

Committee: LICENSING

Agenda Item

Date: 9 September 2015

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Title: AMENDMENTS TO THE LICENSING POLICY

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Item for decision

Summary

1. This report is to request that members agree variations to the council's Licensing Policy consequent upon the committee's resolution on the 12 August 2015.

Recommendations

2. That members agree to the amendments to the Licensing Policy shown on the attached document and in addition agreed to amend appendix I of the policy by removing the reference to the Criminal Records Bureau and inserting instead "DBS".

Financial Implications

3. None.

Background Papers

4. None.

Impact

- 5.

Communication/Consultation	None
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	None
Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	None

Situation

6. As part of its duty to ensure that drivers' licences are only granted to fit and proper persons, the council has operated a policy of requiring an enhanced DBS check and medical certificate on the first application for a licence and on every third renewal thereafter.
7. On 12 August 2015 in order to comply with the requirements of the Deregulation Act 2015, members resolved that drivers' licences would be granted for a period of three years with effect from 1 October 2015. If the council's policy is unamended then this would mean that criminal records and medical condition would be checked at nine year intervals rather than three yearly as at present.
8. The government guidance is that there should be an enhanced DBS check and medical examination on each renewal. That guidance was issued with reference to the Licensing Act 1976 prior to its amendment. However, the guidance also recommended that three-year licences for drivers was best practice, a recommendation not adopted by this and many other councils. It follows therefore that the government's view is that three year DBS checks and medicals are best practice.
9. It is recommended that rather than tie these checks with renewals of licences, they should be required at three year intervals. The reason for this is that when drivers come to renew their licences in the period 1 October 2015 to 30 September 2016, many of them will have had an enhanced DBS check and medical which will be only one or two years old. As these checks are paid for by the drivers it will be prejudicial to them and in the light of government guidance unnecessary to require them to submit to further checks less than three years from the date of the last checks merely because their licence falls due to be renewed. Clearly however, for all new drivers being licensed after 30 September 2015, the requirement for an enhanced DBS check and medical will fall in with the renewals of their licences in 2018/19.

Risk Analysis

10.

Risk	Likelihood	Impact	Mitigating actions
An unfit person is licensed to drive a hackney carriage or private hire vehicle.	2, there is always a risk that a driver will not notify the council of convictions after his or her most recent DBS check or of a change in his or her medical condition.	4, licensing an unfit driver could lead to loss of or damage to property, personal injury or even death.	Members ensure that the council's policy requires enhanced DBS checks and medical examinations at appropriate intervals.

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.