

Durham County Council

General Licensing and Registration Committee

At the **Meeting** of the **General Licensing and Registration Committee** held in **Committee Room 2** at the **County Hall, Durham** on **Thursday 8 October 2009** at **9.00 am**.

Present:

Councillor C Carr in the Chair

Members of the Committee:

Councillors B Alderson, B Arthur, E Bell, J Blakey, D Boyes, C Carr, J Chaplow, P Charlton, B Graham, A Hopgood, J Hunter, G Huntington, J Lee, R Liddle, D Marshall, L Marshall, M Plews, R Rodgers, J Shiell, D Stoker, O Temple, L Thomson, R Todd, J Wilkinson, M Williams and A Wright.

Apologies:

Apologies were received from Councillors Bailey, Barnett, Bleasdale, Bowman, Gittins, Gray and Morgan.

A1. Declarations of Interest

There were no declarations of interest received from Members in relation to the business on the agenda.

A2. Minutes

With the addition of Councillor Bob Arthur's name to the list of apologies, the Minutes of the meeting held on Thursday 9 July 2009 were confirmed as a correct record and signed by the Chairman.

A3. Street Trading – Nelson Street, Consett

The Committee considered a Report of the Corporate Director Neighbourhood Services to change the designation of Nelson Street, Consett, Co. Durham from a consent street to a prohibited street for the purposes of street trading with effect from 30 November 2009 (for copy see file of Minutes).

The Local Councillor confirmed that Ward Councillors had been consulted regarding the proposal and had raised no objection. It was confirmed that only one objection had been received to the proposal, from a trader.

Resolved:

That the recommendation contained within the report to change the designation of Nelson Street, Consett from a consent street to a prohibited street for the purposes of street trading with effect from 30 November be approved.

A4. Exclusion of Public

Resolved:

That under Section 100a(4) of the Local Government Act 1972 the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the said Act.

B5 Advice on the Implications of the Newcastle City Council v Berwick Upon Tweed Borough Council Case in respect of licensing Hackney Carriage Vehicles – Report of Head of Legal and Democratic Services

The Committee considered a Report of the Head of Legal and Democratic Services updating the Committee following the recent case of Newcastle City Council – v – Berwick upon Tweed Borough Council (the Berwick Decision) (for copy see file of Minutes).

Resolved:

That the report be noted.

B6 Any Other Business

Mark Gurney, Strategic Manager, Children in Need, Children and Young People's Service provided the Committee with an overview of the work being undertaken through the Safeguarding from Harm Procedures in order to ensure safe recruitment practices for taxi drivers and escorts for home to school transport and foster placements. A robust vetting procedure has been introduced to ensure the safe transportation of children the Local Authority has a corporate parenting responsibility for. Risks are identified and recommendations as to an applicant's suitability are made by Safeguarding Officers.

The Chairman raised concerns as to the lack of detail on CRB checks available at Committee Meetings and requested that Safeguarding Officers be available to attend Committee meetings where risks have been identified. Councillor Stoker agreed, saying that he has attended Committee meetings where concerns have been identified but no specific details have been available.

In response, Mark Gurney replied that, in the majority of cases where concerns are identified, a written explanation is provided. He assured Members that steps will be taken to ensure detail is provided in future.

Clare Greenlay, Principal Litigation Solicitor, Corporate Resources emphasised the importance of the full facts being made available to the Committee in order that they may consider all the evidence. Where a recommendation is made to refuse an application, there is a risk of appeal. It is therefore imperative to have a representative from Safeguarding available, where concerns have been raised, in order that they can provide the necessary additional information. In response, Mark Gurney agreed to investigate how this representation could be facilitated.

In response to a question from Councillor Charlton, Mark Gurney replied that safeguarding checks were introduced approximately eighteen months ago. Prior to this, the former Education Department carried out checks. There have been instances regarding taxi / bus drivers which have led to child protection procedures being initiated.

Councillor Wilkinson asked whether unsuccessful applicants have a right of appeal, Mark Gurney replied that, in respect of school based contracts, there is no right of appeal.

Mark Gurney informed the Committee that the Independent Safeguarding Authority will introduce a system of registration from next year. Clare Greenlay added that this is a national organisation which was introduced in response to the Soham murders. The new vetting and barring scheme will be delivered by the Criminal Records Bureau and the Independent Safeguarding Authority. This places a responsibility on employers and employees and is a registration requirement rather than a checking procedure. This will be run in conjunction with CRB checks.

B7. Members' Training

A Licensing training session took place at the conclusion of the Meeting.