

Licensing Committee – Meeting held on Thursday, 18th July, 2013.

Present:- Councillors Davis (Chair), Dhillon, Malik, Mittal (Vice-Chair), Munawar, Plimmer, Rasib, Shah, Sohal and Wright

Apologies for Absence:- Councillor Aujla

PART 1

5. Declaration of Interest

None were received.

6. Guidance on Pre-determination/Predisposition - To Note

Members confirmed that they had read and understood the guidance on Predetermination and Predisposition.

7. Minutes of the Last Meeting held on 29th May 2013

Resolved – That the minutes of the meeting held on 29th May, 2013 be approved as a correct record.

8. New Policy for the Disclosure and Barring Service

Rachael Rumney, Senior Licensing Officer, outlined a report setting out recent national changes for the disclosure of criminal records and the approval of a new Disclosure and Barring Service (DBS) policy. The Officer tabled a revised number of recommendations.

The Officer reminded Members that Council had a legal responsibility to ensure that all drivers were Fit and Proper Persons to apply for and continue to hold a Hackney Carriage/ Private Hire licence and this included the power to refuse to grant a licence and suspend or revoke a licence where a driver was not deemed as or no longer deemed to be a Fit and Proper person.

On 4th February 2003 the Licensing Committee had approved a policy for enhanced Criminal Record Bureau disclosure checks under The Police Act 1997 and this applied to all new and existing Private Hire and Hackney Carriage Drivers. The disclosure had to be applied for and completed every 3 years. It was noted that the Criminal Records Bureau became the DBS on 1st December, 2012 and on 17th June 2013 new requirements took effect nationally.

It was highlighted that the changes had introduced the introduction of Applicant only certificates and a voluntary Update Service. Only the Applicant would receive the disclosure certificate and employers/councils would need to ask the applicant for sight of the original DBS certificate.

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From 17th June 2013 Officers were reliant on the applicant to bring their original disclosure certificate to the Licensing Office and countersignatories were required to perform a weekly check on the DBS online Application Tracking Service to confirm the date a DBS certificate was issued. The Officer discussed ways in which the certificate would be monitored.

Members noted that from 17th June, 2013, only the applicant would receive the disclosure certificate and the Council would have to ask the applicant for sight of the original DBS certificate. The DBS had also introduced an optional/voluntary online service where for a subscription of £13.00, applicants/drivers could register their DBS certificate with the DBS Update Service within 14 days of its issue. A Registered Body or any other employer could then carry out online status checks to obtain updated criminal record information.

Members were referred to the draft 'Disclosure and Barring Service Policy' which would apply to new applicants. All current licence holders who were due a criminal record check with the DBS as part of their renewal application process would from the implementation of the policy, be given 28 days from the date of the issue of the DBS certificate to produce the original certificate to the Licensing Team. If not produced, the licence holder would be allowed a further 28 days after which driver's licence would be suspended with immediate effect and until such time as a valid disclosure was produced.

The Committee was recommended to delegate to all Licensing Officers, the power to enable them to suspend and reinstate Private Hire and Hackney Carriage Driver licenses under the express authorisation of the Licensing Manager in the circumstances outlined in the policy to ensure that all matters would be dealt with in an expedient manner. The Senior Licensing Officer confirmed that the new scheme had only been introduced a month earlier but early signs were that drivers understood and were following the new process.

In the ensuing debate, some Members raised the concern that the recommendation would allow all Licensing Officers the authority to suspend and reinstate a driver's licence. It was felt that the language was vague and could be misinterpreted. It was suggested and agreed by the Committee that the wording be amended to clarify this.

Resolved- That Council be recommended:

- (a) To approve the draft Disclosure and Barring Service (DBS) Policy set out in the report, subject to the removal of the following paragraph under Para 1 (b) 9 of the report: *'Note: The Licensing Committee has delegated powers to all Licensing Officers to suspend or re-instate a driver's licence under the express authorization of the Licensing Manager'*.
- (b) Due the need for urgent action to be taken when needed, to approve a delegation to the Council's Head of Consumer Protection and Business Compliance the right to suspend a driver's licence on the

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basis of a failure to comply with the requirements of the Disclosure and Barring Service Policy, requiring the production of the original DBS Certificate.

9. Implementation of the Scrap Metal Dealers Act 2013

Tola Idowu, Licensing Officer, outlined an information report which detailed impending changes to the regulatory regime for Scrap Metal set out in the Scrap Metal Dealers Act 2013. The Act would come into force by means of a commencement order, anticipated to be on 1st October 2013.

The Committee was advised that under the current regime Scrap metal dealers were obliged to register with the Council. Due to an increase in metal theft offences in recent years, the Government had from 3 December 2012 introduced some changes which increased penalties for existing offences and introduced a new offence of buying scrap metal for cash.

The main aim of the 2013 Act was to raise 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.

The Officer discussed the main provisions of the Act which included an amended definition of scrap metal, the introduction of a national register of licences to be held by the Environment Agency and the introduction of site and collector licences. The Council would also be able to determine the licence fee, have the authority to revoke a licence, and obtain a closure notice for an unlicensed site.

The Committee noted that measures were being introduced within the Licensing Section to deal with the legislative changes and that an update report would be provided once the commencement date had been confirmed.

Members asked a number of questions during the ensuing debate. The Officer confirmed that an operator would require 2 licences where he/she operated a site and was also a collector. It was also confirmed that an operator would have to produce identification when they sold scrap metal and would not be allowed to accept cash in payment.

Resolved- That the report be noted and that an update report be presented to the Committee once the associated regulations had been published and the commencement order date confirmed.

10. Date of Next Meeting- 30th September 2013

The date of the next meeting was confirmed as 30th September, 2013.

Chair

(Note: The Meeting opened at 6.30 pm and closed at 7.30 pm)