

DARTFORD

BOROUGH COUNCIL

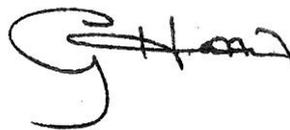
Licensing Committee

Councillor C S McLean (Chairman)
Councillor J Burrell (Vice-Chairman)

Councillor I D Armit
Councillor A E D Barham
Councillor E Ben - Moussa
Councillor R M Currans
Councillor P Cutler
Councillor M J Davis
Councillor D A Hammock
Councillor D E Hunnisett
Councillor R A S Jones
Councillor T A Maddison
Councillor V Oguntope
Councillor L J Reynolds
Councillor R J Wells

A meeting of the above Committee will be held on

Tuesday 23 July 2019 at 7.00pm at the Civic Centre, Dartford



Managing Director
15 July 2019

LICENSING COMMITTEE AGENDA

Tuesday 23 July 2019

1. **Apologies for Absence**

2. **Declarations of Interest**

To receive declarations of interest from Members including the terms(s) of the Grant of Dispensation (if any) by the Audit Board or Managing Director.

3. **Confirmation of Minutes held on 27 November 2019 (Pages 1 - 4)**

4. **Urgent Items**

The Chairman will announce his decision as to whether there are any urgent items and their position on the agenda.

5. **Amendments to the Hackney Carriage and Private Hire
Licensing Policy (Pages 5 - 10)**

DARTFORD BOROUGH COUNCIL

LICENSING COMMITTEE

MINUTES of the meeting of the Licensing Committee held on Tuesday 27 November 2018, commencing at 7.00pm

PRESENT: Councillor A Bardoe (Chairman)
Councillor J Burrell (Vice-Chairman)
Councillor I D Armitt JP
Councillor R M Currans
Councillor M J Davis
Councillor D A Hammock
Councillor C S McLean
Councillor D J Reynolds
Councillor L J Reynolds

11. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Hunnisett, Jones, Mrs M B Kelly, P Kelly, and Read.

The Committee noted the appointment of Councillor D L Reynolds as a substitute member for Councillor Hunnisett.

12. FIRE EVACUATION PROCEDURE AND THE ARRANGEMENTS AND CONSTRAINTS RELATING TO THE FILMING OR RECORDING OF THE MEETING

The Clerk to the Committee explained the fire evacuation procedure and the arrangements and constraints relating to the filming or recording of the Meeting.

13. DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

14. CONFIRMATION OF THE MINUTES OF THE MEETING OF A) THE LICENSING COMMITTEE HELD ON 26 SEPTEMBER 2018; AND, B) THE LICENSING SUB COMMITTEE HELD ON 10 SEPTEMBER 2018.

The Minutes of the Licensing Committee held on 26 September and Licensing Sub - Committee held on 10 September 2018 were confirmed as accurate records of these meetings.

15. URGENT ITEMS

The Chairman confirmed that there were no urgent items for the Board to consider nor any items referred to the Board for consideration.

16. **DRAFT CODE OF GOOD PRACTICE ON PROMOTING THE FOUR LICENSING OBJECTIVES.**

The Committee were reminded that, at their meeting held on 26 September 2018, when considering a draft Licensing Policy for Dartford, it was resolved that an additional document should be drafted and appended to the Policy to reflect the aspirations and visions of the Council as a Licensing Authority.

Accordingly Members considered a draft Code of Practice which aimed to promote the current four statutory licensing objectives, and act as a guide to Applicants regarding the Council's requirements, when making applications.

Having considered the draft Code Members asked that the following amendments be made

- Clarification/Standardisation of the terminology used to describe staff employed to provide security in licensed premises throughout the document;
- The removal of Clause CD14 (c) as it is repeated elsewhere in the Code;
- The re wording of Clause CD16 (a) to read "Staff training should be provided to give them the knowledge and confidence to deal with difficult situations and reduce crime and disorder at the premises."
- To reword Clauses PN 11, 12, 13 and 14 to read:

"PN11 **Display prominent signs** in external areas such as beer gardens and forecourts asking customers to keep noise to a minimum."

"PN12 **The use of external areas should be restricted** after 10pm if premises are in a residential area."

"PN13

(a) Due regard should be given to the location of smoking areas and ensure reasonable steps are undertaken to deter smokers from smoking in public places which may cause a nuisance to residents or members of the public.

(b) the number of smokers permitted outside at any one time after a certain time must be limited.

(c) Smokers must be discouraged from loitering outside premises by not permitting them to take their drinks with them and removing external furniture after a certain time."

LICENSING COMMITTEE

TUESDAY 27 NOVEMBER 2018

“PN14

(a) Regular monitoring and management of external areas must be undertaken to ensure that customers are not causing a disturbance to local residents.

(b) Where private forecourts are used, a physical barrier such as a rope should be used to mark the boundary of the area outside the premises where customers are allowed. Permission for external barriers or seating on the public highway should be obtained from Kent County Council.

(c) Customers should not be permitted to congregate on and block the public highway for passers - by.”

The Committee having noted the proposed amendments

RESOLVED

That the Code of Conduct as amended be referred to the General Assembly of the Council for approval and inclusion as an addendum to the draft Licensing Policy for Dartford.

The meeting closed at 7.55 pm

Councillor C McLean
CHAIRMAN

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**LICENSING COMMITTEE
23 JULY 2019**

DRAFT HACKNEY CARRIAGE & PRIVATE HIRE LICENSING POLICY

1. Summary

- 1.1 To consider the proposal make the subscription to the DBS Update Service mandatory for all licensed drivers upon new and renewal applications.

