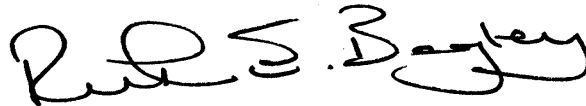


Date of issue: 14<sup>th</sup> July, 2015

<b>MEETING</b>	<b>LICENSING COMMITTEE</b> (Councillors Davis (Chair), Shah (Vice Chair), Abe, Cheema, Coad, Dhillon, Malik, Munawar, Sohal, Usmani and Wright)
<b>DATE AND TIME:</b>	WEDNESDAY, 22ND JULY, 2015 AT 6.30 PM
<b>VENUE:</b>	SAPPHIRE SUITE 5, THE CENTRE, FARNHAM ROAD, SLOUGH, SL1 4UT
<b>DEMOCRATIC SERVICES OFFICER: (for all enquiries)</b>	TERESA CLARK 01753 875018

NOTICE OF MEETING

You are requested to attend the above Meeting at the time and date indicated to deal with the business set out in the following agenda.



**RUTH BAGLEY**  
Chief Executive

AGENDA

PART I

<u>AGENDA ITEM</u>	<u>REPORT TITLE</u>	<u>PAGE</u>	<u>WARD</u>
	Apologies for absence.		
	<b>CONSTITUTIONAL MATTERS</b>		
1.	Declarations of Interest		

**AGENDA**  
**ITEM**

**REPORT TITLE**

**PAGE**

**WARD**

*All Members who believe they have a Disclosable Pecuniary or other Pecuniary or non pecuniary Interest in any matter to be considered at the meeting must declare that interest and, having regard to the circumstances described in Section 3 paragraphs 3.25 – 3.27 of the Councillors' Code of Conduct, leave the meeting while the matter is discussed, save for exercising any right to speak in accordance with Paragraph 3.28 of the Code.*

*The Chair will ask Members to confirm that they do not have a declarable interest.*

*All Members making a declaration will be required to complete a Declaration of Interests at Meetings form detailing the nature of their interest.*

- |                         |                                                                                                           |          |     |
|-------------------------|-----------------------------------------------------------------------------------------------------------|----------|-----|
| 2.                      | Guidance on Predetermination/ Predisposition - To Note                                                    | 1 - 2    |     |
| 3.                      | Minutes of the Last Meeting held on 23 July 2014                                                          | 3 - 6    |     |
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| <b>LICENSING ISSUES</b> |                                                                                                           |          |     |
| 5.                      | Revised Policy for the Disclosure and Barring Service (DBS)                                               | 11 - 66  | All |
| 6.                      | Gambling Act 2005: Review of 'No Casino Policy' and Statement of Licensing Principles                     | 67 - 70  | All |
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| 8.                      | Proposal for mandatory English Language Competency test for new Hackney Carriage and Private Hire Drivers | 81 - 86  | All |
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| 10.                     | Date of Next Meeting- 30th September, 2015                                                                |          |     |

**AGENDA**  
**ITEM**

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	Press and Public	
<p>You are welcome to attend this meeting which is open to the press and public, as an observer. You will however be asked to leave before the Committee considers any items in the Part II agenda. Please contact the Democratic Services Officer shown above for further details.</p> <p>The Council allows the filming, recording and photographing at its meetings that are open to the public. Anyone proposing to film, record or take photographs of a meeting is requested to advise the Democratic Services Officer before the start of the meeting. Filming or recording must be overt and persons filming should not move around the meeting room whilst filming nor should they obstruct proceedings or the public from viewing the meeting. The use of flash photography, additional lighting or any non hand held devices, including tripods, will not be allowed unless this has been discussed with the Democratic Services Officer.</p>		

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## **PREDETERMINATION/PREDISPOSITION - GUIDANCE**

The Council often has to make controversial decisions that affect people adversely and this can place individual members in a difficult position. They are expected to represent the interests of their constituents and political party and have strong views but it is also a well established legal principle that members who make these decisions must not be biased nor must they have pre-determined the outcome of the decision. This is especially so in “quasi judicial” decisions in planning and licensing committees. This Note seeks to provide guidance on what is legally permissible and when members may participate in decisions. It should be read alongside the Code of Conduct.

### Predisposition

Predisposition is lawful. Members may have strong views on a proposed decision, and may have expressed those views in public, and still participate in a decision. This will include political views and manifesto commitments. The key issue is that the member ensures that their predisposition does not prevent them from consideration of all the other factors that are relevant to a decision, such as committee reports, supporting documents and the views of objectors. In other words, the member retains an “open mind”.

Section 25 of the Localism Act 2011 confirms this position by providing that a decision will not be unlawful because of an allegation of bias or pre-determination “just because” a member has done anything that would indicate what view they may take in relation to a matter relevant to a decision. However, if a member has done something more than indicate a view on a decision, this may be unlawful bias or predetermination so it is important that advice is sought where this may be the case.

### Pre-determination / Bias

Pre-determination and bias are unlawful and can make a decision unlawful. Predetermination means having a “closed mind”. In other words, a member has made his/her mind up on a decision before considering or hearing all the relevant evidence. Bias can also arise from a member’s relationships or interests, as well as their state of mind. The Code of Conduct’s requirement to declare interests and withdraw from meetings prevents most obvious forms of bias, e.g. not deciding your own planning application. However, members may also consider that a “non-pecuniary interest” under the Code also gives rise to a risk of what is called apparent bias. The legal test is: “whether the fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility that the Committee was biased’. A fair minded observer takes an objective and balanced view of the situation but Members who think that they have a relationship or interest that may raise a possibility of bias, should seek advice.

This is a complex area and this note should be read as general guidance only. Members who need advice on individual decisions, should contact the Monitoring Officer.

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**Licensing Committee – Meeting held on Wednesday, 23rd July, 2014.**

**Present:-** Councillors Davis (Chair), Ajaib, Bains, Cheema, Coad, Malik, Mellor, Rasib, Shah (Vice-Chair) and Sohal

**Also present under Rule 30:-** None

**Apologies for Absence:-** Councillor Munawar

**PART 1**

**7. Declarations of Interest**

None.

**8. Guidance on Predetermination/ Predisposition - To Note**

Members confirmed that they had read and understood the guidance on Predetermination and Predisposition.

**9. Minutes of the Last Meeting held on 26th June 2014**

**Resolved –** That the minutes of the meeting held on 26<sup>th</sup> June 2014 be approved as a correct record.

**10. Law Commission Review and Recommendations for Taxi and Private Hire Services**

The Licensing Officer introduced the report on the Law Commission Review and Recommendations for Taxi and Private Hire Services, the purpose of which was for Members to note the recommendations made by the Law Commission. The Officer summarised the report, before opening the item for discussion.

