

## **Previous/current wording;**

### *5.5 Disclosure and Barring Service Checks (DBS)*

*Applicants for a hackney carriage or private hire driver licence are required to provide a DBS enhanced disclosure certificate. This certificate must be applied for via the Council as certificates obtained through other organisations will not be accepted. Once a certificate has been received it will only be valid for a period of three months. If the application has not been completed within that timeframe a new DBS certificate must be applied for.*

*The Rehabilitation of Offenders Act 1974 does not apply to hackney carriage or private hire drivers. This means that applicants are required to disclose all convictions, cautions and motoring offences including those that would normally be regarded as spent.*

***All drivers are required to submit an annual declaration of convictions. Failure to do so will result in a referral to the next scheduled General Licensing Committee.***

*The Council requires those drivers it issues three year badges to sign up to the DBS updating service and consent to the Council checking with the DBS as to whether there has been any changes to their status since the last disclosure certificate was issued. This will negate the need to complete an annual declaration but not the need to inform the Council of any new convictions where appropriate. Licence holders are expected to maintain this registration throughout the duration of their licence. Where there is evidence of criminal convictions, cautions or motoring convictions, the application will be referred to the General Licensing Committee in line with the Council's Policy on convictions, cautions and complaints which can be found at Appendix 1.*

*Any applicant who has lived outside the UK within the last 10 years will be required to produce a Certificate of Conduct, translated into English, from each of the Countries that they have lived in within that period.*

## **New Proposed Wording;**

### *5.5 Disclosure and Barring Service Checks (DBS)*

*Applicants for a hackney carriage or private hire driver licence are required to provide a DBS enhanced disclosure certificate. This certificate must be applied for via the Council as certificates obtained through other organisations will not be accepted. Once a certificate has been received it will only be valid for a period of three months. If the application has not been completed within that time frame a new DBS certificate must be applied for.*

*The Rehabilitation of Offenders Act 1974 does not apply to hackney carriage or private hire drivers. This means that applicants are required to disclose all convictions, cautions and motoring offences including those that would normally be regarded as spent.*

*The Council requires those drivers it issues three year badges to sign up to the DBS updating service and consent to the Council checking with the DBS as to whether there has been any changes to their status since the last disclosure certificate was issued. This will negate the need to complete an annual declaration but not the need to inform the Council of any new convictions where appropriate. Licence holders are expected to maintain this registration throughout the duration of their licence.*

#### **Previous/Current wording;**

4.4 Existing holders of driver's licences are required to notify the Council in writing within five working days of receiving a driving licence endorsement, fixed penalty notice, warning, reprimand, police caution, criminal conviction or other criminal proceedings (including their acquittal as part of a criminal case). In addition, licence holders must inform the Council within 2 working days of their arrest of any matter (whether subsequently charged or not). To fail to do so, will raise serious questions for the Council as to the honesty of the licence holder and will be taken into account as part of any subsequent renewal application.

#### **Proposed wording ;**

4.4 Existing holders of driver's licences are required to notify the Council in writing within five working days of receiving a driving licence endorsement, fixed penalty notice, warning, reprimand, police caution, criminal conviction or other criminal proceedings (including their acquittal as part of a criminal case). In addition, licence holders must inform the Council within 2 working days of their **arrest and release, charge or conviction of any matter relating to any sexual offence, any offence involving dishonesty or violence and any motoring offence**. To fail to do so, will raise serious questions for the Council as to the honesty of the licence holder and will be taken into account as part of any subsequent renewal application

#### **DBS Check every 6 months**

*Officers are required to check the status of a certificate online, with the drivers consent, every 6 months.*

*Drivers should be able to evidence continuous registration with the DBS update service to enable the Council to routinely check for new information every 6 months. Drivers that do not subscribe to the update service will still be subject to a check every 6 months, by way of requiring a new DBS, which may lead to delays and suspension of the licence until a new DBS has been received.*

*Where there is evidence of criminal convictions, cautions or motoring convictions, the application will be referred to the General Licensing Committee in line with the Council's Policy on convictions, cautions and complaints which can be found at Appendix 1.*

*Any applicant who has lived outside the UK within the last 10 years will be required to produce a Certificate of Conduct, translated into English, from each of the Countries that they have lived in within that period.*

#### **Referrals to the Disclosure and Barring Service (DBS)**

*SRBC Licensing Authority will make a referral to DBS, where a decision is taken to refuse or revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable adult.*

*SRBC Licensing Authority will make a referral to the DBS when it is thought that:*

- *an individual has harmed or poses a risk of harm to a child or vulnerable adult;*
- *an individual has satisfied the 'harm test' ; or*
- *received a caution or conviction for a relevant offence and;*
- *the person they are referring is, has or might in future be working in regulated activity;*