2. RECOMMENDATIONS

- 2.1 That, for the reasons detailed in the body of the report, section 25 of the Hackney Carriage and Private Hire Policy, be amended to make registration to the DBS Update Service mandatory, with the conditions referred to in Appendix A to the report.
- 2.2 That consultation on recommendations 2.1 be undertaken with the Hackney Carriage and Private Hire trade, in accordance with national guidance and that comments and representations received, be reported to the Committee.

3. Background and Discussion

- 3.1. The Hackney Carriage & Private Hire Licensing Policy was adopted on 14 March 2017 [Min No 6]. The current Policy has an expiry date of 31 March 2020.
- 3.2. The Policy details the criteria applicants have to meet to become a licensed private hire driver, operator or to licence a vehicle.
- 3.3. Section 25 of the Hackney Carriage and Private Hire Policy requires an applicant for a private hire/hackney carriage driver's licence, to submit a current (no less than three (3) months old) enhanced DBS enhanced certificate with his/her application and thereafter, at three yearly intervals.
- 3.4. The current system of relying on hard-copy applications and certificates every three years does not easily facilitate timely assessment of criminal records' checks for applications and issue of licences. It is therefore proposed to make registration to the DBS Update Service mandatory, with the conditions referred to in Appendix A to the report. By doing so, applicants, or the Council (with applicants' consent) can then obtain a status check at any time.

Applicants can subscribe to the DBS Update Service, either at the same time as they apply for a new DBS check (noting the DBS application form must be received by the DBS within 28 days of subscribing) or alternatively, within 14 days of the disclosure being issued.

It is vital for the Council to make a decision as to whether applicants for new and renewable licence application, are considered fit and proper persons. The DBS enhanced check provides the Council with a means to scrutinise essential information, such as criminal activity. Requiring all applicants (for new and renewable licence applications) to sign up to the DBS Update Service, enables the Council to check in real time prior to

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issue of, and during the period of the licence, that the licence holder is free from relevant convictions.

- 3.5. It is recommended that section 25 of the Hackney Carriage and Private Hire Policy, be amended to make registration to the DBS Update Service mandatory, with the conditions referred to in Appendix A to the report.
- 3.6. It is recommended that the draft section 25 of the Hackney Carriage and Private Hire Policy, (as amended), at Appendix A to the report, be approved for the purposes of consultation with the Hackney Carriage and Private Hire trade, in accordance with national guidance.
- 3.7. If representations are received, a further report will be submitted to the Committee, summarising the comments and/or representations made.

4 Relationship to the Corporate Plan

SC1: To use the Council’s statutory functions to ensure public safety in the Borough.

SC3: To increase public perception of the borough as a safe place

5 Financial, legal, staffing and other administrative implications and risk assessments

Financial Implications	None
Legal Implications	The production of the Policy is not currently a statutory requirement
Staffing Implications	None
Administrative Implications	Already in place
Risk Assessment	No uncertainties and/or constraints

6. Details of Exempt Information Category

Not applicable

7. Appendices

Appendix A – Section 25 DBS Update Service Conditions

BACKGROUND PAPERS

<u>Documents consulted</u>	<u>Date / File Ref</u>	<u>Report Author</u>	<u>Section and Directorate</u>	<u>Exempt Information Category</u>
Hackney Carriage and Private Hire Policy	21/06/2019	Joanne Philpott		N/A

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25. CRIMINAL RECORD CHECKS

25.1 Disclosure and Barring Services (DBS)

25.1.1 A criminal record check of current and spent convictions and police cautions, is seen as an essential safety measure in assessing whether or not an applicant is suitable to hold a Driver's Licence.

25.1.2 HC Drivers and PHV Drivers are an 'excepted profession' under the Rehabilitation of Offenders Act 1974¹.

25.1.3 All new applicants for a Driver's Licence, must provide a current (less than 3 months old at the date of application) Enhanced DBS Disclosure Certificate at the point of their initial application, register for the DBS Update Service, provide the Licensing Authority with their DBS account access code and consent to the Licensing Authority checking the status of their Certificate, as considered necessary by the Licensing Authority.

25.1.4 Renewal applicants who are not registered with the DBS Update Service must provide a current (less than 3 months old at the date of application) Enhanced DBS Disclosure Certificate at the point of their renewal application, register for the DBS Update Service, provide the Licensing Authority with their DBS account access code and consent to the Licensing Authority checking the status of their Certificate, as considered necessary by the Licensing Authority.

25.1.5 Once registered with the DBS Update Service, registration must be maintained throughout the period of the Driver's Licence. Drivers who fail to maintain registration will be required to apply for a further Enhanced DBS Disclosure Certificate through the Licensing Authority, at their expense, in order that they can apply/reapply to join the DBS Update Service within the required timescales set by the DBS.

25.1.6 The Licensing Authority reserves the right to check the status of Enhanced DBS Disclosure Certificates via the DBS Update Service as part of the renewal application process for a Driver's Licence, or at any other time considered necessary, during the period of the Driver's Licence.

25.1.7 Within seven (7) days of the following, Drivers must disclose/report to the Licensing Authority:

- all new convictions, official cautions and fixed penalty notices;
- any incident involving a passenger(s), Driver and/or the police.

Relevant forms can be downloaded from the Licensing Authority's website www.dartford.gov.uk

¹Police Act 1997 (Criminal Records) Regulations 2002 (as amended) & Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended)

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