Members raised a number of questions, which included:

- Fares were to be left to Authorities to decide. How would Slough BC amend fares moving forward? *The Officer confirmed that fares would be an executive function and that these would be reviewed by Cabinet.*
- With reference to standardising Licensing to ensure uniformity of regulation across Licensing Authorities, was Slough seen as one of the more stringent Authorities? *The Officer confirmed that yes, Slough was extremely stringent and that Slough standards included a fit and proper person test for all applicants. Drivers who picked up children, for example from schools, were required to have an up-to-date DBS check. It was pointed out that with the move to standardising Licensing across Authorities, there was potential for these new standards to be below Slough's current stringent standards. However, a clause existed that enabled Authorities to impose additional conditions if necessary.*

## Licensing Committee - 23.07.14

- Did Slough BC share best practice with neighbouring Authorities? *The Officer confirmed that Slough did currently share best practice, and that there was potential for a shared service that would comprise several Authorities as one Licensing Authority, which could further employ best practice while mitigating cost. It was confirmed that the sharing of data between Authorities was not carried out for reasons of confidentiality, but that a shared service would allay such issues as the data would pertain to a single Licensing Authority.*
- With reference to increased powers for Licensing Officers to improve enforcement, including the power to stop a licensed vehicle on the road without a Police Officer present, how was this done currently and how would the new guidance be carried out? *The Officer confirmed that currently Licensing Officers must be accompanied by a Police Officer. Under the terms of the new guidance, this would not be necessary. As such, Licensing Officers would need to undergo training and be accredited to apply enforcement without the Police Officer being present.*
- It was requested that the reference to Administration of the Licensing System discouraging applicants to apply to an Authority for financial reasons be expanded upon. *The Officer confirmed that this was a reference to applicants applying to Authorities where fees were lower. It was pointed out that all fees were set for cost recovery, and not to make a profit. Although fees would likely be raised, any increase would be justified.*
- How would Slough enforce disability guidance? *The Officer confirmed that both new and existing taxi and private hire drivers would be required to undergo training and that regulations would likely be applied, though the detail of this was unknown at present.*
- With regard to a single, uniform Hearings and Appeals process, how would this be applied? *The Officer confirmed that it was unknown at this point, but that it was likely that Licensing Officers would be given the power to suspend or revoke licenses. The license holder would then have the right of appeal, wherein the appeal would likely be referred to a Licensing Sub-Committee or a Magistrates Court.*
- It was pointed out that the process of private hire drivers being 'moved on' when suspected of touting for business could be open to abuse, by competitor drivers reporting on each other. *The Officer confirmed that any such reports would need to include a formal witness statement and that this should deter any false reports.*
- The question of whether guidance had been provided regarding animals or pets was raised. *The Officer confirmed that no such guidance had been provided, but that the guidance on disability and discrimination included clauses relating to animals such as guide dogs and assistance dogs.*

**Resolved** - That the Law Commission Review and Recommendations for Taxi and Private Hire Services be noted.



## **Licensing Committee - 23.07.14**

### **11. Revision of the Secretary of State Guidance-Section 182 (June 2014)**

The Licensing Manager introduced the report on the Revision of the Secretary of State Guidance – Section 182 (June 2014), the purpose of which was for Members to note that the Secretary of State's Section 182 Guidance for the Licensing Act 2003 had been revised and amended, including new guidance on the mandatory condition banning below cost sales of alcohol.

The Officer summarised the report, before opening the item for discussion. No Member questions were submitted.

**Resolved** - That the revisions and amendments to the Secretary of State's Section 182 Guidance for the Licensing Act 2003 be noted.

### **12. Members Attendance Record 2014/15**

**Resolved** - That the Members Attendance Record be noted.

Chair

(Note: The Meeting opened at 6.30 pm and closed at 7.30 pm)

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**SLOUGH BOROUGH COUNCIL**

**REPORT TO:** Licensing Committee                      **DATE:** 22<sup>nd</sup> July, 2015

**CONTACT OFFICER:** Teresa Clark (Senior Democratic Services Officer)  
**(For all Enquiries)**                      (01753) 875018

**WARD(S):**                                              All

**PART I**  
**FOR DECISION**

**ESTABLISHMENT OF A LICENSING SUB-COMMITTEE AND APPOINTMENT OF DESIGNATED CHAIRS**

1. **Purpose of Report**

This report seeks approval for the establishment of a Licensing Sub-Committee and the appointment of designated Chairs to the Sub-Committee.

2. **Recommendations**

The Committee is requested to Resolve:

- (a) That a Licensing Sub-Committee (drawn from the Members of the Licensing Committee) be established as required on a proportional basis (2 Labour 1 Conservative) with terms of reference as set out in the appendix.
- (b) That three Labour Members be appointed to act as designated Chairs of the Sub-Committee for the 2015/2016 municipal year.

3. **Community Strategy Priorities**

There are no implications.

4. **Other Implications**

(a) **Financial**

There are no financial implications associated with this report at this stage.

(b) **Human Rights Act and other Legal Implications**

The relevant law in respect of this matter is set out in Sections 15-17 (inclusive) of the Local Government and Housing Act 1989 (the Act) and the Local Government (Committees and Political Groups) Regulations 1990 (as amended). Applying the basic principles of Sections 15-17 of the Act requires not all the seats on the Sub Committee to be allocated to the same political group. However as an alternative to applying the political proportionality rules the Committee is entitled under Section 17 of the Act to adopt different arrangements provided all of the members vote for/abstain from a proposal (ie: no member votes against).

(c) Workforce

None.

5. **Supporting Information**

- 5.1 The Licensing Committee first established a Licensing Sub-Committee at its meeting on 31<sup>st</sup> May, 2006 and agreed the terms of reference (set out in the appendix).
- 5.2 The Committee agreed to the appointment of designated Chairs of the Sub-Committee and that these Members would chair the meetings of the Sub-Committee on a rotational basis.
- 5.3 It was agreed that the Sub-Committee would consist of three Members drawn on a rotational basis from the Members of the Licensing Committee on a politically proportionate basis.
- 5.4 As the Labour Group has an overall majority on the Council, the Sub-Committee should comprise two Labour Members and one Member of the Conservative Group. Although Councillor Coad has been allocated a seat on the Licensing Committee, she is not a member of a Group on the Council and is therefore not entitled to a place on the Sub Committee. Meetings of the Sub-Committee are held during the day time and must be convened within the statutory deadlines prescribed. There were 4 meetings of the Sub Committee in the 2014/15 municipal year.
- 5.5 The membership of the Licensing Committee for the 2015/16 Municipal Year comprises 8 Labour, 2 Conservative and 1 UKIP Member. A Licensing Sub-Committee (drawn from the Members of the Licensing Committee) must be established as required on a proportional basis (2 Labour, 1 Conservative) with terms of reference as set out in the appendix.

6.0 **Conclusion**

The Committee is requested to establish a Licensing Sub-Committee and appoint three Members of the Licensing Committee as designated Chairs for the 2015/2016 municipal year.

6. **Background Papers**

Agenda and minutes of Licensing Committee – 31<sup>st</sup> May, 2006

**LICENSING SUB-COMMITTEE**

**Constitution**

3 Members of the Licensing Committee (Quorum 3 Members)

**Terms of Reference**

- 1 To consider and determine applications for licences for private hire vehicles, operators and drivers and for hackney carriage drivers where:
  - (i) The individuals involved have been convicted of traffic or other offences.
  - (ii) Where CRB checks on an individual give cause for concern with regard to their suitability as a fit and proper person to hold such a licence.
  - (iii) In any other special circumstance where the officers consider it appropriate to refer the matter to the Sub-Committee.
- 2 To hear and determine any appeal against a decision of the Director of Customer and Community Services taken under delegated powers to refuse an application for approval of premises or to revoke any approval previously granted under the Marriage Act 1994.
- 3 To determine such other licensing appeals or other licensing matters referred by officers including but not restricted to:
  - Sex establishments
  - Street trading.

