 The Scrap Metal Dealers Act 2013 (the Act) was passed on 28th February 2013 and is due to come into force in October 2013. The new Act will replace the Scrap Metal Dealers Act 1964 and part of the Vehicle Crime Act 2001 that deals with motor salvage operators. The Act revises the regulatory regime for scrap metal dealing and vehicle dismantling.
- 3.2 The Act was introduced due to increases in metal theft driven by the rise in commodity prices which were estimated to cost the economy between £220 million and £777 million a year. The Act raises standards within the scrap metal industry, by replacing the overlapping regimes for vehicle salvage and scrap metal with one regulatory regime, and by giving Councils the responsibility for the licensing and enforcement of the Act in conjunction with the police.
- 3.3 The Act provides local authorities with additional powers to refuse or revoke a license if the dealer is considered unsuitable. Both the local authority and the Police have been given powers to enter and inspect premises. Closure orders can also be sought by both the Police and the local authority for unlicensed sites.
- 3.4 Two different types of scrap metal licence will be issued, one a site licence and the other a collector's licence. Collectors' licences cover dealers who do not have a site and regularly collect through door-to-door collections. A site licence allows the dealer to carry on business at any sites in the District listed on the licence, while the collector's licence allows a dealer to carry on business in a council's area. Where a dealer collects scrap metal across a number of local authority areas, they will be expected to obtain a licence from each of those Authorities.

- 3.5 The main provisions of the 2013 Act are:
- a. An extended regime to include a wide range of businesses;
 - b. Amended definition of scrap metal;
 - c. The introduction of a national register of licenses to be held by the Environment Agency. Each Council previously held a register individually;
 - d. The introduction of two different types of licences, Site and Collector;
 - e. The introduction of a suitability test for applications and licensees;
 - f. The introduction of a licence fee to be determined by the Council;
 - g. The introduction of the power to revoke a licence;
 - h. The introduction of entry and inspection powers;
 - i. The power to obtain closure notices for unlicensed sites;
 - j. The introduction of increased record keeping requirements;
 - k. The introduction of a requirement to display licenses;
 - l. The continuation of the offence of buying scrap metal for cash and additional offences relating each of the powers and duties contained in the 2013 Act.
- 3.6 In preparation for the implementation of these new powers and duties the Council will need to make arrangements for dealing with applications, setting a fee (with regard to any statutory guidance issued by the Secretary of State) and providing the resources to deal with enforcement.
- 3.7 Any licence granted under the Act will be for a period of three years.
- 3.8 The Secretary of State has released guidance relating to the charging for the issue of a licence, but as yet there has been no further guidance relating to the interpretation of the Act.
- 3.9 Once a fee structure has been agreed a further paper, proposed fees and draft Scrap Metal Dealers Policy will be circulated to the Licensing Committee prior to approval being sought at full Council. The paper will also request that the refusal, revocation or variation of a license shall be delegated to the Head of Environmental Health & Licensing as an alternative to such matters being presented before the Licensing Committee.

4 RESOURCE IMPLICATIONS/CRIME & DISORDER

- 4.1 The new Act will require detailed information to be submitted on an application and will allow the local authority to set a fee. The fee charged must be on a cost recovery basis only and cannot include any charge for enforcement against the licensing conditions, merely for the cost of administering a licence and recovering the costs for any potential hearings. Local authorities will have to have regard to guidance issued by the Secretary of State.

5 FINANCIAL IMPLICATIONS

- 5.1 There will be cost implications relating to officer time for the initial introduction of the licensing regime for scrap metal. Additionally, any costs incurred through the enforcement of the licence conditions must not form part of the licence fee so will need to be incurred by the Council.

CONTACT: Nick Steevens, Head of Environmental Health & Licencing, x4296,
nick.steevens@hart.gov.uk

LICENSING COMMITTEE

Date and Time: 3 September 2013 at 7pm

Place: Council Chamber, Civic Offices

Present:

COUNCILLORS

Ive (Chairman)

Barrell, Blewett, Evans, Glen, Kennett, Morris, Oliver, Radley JR

Note: Councillor Kennett joined the meeting at 7:20pm

Officers:

Nick Steevens	Head of Environmental Health and Licensing
David King	Principal Licensing Officer
Suzanne Smith	Shared Legal Services
Martine Fullbrook	Business Support

10 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on the 2 July 2013 were confirmed and signed as a correct record. Clarification was requested as to who would carry out the checks to wheelchair constraints. The Principal Licensing officer explained that the checks would be carried out by Hart District Council officers in the form of a tick test.

11 APOLOGIES FOR ABSENCE

Apologies had been received from Councillor Butler.

12 DECLARATIONS OF INTEREST

None declared.

13 CHAIRMAN'S ANNOUNCEMENTS

None.

14 LICENSING SUB-COMMITTEE HEARING – Premier Express

The minutes of the Licensing Hearing held on 24 July 2013 were noted, although members raised concerns regarding the lack of response from Trading Standards. The Principal Licensing Officer advised the committee that he had visited the site with Trading Standards and the Police a week after the hearing and confirmed that all the conditions had been met. He added that the site would be regularly monitored in future. It was agreed that a letter be drafted by the Chairman and Principal Licensing Officer to Trading Standards, outlining the concerns raised by the

committee.

15 STREET TRADING CONSENTS POLICY

Members had provisionally approved the amendments to the policy at the Licensing Committee meeting of 2 July 2013, subject to comments received through the consultation process.

The Principal Licensing Officer explained that comments had been received from Odiham Parish Council. Members discussed the comments and agreed that they should be included. Councillor Morris had spoken to the Hampshire Fire and Rescue Service regarding CO₂ extinguishers and suggested the following wording be considered as an amendment:

Para 3.3.1

“ Another or same competent person as defined in accordance with Home Office Legislation Fire Safety Order 2005, should carry out a “Fire Risk” assessment and ensure a suitable and serviceable CO₂ fire extinguisher, to be B5 5306 compliant, is provided”

Para 3.3.2

“ Competent persons should be suitably trained and such training documented and updated as necessary in accordance with Home Office Legislation”

Members agreed the amendment and the Chairman thanked Councillor Morris for his contribution.

RESOLVED:

- 1 That the proposed changes to the Street Trading Consent Policy and Conditions be formally approved.
- 2 That the additional conditions that had been received from Odiham Parish Council, with amended wording, be included.

16 SCRAP METAL DEALERS ACT 2013

The Head of Environmental Health and Licensing informed the Licensing Committee that the Scrap Metal Dealers Act 2013 (passed on 28th February 2013) was due to come into force in October 2013. He explained that the Act would provide local authorities with additional powers to refuse or revoke a license if the dealer is considered unsuitable. A report would be going to Cabinet in October for members to agree the policy and fees.

Members discussed the difference between site and carrier licenses. It was established that there are 3 sites that the Authority is aware of but smaller sites and carrier businesses also exist and officers would do whatever they reasonably could to track them.

A business with a site license is entitled to run as many vehicles as it sees fit and does not need an additional carriers license for trading within the District where the site licence is held. Exemptions would exist for some businesses such as skip hire and gold & silver merchants.

The Fees, which were still subject to determination, had been calculated based on officer time and recharges and would be in the region of:

£450 for a Site Licence which would be valid for 3 years

£300 for a Carriers licence which would be valid for 3 years

RESOLVED

That the contents of the report, and the potential implications surrounding hearings for the refusals, variation or revocation of scrap metal licenses, be noted.

The meeting closed at 7:45pm