

Minutes

Licensing Committee

10th July 2019



Present:

Councillors	Present	Councillors	Present
J Baugh (Chairman)	Yes	B Rose (Vice-Chairman)	Apologies
P Euesden	Yes	Mrs J Sandum	Yes
A Hensman	Yes	P Schwier	Yes
H Johnson	Yes	Mrs L Walters	Yes
Mrs J Pell	Apologies	Mrs S Wilson	No
R Ramage	No	B Wright	Yes
S Rehman	No		

1 **DECLARATIONS OF INTEREST**

INFORMATION: There was one interest declared:-

Councillor A Hensman declared a Disclosable Pecuniary Interest in Agenda Item 6, "Disclosure and Barring (DBS) Update Service," as he was the holder of a Dual Hackney Carriage and Private Hire vehicle driver's licence issued by Braintree District Council during the time of the consultation. In accordance with the Code of Conduct, Councillor Hensman left the meeting for the consideration of this Item.

2 **MINUTES**

DECISION: The Minutes of the meeting of the Licensing Committee held on 27th February 2019 were approved as a correct record and signed by the Chairman.

3 **QUESTION TIME**

INFORMATION: There were no questions asked.

Mr Patrick Dick, the applicant, was in attendance at the meeting and made a short statement in support of Agenda Item 5, "Application for a Pavement Permit - Picture Palace, Fairfield Road, Braintree, Essex, CM7 3HA." Mr Dick answered questions put to him by Members of the Committee during the consideration of Item 5.

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

APPLICATION FOR A PAVEMENT PERMIT – PICTURE PALACE, FAIRFIELD ROAD, BRIANTREE, ESSEX, CM7 3HA

INFORMATION: Consideration was given to an application by J D Wetherspoon for a Pavement Permit for the use of the pavement area outside Picture Palace, Fairfield Road, Braintree for Monday to Sunday between the hours of 9.00am and 8.00pm. The application proposed that six tables, twelve chairs and a post and canvas barrier should be placed on the pavement. The application sought the continuation of the existing Pavement Permit for the premises with no changes proposed.

Members were advised that the Council's Pavement Permit policy stated that normal hours of operation were 9.00am to 6.00pm Monday to Sunday and that applications for a permit beyond 6.00pm and up to 10.00pm had to be referred to the Licensing Committee for determination. As part of the consultation process, Essex Highways had issued its consent. No objections had been submitted.

DECISION: That a Pavement Permit in respect of the Picture Palace, Fairfield Road, Braintree for a period of one year, from Monday to Sunday between the hours of 9.00am and 8.00pm, be granted.

DISCLOSURE AND BARRING (DBS) UPDATE SERVICE

INFORMATION: Members considered a proposal to make the subscription by all licensed drivers to the Disclosure and Barring Service (DBS) Update Service a compulsory requirement.

Members were reminded that the primary reason for the completion of a DBS Check was to ensure that licensed drivers were able to meet and adhere to the 'fit and proper' standards to hold a licence with Braintree District Council (BDC). It was explained that the current system for monitoring DBS Checks had caused a number of historical issues for the Licensing Team; for example, completed checks could take up to 12 weeks to be obtained from the DBS Service, thus delaying drivers from receiving their licence, as well as presenting BDC with potential safeguarding issues. Since June 2013, new and returning drivers had been encouraged by officers in the Licensing Team to subscribe to the Update Service at the time of application; reportedly, less than 5% of drivers had actually subscribed to the service in this time. The introduction of a compulsory subscription to the DBS Update Service by drivers, and annual renewal of that subscription would help to eradicate the issues, as well as generate a number of benefits for the Licensing Team and the wider organisation overall. The benefits included an instantaneous check of any changes to a driver's criminal history, enhanced support in relation to safeguarding and protection of the public, and a reduction of the financial burden incurred by drivers annually.

Members were advised that there was an element of risk associated with the compulsory subscription, which related largely to the need for drivers to subscribe to the Update Service and to renew the subscription on an annual basis. In order to address this, it was proposed that a condition be attached to all licences, where

permitted by legislation, to inform individual drivers that a requirement of their licence was the annual subscription to the DBS Update Service. The condition read as follows:-

“Braintree District Council requires all licensed drivers to subscribe to the DBS Update Service and to maintain the annual subscription. Licensed drivers will need to retain their DBS certificate once they have subscribed as this will need to be provided to the Officer undertaking the online check.”

If the condition was to be breached, the driver's 'fit and proper' status would come under scrutiny and need to be determined by the Members of the Licensing Committee, which could ultimately result in the suspension, or revocation of the licence.

DECISION: That the subscription to the DBS Update Service be made mandatory for all licensed drivers.

REASON FOR DECISION: To ensure that Braintree District Council has a robust, fast and efficient way of accessing licence holders criminal records' history. The proposals are necessary in order to contribute to the District Council's safeguarding responsibilities, along with the statutory licensing obligations.

The meeting started at 7.15pm and it closed at 7.48pm.

Councillor J Baugh
(Chairman)