**Licensing Act 2003**

- 4 To consider applications for a personal licence where a representation has been made.
- 5 To consider applications for a personal licence in cases where the applicant has unspent criminal convictions.
- 6 To consider applications for premises licences/club premises certificates where a representation has been made.
- 7 To consider applications for provisional statement where a representation has been made.
- 8 To consider applications for variations to premises licences or club premises certificates where a representation has been made.
- 9 To consider applications for the transfer of a premise licence where a representation by the Police has been made.

- 10 To consider reviews to premises licence/club premises certificates where these have been requested by the relevant authority in accordance with the relevant regulations.
- 11 To determine a Police representation in respect of a temporary event notice.
- 12 To consider applications for Interim Authorities where a representation by the Police has been made.

### **Gambling Act 2005**

- 13 Application for a Non Fast Transitional Conversion for a Premises Licence where representations have been made.
- 14 Application for new Premises Licence where representations have been made.
- 15 Application for a Provisional Statement where representations have been made.
- 16 Application to vary a Premises Licence where representations have been made.
- 17 Application for Transfer of a Premises Licence where representations have been made
- 18 Cancellation of Club Gaming / Club Machine permits
- 19 Applications for other permits where representation have been made
- 20 Decision to give a counter notice to a temporary or Occasional Use Notice
- 21 Application a for a Review of a Premises Licence

**SLOUGH BOROUGH COUNCIL**

**REPORT TO:** Licensing Committee                      **DATE:** 22<sup>nd</sup> July 2015

**CONTACT OFFICER:** Michael Sims - Licensing Manager  
**(For all Enquiries)** (01753) 477387  
 Ginny de Haan – Head of Consumer Protection and  
 Business Compliance  
 (01753 477912)

**WARD(S):** All

**PART I**  
**FOR DECISION**

**REVISED POLICY FOR THE DISCLOSURE AND BARRING SERVICE (DBS)**

1. **Purpose of Report**

For Members to approve the revisions to the Council’s Disclosure and Barring Service Policy.

2. **Recommendation(s)**

That the Committee:

- (a) Approve the revised draft DBS policy.
- (b) To start the consultation exercise on the new draft policy

3. **The Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan**

The primary responsibility of the Licensing Authority is to ensure that all new applicants for and current holders of Hackney Carriage and Private Hire drivers licenses are ‘Fit and Proper Persons’ to hold such a licence. Any criminal behaviour can be taken into account when determining whether an applicants is ‘fit and proper’.

The revision of the DBS policy making registration with the DBS Update Service compulsory will ensure that the Licensing Team are able to conduct annual checks with the Update Service to confirm any status of the licence holder.

3a. **Slough Joint Wellbeing Strategy Priorities –**

As the report outlines there is currently a dispute between the Police, the Home Office and the DBS over the disclosure to Licensing Authorities in relation to arrest, cautions, conviction and ‘any other information’ held on the DBS Certificate. As the primary responsibility of the Licensing Authority is ensuring that all persons are ‘Fit and proper’ to be granted and hold a drivers licence the revisions to the DBS policy will contribute to the following wellbeing themes.

- Economy and Skills
- Safer Communities

Cross-Cutting themes:

Approving the revised policy will contribute to the cross cutting theme of **Improving the image of the town**, in that all licensed drivers will be 'Fit and proper Persons' to hold such licences and ensure the safety and wellbeing of the public.

3b. **Five Year Plan Outcomes**

The report outlines fully the reason for the revision to the DBS policy which will ensure the safety and wellbeing of the public. This will contribute to the Five Year Plan with the specific outcome of:

- Slough will be one of the safest places in the Thames Valley

4. **Other Implications**

(a) **Financial**

There will be financial implications by approving the revised policy. There are on average 289 DBS applications made annually which includes an £11.00 administration fee for processing each application. This totals £3,179 on an annual basis. This administration fee income will be lost, however there are (on average) 90 new applications per year which will produce administration fees totalling £990, therefore the annual loss is estimated to be approximately £2,189.

Although there will be minimal loss in income the approval of the revised policy will go further to ensure that all licensed drivers are and will continue to be deemed 'Fit and Proper' and enhance the protection, safety and wellbeing of the public which is of paramount importance at all times.

**Risk Management**

Recommendation	Risk/Threat/Opportunity	Mitigation(s)
As detailed in Point 2.	The Council is under a duty to ensure that all new applicants and current licence holders of Private Hire and Hackney Carriage Driver licenses are fit and proper persons to hold a licence and that they do not pose a risk to any fare paying passengers or other members of the public.	The approval of this revised policy will ensure that all relevant checks have been conducted on an annual basis in relation to any criminal conviction or caution or 'other information' detailed on the DBS certificate.

(b) **Human Rights Act and Other Legal Implications**

Section 1 and Schedule 1 Parts I & II of The Human Rights Act 1998 apply:



Article 1 – Every person is entitled to the peaceful enjoyment of his or her possessions including the possession of licence and shall not be deprived of the possession except in the public interest

Article 6 – That in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

(c) Equalities Impact Assessment

An initial EIA has been completed which indicates that there are no negatives or adverse impacts on any equality group. However a further EIA will be completed following the outcome of the formal consultation.

**5. Supporting Information**

- 5.1. The Council, as the Licensing Authority (the ‘District Council’) under the 1976 Act is responsible for licensing all Hackney Carriage and Private Hire Drivers pursuant to the Local Government (Miscellaneous Provisions) Act 1976 operating within its area. In doing so the Council has a legal duty to ensure that all licensed drivers are ‘Fit and Proper Persons’ to apply for and continue to hold such a licence. This includes the power to refuse to grant a licence and suspend or revoke a licence where a driver is not deemed or no longer deemed to be ‘Fit and Proper’ where they have been convicted or cautioned for criminal and/or road traffic offences.
- 5.2. On 1<sup>st</sup> December 2012 the Criminal Records became the Disclosure and Barring Service (DBS). On 17<sup>th</sup> June 2013 the new disclosure service and requirements took effect and applied nationally. The changes were brought about by the Protection of Freedoms Act 2012 that amended the Police Act 1997.
- 5.3. On 18<sup>th</sup> July 2013 the Licensing Committee approved a new Disclosure and Barring Service (DBS) Policy, to cater for the changes introduced by the creation of the new service.
- 5.4. Since that date and most recently, there has been a dispute between the Home Office and the Police on the lawfulness of local authorities being informed of criminal investigations as well as convictions and cautions involving Taxi and Private Hire Drivers. This information was previously passed to local authorities under the Notifiable Occupations Scheme by relevant local police forces.
- 5.5. Concern has been raised following some local authorities being told by the DBS that they could no longer check whether a prospective Taxi or Private Hire Drivers had been barred from working with children or vulnerable adults unless they worked on a school transport contract.

The Local Government Association (LGA) has raised these issues as well as the risk being posed to public safety with the Home Office and DBS and a press release by the LGA is attached at **Appendix E**.

- 5.6. Since 2007 there have been a total of 31 drivers in the Borough who have had their licenses revoked as a result of serious offences, including extremely serious offences of sexual assault on lone females (whilst operating as a driver), serious

offences of violence, attempted murder, possession and or supply of controlled drugs, theft and death by careless driving. The majority of these had been previously notified to the Licensing Team by the Police, however over the last 18 months the notification has been limited.

