

# Minutes

## Licensing Committee

27th February 2019



Present:

Councillors	Present	Councillors	Present
Mrs J Allen	Yes	H Johnson	Yes
M Banthorpe (Chairman)	Yes	Mrs J Pell	Apologies
P Barlow	Yes	B Rose	Yes
J Baugh (Vice-Chairman)	Yes	Mrs L Walters	Yes
J Elliott	Apologies	Mrs S Wilson	Apologies
J Goodman	Yes	Vacancy	
A Hensman	Apologies		

The meeting of the Licensing Committee opened and adjourned at 7.15pm pending the conclusion of a meeting of the Drivers' Panel and to enable Members of the Panel to attend the meeting of the Committee.

### 21 **DECLARATIONS OF INTEREST**

**INFORMATION:** There were no interests declared.

### 22 **MINUTES**

**DECISION:** That the Minutes of the meeting of the Licensing Committee held on 12th December 2018 be approved as a correct record and signed by the Chairman.

### 23 **QUESTION TIME**

**INFORMATION:** There were no questions asked or statements made.

Principally, these Minutes record decisions taken only and, where appropriate, the reasons for the decisions.

### 24 **DISCLOSURE AND BARRING SERVICE - UPDATE SERVICE**

**INFORMATION:** Consideration was given to a report regarding a proposal that subscription to the Disclosure and Barring Service (DBS) - Update Service should be mandatory for all Hackney Carriage and/or Private Hire licensed drivers.

Braintree District Council was responsible for licensing Hackney Carriage, Private Hire and Dual Licence Drivers, vehicle proprietors and Private Hire Operators

within the District and for ensuring that licensed drivers were 'fit and proper' persons to hold a licence. As there was not a legal definition of 'fit and proper', nor a fixed legislative process, the Council considered a range of documentary evidence, practical criteria and testing mechanisms to determine this. As part of the procedure, drivers were subject to a DBS criminal record check at 'enhanced disclosure' level when applying for a licence and at three yearly intervals. The fee for this was £44 per application/renewal. Currently, a DBS certificate was issued direct to the applicant who was required to present it to the Council as part of their application.

Members were informed that the DBS - Update Service was an on-line service which enabled licence holders to keep their DBS information up-to-date for a current annual fee of £13 and, subject to permission it enabled the Council to check this information. The Update Service had been launched in June 2013 and the Council had encouraged applicants and licensed drivers to subscribe to it. As the Update Service provided benefits to both licence holders and to the Council, it was proposed that subscription to it should be mandatory. The Department of Transport, the Local Government Association and the Institute of Licensing advised Local Authorities that licence holders should be registered with the Update Service.

It was proposed that all applicants should be required to subscribe to the DBS Update Service when applying for a licence and to renew their subscription on an annual basis if they wished to maintain their driver's licence. The Council would use the on-line Update Service in order to check an applicant's current status. If someone failed to renew their subscription they would be required to apply for a new DBS check and to register for the Update Service again. It was proposed that a condition should be attached to drivers' licences regarding this new process.

The proposal would be subject to public consultation for a period of six weeks following which the responses submitted would be presented to the Licensing Committee for consideration.

**DECISION:** That a formal public consultation process be carried out to seek views, including those of safeguarding partners and licensed drivers and operators, regarding a proposal to make subscription to the Disclosure and Barring Service - Update Service mandatory for all licensed drivers, and that the responses submitted be presented to a future meeting of the Licensing Committee for consideration.

## 25 **HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER APPLICATIONS - DVLA CHECK CODE**

**INFORMATION:** Consideration was given to a report on changes to the Council's administrative procedures for validating DVLA licence information for Hackney Carriage and Private Hire drivers' licence applications.

Braintree District Council was responsible for licensing Hackney Carriage, Private Hire and Dual Licence Drivers, vehicle proprietors and Private Hire Operators

within the District and for ensuring that licensed drivers were 'fit and proper' persons to hold a licence. As there was not a legal definition of 'fit and proper', nor a fixed legislative process, the Council considered a range of documentary evidence, practical criteria and testing mechanisms to determine this.

As part of the procedure, an applicant's DVLA driving licence was checked. This was a vital part of assessing the suitability of an applicant to hold a licence. Currently, the Council used a private company, DriveTech, to conduct DVLA checks at a cost of £7.25 per application, which was charged to the applicant via the application fee. The process took between 7-14 days to complete. However, the DVLA, through GOV.UK, now offered a free checking service. This enabled applicants to generate a check code in order to share their licence information, including offences and convictions. The code was valid for a period of 21 days, after which it expired. The use of this new system would improve the Council's procedures significantly, allowing for an almost instantaneous check. Assistance and access to public use computers within the Reception area at the Council's Offices would be available to applicants if required.

**DECISION:** That the report and the proposed change to the Council's administrative procedures for validating DVLA licence information be noted.

The meeting started at 7.30pm following an adjournment at 7.15pm and it closed at 7.50pm.

Councillor M Banthorpe  
(Chairman)