

COMMITTEE:	GENERAL LICENSING COMMITTEE
DATE:	22 JUNE 2015
TITLE:	POLICY ON ACCEPTING PREVIOUSLY ISSUED DBS ENHANCED LEVEL CERTIFICATES FOR APPLICANTS OF A COMBINED HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE DRIVER'S LICENCE
PURPOSE:	FOR DECISION
AUTHOR:	HEAD OF REGULATORY DEPARTMENT

1.0 BACKGROUND INFORMATION

- 1.1 Applicants of a 'Combined Hackney Carriage/Private Hire Vehicle Driver Licence' are exempt from the provisions of the Rehabilitation of Offenders Act, 1974 and the Rehabilitation of Offenders Act, 1974 (Exception) (Amendment) Order, 2002. Applicants are required to disclose ALL convictions, cautions and fixed penalties.
- 1.2 In accordance with s46 of the Town Police Clauses Act and s51 Local Government (Miscellaneous Provisions) Act 1976 the council shall not grant a combined 'Hackney Carriage and Private Hire Driver Licence' unless they are satisfied that the applicant is a 'fit and proper person' to hold a licence.
- 1.3 As part of the fit and proper person test the council require applicants to provide a Disclosure and Barring Service (DBS) Enhanced Level Certificate (previously known as a Criminal Records Bureau (CRB) Disclosure).
- 1.4 The existing Gwynedd Council 'Combined Hackney Carriage/Private Hire Vehicle Driver Licensing Policy' was adopted by the Committee on 22 October 2010. This document was also referred to as an information pack containing guidance. The document contains reference to section "5 – Guidance Notes – Applying for Disclosure" however, the section is not clearly identifiable within the document.
- 1.5 The document does however contain the following information regarding disclosure requirements in the section labelled "The Application".

NB. an appointment must be made with an authorised officer of the Licensing Team so that a Criminal Records Bureau Disclosure(Enhanced) form may be completed. On attendance at this meeting you must bring your DVLA licence, Passport, Birth Certificate/Marriage Certificate and another form of identification showing your current address i.e. utility bill.

On receipt of a satisfactory reply to the CRB form, and submission of all the necessary documentation the applicant will be granted his/her Combined Hackney Carriage/Private Hire Vehicle Drivers License and Badge.

An application will need to be considered by the Licensing Committee if:

1. there are relevant conviction(s)

2.0 DISCLOSURE AND BARRING ENHANCED LEVEL CERTIFICATE WITH A BARRED LIST CHECKS

- 2.1 In s113BA of the Police Act 1997 it specifies "in such cases as prescribed, an enhanced criminal record certificate must also include suitability information relating

to children” and in SI 13BB is specifies “in such cases as prescribed, an enhanced criminal record certificate must also include suitability information relating to adults.”

- 2.2 Considering an applicant’s suitability to obtain or hold a hackney carriage driver licence or a private hire driver licence are specified as ‘prescribed purposes’ in the s5 and s6 of the Police Act 1997 (Criminal Records) (No 2) Regulations 2009.
- 2.3 The suitability information relating to children and adults is obtained by submitting an application for an ‘Enhanced Level Disclosure with a Barred List Checks’. Two barred lists exist, one for children and one for adults.
- 2.4 As specified in the Police Act 1997, the enhanced criminal record certificate when considering an applicant’s suitability to obtain or hold a hackney carriage driver licence or a private hire driver licence, **MUST** also include suitability information, i.e. a barred list check, relating to children and adults.

3.0 ACCEPTING PREVIOUSLY ISSUED DBS ENHANCED LEVEL CERTIFICATES

- 3.1 The existing policy document does not make reference to accepting previously issued DBS Enhanced level certificates nor does it specify the duration a DBS Enhanced level certificate is considered to be valid.
- 3.2 Standard practice in Gwynedd and amongst other local authorities in Wales is to accept previously issued DBS Enhanced Level Certificates provided that they are less than 3 months old and certificates are considered to be valid for a period of 3 years from the date of issue.
- 3.3 The current cost of an Enhanced Level Certificate with barred list checks is £44.00. This fee is set nationally. An additional administration cost of £7.19 is imposed by the Council to process the application.
- 3.4 Taking the legal requirements into consideration, the practice of accepting previously issued DBS Enhanced level certificates may continue **ONLY IF** the previously issued certificate is an Enhanced Level Certificate and it includes the children barred list and adult barred list check.

4.0 RECOMMENDATION

- 4.1 That the Committee note that when considering an applicant’s suitability to obtain or hold a hackney carriage driver licence or a private hire driver licence **ONLY** Enhanced Level Certificates with a children barred list and adult barred list check may be accepted.
- 4.2 That the Committee decide that the practice of accepting previously issued Enhanced Level Certificates may continue **ONLY IF** they are dated less than 3 months from the date of issue to the date of application and include a children barred list and adult barred list check.
- 4.3 That the Committee decide that the ‘DBS Enhanced Level Certificate with the barred list checks’ of licensed hackney carriage/private hire vehicle drivers will be considered as being valid for 3 years from the date of issue.