5.7. The Council, in common with others, has encountered problems with not being notified of drivers that have been arrested, bailed, charged and cautioned for criminal offences. Notifications from the police have been limited over the last 18 months, with only a 2 official notifications being received.

5.7.1. In January 2015 the Licensing team were informed by a third party of a driver who had recently been convicted of two counts of ABH. Enquiries were made with the police who confirm that the offences had taken place in January 2013 on two passengers in the drivers vehicle and the driver was sentenced to a 12 months suspended prison sentence. The Licensing team had not been informed by the Police of the arrest in 2013.

5.7.2. Another example is where a driver informed the Licensing team that he had been involved in a serious accident injuring a member of the Public. The notifiable occupations unit did not inform the licensing team of the accident or that the driver had been charged. The driver was subsequently convicted of death by careless driving, and his licence was revoked

5.8. Members will also be aware of the recently published 'Jays Report' and 'Independent Inspection Report' of Child Sexual Exploitation and human trafficking in Rotherham. The report was highly critical of that Council's licensing officers and members of the Licensing Board. It should be pointed out that there is no direct evidence that what has happened in Rotherham is or has been happening Slough.

5.9. As of 1<sup>st</sup> October 2015 the Deregulation Act 2015 takes effect amending the Local Government (Miscellaneous provisions) Act 1976 as follows:

'Taxi and Private Hire Drivers'

- Standardising at 3 years the duration of both Taxi and Private Hire Driver licenses, and at 5 years for a Private Hire Operator licenses. A shorter duration may be specified depending on the circumstances of each case.

5.10. In light of both the above, the Licensing Team are conscious that the Council needs to look at strengthening it's current processes and procedures, certainly in relation to new applicants and current holders of Hackney Carriage and Private Hire driver licenses and in order to do so have completely reviewed the policy on DBS disclosures to recommend that it should be a mandatory requirement that all licensed drivers and new applicants **MUST** register with the DBS Update Service to create a 'living certificate' which the licensing authority can then access.

5.11. The revised DBS Policy is attached at **Appendix A**. For ease of reference the changes in brackets, italics and underlined are to be deleted and the areas shaded in grey are the proposed amendments.

5.12. The benefits of the revised policy are;

- Mandatory registration with the DBS Update Service by all new applicants at the initial application stage and at the next renewal by current licence holders
- Licence holders will only have to pay an annual fee of £13.00 to the DBS to maintain the registration rather than the current fee of £55.00 every 3 years to the Council for a new DBS application.
- By maintaining the registration with the Update Service this creates a living certificate which becomes portable and can be accepted by any other licensing authority rather than a new application being made in each licensing authority area.
- Officers will be able to carry out a status check with the DBS at the anniversary of the previous status check rather than deal with DBS applications for each licence holder on a 3 year basis.
- If a Status Change is shown then this means that a criminal conviction or caution has been put on or taken off the DBS certificate, which will require a new DBS application being made.
- Where information is received or obtained that there may be a 'status change', officers will conduct a further 'status check'.

The Financial Aspects document at **Appendix B** details the financial benefits to licence holders through compulsory registration with the Update Service.

- 5.13. A copy of the 'DBS Update Service - Applicant Guide' and 'How to subscribe to the Update Service' document are attached at **Appendices C and D**.
- 5.14. A further report will be put before the Licensing Committee with the results of the consultation.

## 6. **Comments of Other Committees**

None

## 7. **Conclusion**

The Committee is therefore requested to note the revised draft DBS policy.

## 8. **Appendices Attached**

- 'A' - Revised DBS Policy
- 'B' - Financial Aspects document
- 'C' - DBS Update Service - Applicant Guide
- 'D' - How to subscribe to the Update Service
- 'E' - LGA Press Release

## 9. **Background Papers**

The Police Act 1997

The Protection of Freedoms Act 2012

The Disclosure and Barring Service Privacy Impact Assessment

Jays Report (Rotherham)

Rotherham Council Independent Inspection Report

Deregulation Act 2015

**Appendix A**

**DISCLOSURE AND BARRING SERVICE POLICY**

**(Revised June 2015)**

## Disclosure and Barring Services Policy

<b>Document Number</b>	01
<b>Version Number</b>	
<b>Date approved</b>	
<b>Effective</b>	
<b>Contact Officer</b>	Licensing Manager

Change History		
Version No	Date	Change Details
1.00	22/07/2015	Following Comments by Legal Services

Related Documents	
Document Title	Location
The Police Act 1997	
The Protection of Freedoms Act 2012	
Jays Report (Rotherham)	
Rotherham Council Independent Inspection Report	
Deregulation Act 2015	

**If you have any further questions about this Policy or for further information, including applications forms, please contact:**

**Licensing Manager,  
 Slough Borough Council,  
 Landmark Place,  
 High Street,  
 Slough  
 Berkshire  
 SL1 1JL**

# Disclosure and Barring Service Policy.

## Background.

On 4<sup>th</sup> February 2003 the Licensing Committee approved a policy for the implementation of enhanced Criminal Record Bureau (CRB) Disclosure checks for all new and existing Hackney Carriage and Private Hire drivers and for the disclosure certificate to be applied for every three years. This requirement is pursuant to Section 51 (Hackney Carriage Drivers) and Section 59 (Private Hire Drivers) of the Local Government (Miscellaneous Provisions) Act 1976 (LGMP Act 1976).

(The procedure for applying for a CRB/DBS disclosure until 17<sup>th</sup> June entailed the applicant completing the application form and producing relevant documents to confirm identification, this form being checked the Licensing Officer and then checked and signed by a 'Countersignatory', the form then being sent to the DBS and once the necessary checks have been completed, a copy of the Disclosure Certificate would be sent to both the applicant and the Licensing Team.)

(In December 2012 the Criminal Record Bureau became the Disclosure and Barring Service (DBS) and on 17<sup>th</sup> June 2013 the new disclosure service and requirements took effect and apply nationally. These changes have been brought about through amendments to the Police Act 1997 by the Protection of Freedoms Act 2012.)

A summary of the original changes through the introduction of the DBS are contained in **Annex A**.

## Purpose.

The Council, as the Licensing Authority (the 'District Council') under the 1976 Act is responsible for licensing all Hackney Carriage and Private Hire Drivers pursuant to the above legislation operating within its area. In doing so the Council has a legal duty to ensure that all licensed drivers are 'Fit and Proper Persons' to apply for and continue to hold such a licence. This includes the power to refuse to grant a licence, suspend or revoke a licence where a driver is not deemed or no longer deemed to be 'Fit and Proper' where they have been convicted or cautioned for criminal and road traffic offences, and where 'other information' has been disclosed by the Police.

The purpose of this policy is to set out the new formal procedures for the Licensing Authority to operate (the new) a revised Disclosure and Barring Service processes in relation to:

- a) Application procedures for new applicants for Hackney Carriage and Private Hire Driver licenses.

- b) Application procedures for current Hackney Carriage and Private Hire Driver license.
- c) Disclosure and Barring Update Service
- d) DBS Certificates and Disputes

## 1. Guidance

### a) New Applicants

The following procedure will apply to all new applicants for a Hackney Carriage or Private Hire Driver licence.

1. A DBS application form must be completed in full and signed by applicant.
2. At the time of the production of the DBS application form to the Licensing Office the applicant must produce relevant approved forms of identification as detailed in the **'GOV.UK' Disclosure and Barring Service (DBS) (check' document) revised Identification checking guidelines v1.2 July 2014. See Annex B.**
3. If the applicants' identity cannot be verified through possession and or production of the relevant forms of identity documents required the application will not be accepted.
4. If the application form and documents are in order, then the Licensing Officer will check the DBS application form and the produced relevant forms of identification fully. If everything is in order the application form will then be checked by a 'Countersignatory' who will then sign the application form and send it to the Disclosure and Barring Service in Liverpool.
5. The Licensing Office will carry out a weekly check through the 'DBS On-Line Tracking Service' to establish if the DBS certificate has been issued to the applicant.
6. Once the issue of the DBS Certificate to the applicant has been confirmed, the Licensing Office will contact the applicant (*by telephone and advise them*) formally in writing that the original DBS Certificate must be produced in person to the Licensing Office within the DBS recommended 28 days of the date of issue. **(Copies of any form of the Certificate will not be accepted)**
7. Production of the DBS certificate must be by the applicant only UNLESS prior written, signed and dated authorisation is given by the applicant to the Licensing Office nominating another person to produce the DBS certificate on their behalf. The nominated person must bring photographic I.D. and the Licensing Team will hold the DBS certificate in their safe at the council offices until such time as the applicant attends to collect the certificate.
8. Failure by the applicant to produce the original certificate within the recommended 28 day period will result in the applicant having to make a new DBS application. **The applicant must register their DBS**



certificate with the Update Service and maintain the registration for as long as they are licensed by Slough Borough Council.

9. *If all other requirements of the full driver application procedure have not been completed within (4) 6 months of the date of issue of the DBS Certificate, then a new DBS application will have to be submitted.*

(Note: On all occasions the applicant will be advised and encourage to subscribe to the DBS Update service.)

## b) Current Licence Holders

1. All current holders of Hackney Carriage and Private Hire Drivers Licenses must complete the DBS application form and procedure when next due i.e. at the approved 3 year period requirement.
2. When the renewal letter is sent out to the licence holder advising that a DBS check is also required, the licence holder will be provided with details of the voluntary DBS Update Service. A copy of the DBS Update Service - Introduction. **See C) below.**
3. At the time of the production of the DBS application form to the Licensing Office, the licence holder must produce relevant approved forms of identification as detailed in the **'GOV.UK' Disclosure and Barring Service (DBS) (check' document) revised Identification checking guidelines v1.2 July 2014. See Annex B.**
4. If the application form and documents are in order, then the Licensing Officer will check the DBS application form and the produced relevant forms of identification fully. If everything is in order the application form will be then checked by a 'Countersignatory' who will then sign the application form and send it to the Disclosure and Barring Service in Liverpool.
5. The Licensing Office will carry out a weekly check through the 'DBS On-Line Tracking Service' to establish if the DBS certificate has been issued to the applicant.
6. Once the issue of the DBS Certificate to the Licence holder has been confirmed, the Licensing Office will contact the licence holder *(by telephone and advise them)* formally in writing that the original DBS Certificate must be produced in person to the Licensing Office within the DBS recommended 28 days of the date of issue. **(Copies of any form of the Certificate will not be accepted)**
7. Production of the DBS certificate must be by the applicant only UNLESS prior written, signed and dated authorisation is given by the applicant to the Licensing Office nominating another person to produce the DBS certificate on their behalf. The nominated person must bring photographic I.D. and the Licensing Team will hold the DBS certificate in their safe at the council offices until such time as the applicant attends to collect the certificate.
8. The applicant **must register** their DBS certificate with the Update Service and maintain the registration for as long as they are licensed by Slough Borough Council. Failure to do so will result in the licence being suspended.

9. If the original DBS Certificate is not produced as required in person within 28 days the licence holder will be **advised** formally in writing, that the Certificate MUST be produced within a further 28 days and that if the Certificate is still not produced within that period the Hackney Carriage or Private Hire Driver Licence will be suspended with immediate effect and until such time as the Certificate is produced.
10. The driver licence (Badge) must be returned to the Licensing Office within 7 days of the written notification.
10. (Once the original DBS Certificate has been produced the drivers licence will be immediately re-instated and the licence holder notified by telephone and in writing that this is the case, and the licence (Badge) will be returned.)
11. Should the original DBS Certificate be produced within two months of the suspension starting the drivers licence will be immediately re-instated and the licence holder notified in writing that this is the case, and the licence (Badge) will be returned.
12. Failure to produce the DBS Certificate within two months of the suspension starting will result in the applicant submitting, and paying for, a new DBS application form and identification documents to the Licensing Office.
13. On receipt of the newest DBS Certificate within the prescribed timescales detailed in 6 and 7 above, subject to a satisfactory result, and on confirmation that the applicant has registered with the DBS Update Service the suspension will be lifted as detailed in 10 above.
14. Failure to maintain registration with the DBS Update Service will result in refusal to renew the licence (Badge) and the applicant submitting, and paying for, a new DBS application form and identification documents to the Licensing Office.
15. On receipt of the newest DBS Certificate within the prescribed timescales detailed in 6 and 7 above, subject to a satisfactory result, and on confirmation that the applicant has registered with the DBS Update Service the licence renewal application process will recommence.
16. DBS Update Service to be checked (*annually*) at (*each licence renewal*) the anniversary of the previous status check or at any time during the life of the licence on receipt of intelligence or complaints of a serious nature.
17. Loss of original DBS certificate. Should a licensee fail to produce the original DBS certificate due to loss or misplacement, a new application must be made as detailed in b (above)

Note: The Council has resolved - That due to the need for urgent action to be taken as required, a delegation to the Council's Head of Consumer Protection and Business Compliance is conferred with the right to suspend a driver's licence (be approved,) on the basis of a failure to comply with the requirements of the DBS Policy, requiring the production of the original DBS Certificate.

### c) Disclosure and Barring Update Service

1. All new applicants for and current licence holders of Hackney Carriage and Private Hire Driver licenses *(can)* **must** subscribe to the voluntary DBS Update Service at a cost to the DBS of £13.00. **See the DBS Update Service - Introduction at Annex C.**
2. If the **above** subscription remains up to date, the licence holder will not be required to complete another DBS application form unless *(the status changes)* **there are changes to the licensee's status.**
3. If the applicant has subscribed with the 'Update Service', their subscription is up to date and written authorisation to do so has been given, the Licensing Authority can access the On-line Update Service to carry out a 'Status Check'. This can be done at any time.
4. If the subscription lapses, the next time a DBS check is required, i.e. *(every 3 years,)* ***(annually at each licence renewal)*** the anniversary of **the previous status check**, a new DBS application must be completed and the full procedure followed as detailed in **b)** above.
5. No fees are payable to Slough Borough Council once registered with the DBS Update Service unless notified of a status change as detailed in 2 and 4 above.

### d) DBS Certificate and Disputes

This Registered Body / Licensing Team will work in accordance with the Guidance issued by the DBS regarding entitlement for a copy of the DBS Certificate and any subsequent disputes as detailed below.

1. The DBS will no longer automatically issue a copy of the applicant's DBS Certificate to the Registered Body who countersigned the DBS application form. Employers will need to ask the applicant for sight of their original DBS Certificate.
2. Registered Bodies will be entitled to ask the DBS for a copy of the applicant's DBS Certificate if all of the following conditions apply:
  - The individual is subscribed to the Update Service; **and**
  - The employer has carried out a Status Check which revealed a change to the DBS Certificate; **and as a result**
  - The individual has applied for a new DBS check as the result of a change to an existing DBS Certificate; **and**
  - The DBS issued the new DBS Certificate to the applicant more than 28 days ago; **and**
  - The applicant has not shown the employer their new DBS Certificate.
3. If the individual has disputed the new DBS Certificate the DBS will not consider issuing a copy to the Registered Body until 28 days after the dispute is resolved.
4. *(If the individual has disputed the new DBS Certificate the DBS will not consider issuing a copy to the Registered Body until 28 days after the dispute is resolved.)*

5. If the individual has disputed the new DBS Certificate, and the dispute is 'not upheld', the Registered Body must wait until 28 days after the dispute resolution date before requesting a reprint. This is to give the applicant time to show the DBS Certificate to the Registered Body /employer.
6. As the DBS will not inform the Registered Body of a dispute made by the applicant, it will be responsibility of the applicant / licence holder to notify the Licensing Team of any dispute within 28 days of the issue of the Certificate and to produce any supporting documentation from DBS confirming that a dispute has been lodged.
7. It will also be the responsibility of the applicant / licence holder to inform the Licensing Team of the outcome of the dispute and also to produce any supporting documentation from the DBS that the dispute has been finalised.
8. The applicant then has 28 days from the date of the dispute resolution to produce the original certificate to the Licensing Team, or 28 days from the issue of their new DBS certificate, dependant on the dispute outcome.

## **2. Disclosure and Barring Retention Policy - Handling of DBS Certificate Information**

*(Secure storage, handling, use, retention and disposal of Disclosure and Barring Service (DBS) certificates and certificate information)*

It is a requirement of the Disclosure and Barring Service Code of Practice that all registered bodies must have a written policy on the correct handling and safekeeping of DBS certificate information. It also obliges Registered Bodies to ensure that a body or individual, on whose behalf they are countersigning applications, has a written policy. Therefore a new **Retention Policy** has been produced in accordance with the DBS Code of Practice, which is contained at **Annex D**.

## ANNEX A

- 1) A new DBS Update Service - Applicant Guide
- 2) A new DBS Update Service - Employer Guide
- 3) Changes to completion of the application form
- 4) The introduction of 'Applicant Only Certificates' and that the Licensing Authority will no longer be provided with a copy of the DBS Certificate
- 5) The Licensing Authority will now have to ask for sight of the 'original' certificate with 28 days of the date of issue (subject to exemption)
- 6) The **original certificate** must be seen and checked by the Licensing Authority for:
  - a) Confirmation of the applicants name and address to ensure that they are still current
  - b) The correct Certificate Number (for performing the on-line tracking service checks)
  - c) The 'Relevant Workforce'. For licensed drivers this is categorised as 'Other Workforce'
  - d) The 'Occupation'. For licensed drivers this will be 'Taxi Driver' for both Hackney Carriage and Private Hire drivers as defined as a Regulated Activity
  - e) The correct level of check which must be an 'Enhanced with Adult and Child Barred List Check' in accordance with the Police Act 1997 (Criminal Records) Regulations and as amended by The Protection of Freedoms Act 2012
  - f) The portability of the DBS Certificate. Portability only applies where the applicant has registered with the 'on-line service' and registration is still current
  - g) The introduction of (a voluntary) the mandatory registration to the Update service' for the applicants at an annual cost of £13
  - h) If the applicant has registered with the 'Update Service', their subscription is up to date and written authorisation to do so has been given, the Licensing Authority can access the On-line Update Service to carry out a 'Status Check'. This can be done at any time. (See page 8 of 'The Employers Guide')
  - i) If the on-line registration lapses or is cancelled a new DBS application will have to be completed (*every three years*) as detailed in **b)** above.
  - j) There is now a specific exemption under the amendments for 'Taxi Drivers' which legally entitles Licensing Authorities to know if the driver is listed on either the 'Child' or 'Adult' Barring Lists.

Note: In relation to (c) and (d) above these categories are both defined under the legislation as detailed in (e) above.

## ~~ANNEX B~~

### ~~Disclosure and Barring Service (DBS) checks (previously CRB checks)~~

#### ~~Documents the applicant must provide~~

~~The person going through a DBS check – ‘the applicant’ – must give their employer original documents proving their identity. The documents needed depend on the route the application takes. The applicant must try to provide documents from route 1 first.~~

#### ~~Route 1~~

~~The applicant must be able to show:~~

- ~~• 1 document from Table 1, below~~
- ~~• 2 other documents from either Table 1 or Table 2a or 2b, below~~

~~One of the documents must show the applicant’s current address.~~

#### ~~Route 2~~

~~If the applicant doesn’t have any of the documents in Table 1, then they must be able to show:~~

- ~~• 1 document from Table 2a~~
- ~~• 2 other documents from either Table 2a or 2b~~

~~One of the documents must show the applicant’s current address. The organisation conducting their ID check must then also use an appropriate external ID validation service to check the application.~~

#### ~~Route 3~~

~~Route 3 can only be used if it hasn’t been possible to process the application through Routes 1 or 2.~~

~~For Route 3, the applicant must be able to show:~~

- ~~• a birth certificate issued after the time of birth (UK and Channel Islands)~~
- ~~• 1 document from Table 2a~~
- ~~• 3 further documents from Table 2a or 2b~~

~~One of the documents must show the applicant's current address. If the applicant can't provide these documents they may need to be fingerprinted.~~

## ~~Table 1: Primary identity documents~~

<del>Document</del>	<del>Notes</del>
<del>Passport</del>	<del>Any current and valid passport</del>
<del>Biometric residence permit</del>	<del>UK</del>
<del>Current driving licence photo card with counterpart</del>	<del>UK/Isle of Man/Channel Islands (full or provisional)</del>
<del>Birth certificate issued at time of birth</del>	<del>UK and Channel Islands including those issued by UK authorities overseas, eg Embassies, High Commissions and HM Forces</del>

## ~~Table 2a: Trusted government documents~~

<del>Document</del>	<del>Notes</del>
<del>Current driving licence old style paper version</del>	<del>UK</del>
<del>Current photo driving licence</del>	<del>Non-UK licences must be valid for up to 12 months from the date the applicant entered the UK</del>
<del>Birth certificate issued after time of birth</del>	<del>UK and Channel Islands</del>
<del>Marriage/civil partnership certificate</del>	<del>UK and Channel Islands</del>
<del>Adoption certificate</del>	<del>UK and Channel Islands</del>
<del>HM Forces ID card</del>	<del>UK</del>
<del>Firearms licence</del>	<del>UK and Channel Islands</del>

## ~~Table 2b: Financial and social history documents~~

<del>Document</del>	<del>Notes</del>	<del>Issue date and validity</del>
<del>Mortgage statement</del>	<del>UK or EEA</del>	<del>Issued in</del>

<b>Document</b>	<b>Notes</b>	<b>Issue date and validity</b>
<del>Bank or building society statement</del>	<del>UK and Channel Islands or EEA</del>	<del>Issued in last 3 months</del>
<del>Bank or building society account opening confirmation letter</del>	<del>UK</del>	<del>Must still be valid</del>
<del>Credit card statement</del>	<del>UK or EEA</del>	<del>Issued in last 3 months</del>
<del>Financial statement, eg pension or endowment</del>	<del>UK</del>	<del>Issued in last 12 months</del>
<del>P45 or P60 statement</del>	<del>UK and Channel Islands</del>	<del>Issued in last 12 months</del>
<del>Council Tax statement</del>	<del>UK and Channel Islands</del>	<del>Issued in last 12 months</del>
<del>Work permit or visa</del>	<del>UK</del>	<del>Valid up to expiry date</del>
<del>Letter of sponsorship from future employment provider</del>	<del>Non-UK or non-EEA only – valid only for applicants residing outside of the UK at time of application</del>	<del>Must still be valid</del>
<del>Utility bill</del>	<del>UK – not mobile telephone bill</del>	<del>Issued in last 3 months</del>
<del>Benefit statement, eg Child Benefit, Pension</del>	<del>UK</del>	<del>Issued in last 3 months</del>
<del>Central or local government, government agency, or local council document giving entitlement, eg from the Department for Work and Pensions, the Employment Service, HMRC</del>	<del>UK and Channel Islands</del>	<del>Issued in last 3 months</del>
<del>EU National ID card</del>	<del>=</del>	<del>Must still be valid</del>
<del>Cards carrying the PASS accreditation logo</del>	<del>UK and Channel Islands</del>	<del>Must still be valid</del>
<del>Letter from Head Teacher or</del>	<del>UK – for 16 to 19 year olds in</del>	<del>Must still</del>



<del>Document</del>	<del>Notes</del>	<del>Issue date and validity</del>
<del>College Principal</del>	<del>full time education—only used in exceptional circumstances if other documents cannot be provided</del>	<del>be valid</del>

## **ANNEX B** **(New)**

### **Identification checking guidelines**

#### **Changes to the list of documents the applicant must provide**

From the 1 July 2014 group 1 and 2a of the list of documents the applicant must provide is changing. Go to page 4 of this guide to see the new list of documents.

#### **Identification checking process**

The applicant must provide a range of ID documents as part of the DBS application process. Registered Bodies must:

- follow the three route ID checking process as outlined in the guidance using the list of groups 1, 2a and 2b documents.
- check and validate the information provided by the applicant on the application form/

continuation sheet.

- establish the true identity of the applicant through the examination of a range of documents as set out in this guidance.
- ensure that the applicant provides details of all names by which they have been known.
- ensure that the applicant provides details of all addresses where they have lived in the last five years.
- ensure that the application form is fully completed and the information it contains is accurate.

If there are any discrepancies in the information provided by the applicant and/or the identity documents supplied, and fraud is not suspected, please seek clarification from the applicant. Failure to do this may compromise the integrity of the DBS service and introduce risk into your recruitment or licensing arrangements.

Registered Bodies must not attempt to amend the application form without the applicant's knowledge and agreement, as it will invalidate the declaration by the applicant and may breach data protection legislation.

#### **Please note that:**

- you must only accept valid, current and original documentation.
- you must not accept photocopies.

- you must not accept documentation printed from the internet e.g. internet bank statements.
- Identity information for the applicant's name, date of birth and address recorded in section A and section B on the DBS application form must be validated.
- you should in the first instance, seek documents with photographic identity (e.g. passport, new style driving licence, etc.) and for this to be compared against the applicant's likeness.
- all documents must be in the applicant's current name as recorded in section A (see below for guidance on recent changes of name).
- one document must confirm the applicant's date of birth as recorded in section A.
- you must ensure that the applicant declares all previous change of name, and provides documentary proof to support the change of name. **If the applicant is unable to provide proof to support the change of name, you should hold a probing discussion with the applicant about the reasons why before considering to validate their identity.**
- you must see at least one document to confirm the applicant's current address as recorded in Section B, in accordance with the guidance.

- you must provide a full and continuous address history covering the last five years. Where possible you should seek documentation to confirm this address history.
- you should cross-match the applicant's address history with any other information you have been provided with as part of the recruitment, such as their Curriculum Vitae (CV). This can highlight if an address has not been given e.g. if the applicant's CV shows that they have worked in Liverpool in the last five years, but the application form only shows London addresses, you may wish to question the applicant further about this.
- a document from each of the groups should be included only once in the document count e.g. do not accept two bank statements as two of the required documents, if they are from the same bank.
- you should not accept the foreign equivalent of an identity document if that document is listed as '(UK)' on the list of valid identity documents.

**When applying for Lead or Countersignatory status, at least one document must show the applicant's signature.**

### **What process should I follow to check an applicant's ID?**

You should follow the three routes as outlined below.

#### **Route One**

**All applicants must initially be considered for route one.**

Can the applicant produce a group 1 document? If yes, then the applicant must produce 3 documents:

o 1 document from group 1 (**refer to list of valid identity documents**); and  
o 2 further documents from group 1, 2a or 2b; one of which must verify their current address.

**If the applicant has satisfied this route, then the document check is complete. If the applicant cannot produce a group 1 document then go to route two.**

**NOTE – EEA Nationals (Non-UK):**

Where an EEA National has been resident in the UK for five years or less, the Registered Body should validate identity via route one through the checking of a current Passport or current UK Driving Licence (photo card only) plus 2 further documents.

In the absence of a group 1 document the Registered Body must satisfy themselves of a valid reason for using route two.

**NOTE - Non-EEA Nationals:**

All Non-EEA Nationals should be validated via **route one only**.

**Route Two**

The applicant must produce:

o 3 documents from group 2 consisting of;  
o 1 document from group 2a; **and**

o 2 further documents from group 2a or 2b; one of which must verify their current address.

**and**

o The organisation conducting the ID check will then need to ensure an appropriate external ID validation service is used to check the applicant against their records to establish the applicant's name and living history footprint.

**Please note: Full details of the external ID validation check are on pages 5, 6 and 7 of this guidance.**

If you have tried to use route two, but have been unable to validate the applicant's identity successfully, you may consider proceeding to route three.

**Please be advised that** route three should only be used in circumstances once you have fully explored with the applicant why their identity has not been successfully validated via routes one or two. To do this, you should hold a probing discussion with the applicant about the likely reasons why their identity has not been validated **before** considering using route three. You should keep a record of this discussion for internal purposes as it is the

Registered Body's responsibility to establish the true identity of the applicant through the examination of a range of documents as set out in this guidance.

Should you still be unable to validate the applicant's identity using routes one, two or three, then you should indicate this on the application form at Box W59 and return the form to the DBS. **The applicant will then need to be sent for fingerprinting by the Police, which you should be aware is likely to cause delay to the DBS application process and subsequently to your recruitment processes.**

### **Route Three**

**ALL Registered Bodies must have exhausted route one and should have endeavoured to have accessed an external validation check (route two) before you consider processing them through route three.**

If the applicant cannot meet the requirements of Route one and two, you should have had a probing discussion with them to establish why they could not meet these requirements and whether there has been a recent or previous change of name that has **not** been declared.

For route three, the applicant must produce:

- o Birth certificate (UK and Channel Islands) – (issued after the time of birth by the General Register Office/relevant authority i.e. Registrars – Photocopies are not acceptable) **and**
- o 4 further documents from group 2 consisting of:
  - ~ 1 document from group 2a; **and**
  - ~ 3 further documents from group 2a or 2b; one of which must verify their current address.

**If the applicant fails to produce the required document set at route three, they will need to be sent for fingerprinting by the Police which you should be aware is likely to cause delay to the DBS application process and subsequently to your recruitment processes.**

### **What if I cannot establish the applicant's ID using one of the three routes?**

If you or your ID checker cannot establish an applicant's identity in accordance with DBS ID guidelines then you should mark W59 on the application form with a **NO**.

Applicants who are unable to provide the required documents will then be asked to give their consent to have their fingerprints taken in line with the current procedure. Registered Bodies should be aware that this will require attendance by the applicant at a Police station at an appointed time, and may add delay to the overall application process.

### **Documents the applicant must provide**

#### **Group 1: Primary identity documents**

## Group 2a: Trusted government documents

Document	Notes
Passport	Any current and valid passport
Biometric residence permit	UK
Current driving licence – photo card with counterpart where one is issued	UK/Isle of Man/Channel Islands and EU (full or provisional) (Please note some European countries do not issue counterparts) All licences must be valid in line with current <a href="#">DVLA</a> requirements
Birth certificate – issued at time of birth	UK and Channel Islands – including those issued by UK authorities overseas, eg embassies, High Commissions and HM Forces
Adoption certificate	UK
Document	Notes
Current driving licence – photo card (where a counterpart has been issued but no counterpart is presented)	All countries (full or provisional) All licences must be valid in line with current <a href="#">DVLA</a> requirements
Document	Notes
Passport	Any current and valid passport
Biometric residence permit	UK
Current driving licence – photo card with counterpart where one is issued	UK/Isle of Man/Channel Islands and EU (full or provisional) (Please note some European countries do not issue counterparts) All licences must be valid in line with current <a href="#">DVLA</a> requirements
Birth certificate – issued at time of birth	UK and Channel Islands – including those issued by UK authorities overseas, eg embassies, High Commissions and HM Forces
Adoption certificate	UK
Document	Notes
Current driving licence – photo card (where a counterpart has been issued but no counterpart is presented)	All countries (full or provisional) All licences must be valid in line with current <a href="#">DVLA</a> requirements

## Group 2b: Financial and social history documents

<b>Document</b>	<b>Notes</b>	
Passport	Any current and valid passport	
Biometric residence permit	UK	
Current driving licence – photo card with counterpart where one is issued	UK/Isle of Man/Channel Islands and EU (full or provisional) (Please note some European countries do not issue counterparts) All licences must be valid in line with current <a href="#">DVLA</a> requirements	
Birth certificate – issued at time of birth	UK and Channel Islands – including those issued by UK authorities overseas, eg embassies, High Commissions and HM Forces	
Adoption certificate	UK	
<b>Document</b>	<b>Notes</b>	
Current driving licence – photo card (where a counterpart has been issued but no counterpart is presented)	All countries (full or provisional) All licences must be valid in line with current <a href="#">DVLA</a> requirements	
Current driving licence – paper version	UK/Isle of Man/Channel Islands and EU (full or provisional). All licences must be valid in line with current <a href="#">DVLA</a> requirements	
Birth certificate – issued after time of birth	UK and Channel Islands	
Marriage/civil partnership certificate	UK and Channel Islands	
HM Forces ID card	UK	
Firearms licence	UK, Channel Islands and Isle of Man	
<b>Document</b>	<b>Notes</b>	<b>Issue date and validity</b>
Mortgage statement	UK or EEA	Issued in last 12 months
Bank or building society statement	UK and Channel Islands or EEA	Issued in last 3 months
Bank or building society account opening confirmation letter	UK	Issued in last 3 months
Credit card statement	UK or EEA	Issued in last 3 months
Financial statement, e.g. pension or endowment	UK	Issued in last 12 months
P45 or P60 statement	UK and Channel Islands	Issued in last 12 months
Council Tax statement	UK and Channel Islands	Issued in last 12 months
Work permit or visa	UK	Valid up to expiry date
Letter of sponsorship from future employment provider	Non-UK or non-EEA only – valid only for applicants residing outside of the UK at time of application	Must still be valid
Utility bill	UK – not mobile telephone bill	Issued in last 3 months
Benefit statement, e.g. Child Benefit, Pension	UK	Issued in last 3 months
Central or local government, government agency, or local council document giving entitlement, e.g. from the Department for Work and Pensions, the Employment Service, HMRC	UK and Channel Islands	Issued in last 3 months
EU National ID card		Must still be valid
Cards carrying the PASS accreditation logo	UK and Channel Islands	Must still be valid

## **External validation service**

### **What is an external ID validation check?**

An external ID validation check is an alternative way of verifying the identity of an applicant. It will involve you providing an applicant's details (as presented on the application form) to your chosen supplier, who will compare the data you have obtained from the applicant against a range of independent, external data sources.

For the purposes of accessing DBS's services we request that Registered Bodies pursue a check that is aligned to the following standard:

LEVEL 2 (Remote) – as detailed in [‘HMG's Minimum Requirements for the Verification of the Identity of Individuals/Version 2.0/January 2003’](#).

This document was produced by The Cabinet Office and provides guidelines for verifying the identity of individuals, prior to granting access to government services. A ‘Level 2 (Remote)’ check provides **substantial assurance** that the registrant's real world identity is verified.

It is important to note that standards set out within ‘HMG's Minimum Requirements’ are widely acknowledged within the ID checking industry. Countersignatories will not be required to have any in-depth knowledge of what a ‘Level 2’ check involves. Those organisations who provide the check, will be in a position to give an assurance that they comply with the standards described within the guidance.

### **How can I access an external ID validation check?**

There are a large number of suppliers that may be able to perform a check for you to the required standard. We would recommend that Registered Bodies begin their enquiries by performing an internet search e.g. UK search for ‘Identity Validation’.

We are aware that Call Credit Group, Equifax, Experian, and GB Group are working towards the provision of ID validation services tailored for DBS purposes.

Registration to access an external ID validation service may differ for each supplier. We would encourage you to discuss your requirements with more than one supplier to gain access to checks in the most appropriate way for your organisation and to agree charges.

### **How do I decide whether an applicant has passed or failed an external ID validation check?**



You should specify when sourcing a potential ID validation supplier that a 'PASS/FAIL' decision is required as part of the check that you request.

Dependent on the result, you will then either authenticate the applicant or consider moving to route three of the process.

### **Easy five-step guide to accessing an external ID validation check**

The following provides general information on how to access a suitable external ID validation check. This is provided as a guide and is not exhaustive.

#### **Step 1**

Research suppliers that provide an ID validation service (i.e. through use of an internet search engine – entering wording like 'ID verification' should return a number of suppliers websites). You should read the general information provided by these suppliers regarding the type of services they provide before deciding whether to contact them.

#### **Step 2**

Once you have identified a suitable supplier, you should make contact using the telephone number or email address provided on their website. Use the following requirements in your discussions to ascertain whether the supplier can provide an ID check that is suitable for DBS purposes:

We require an ID validation check which:

- complies with the standards set out in Level 2 (remote) of 'HMG's Minimum Requirements for the Verification of the Identity of Individuals/Version 2.0/January 2003'.
- provides a straightforward PASS/FAIL result (some suppliers may return a score or a percentage, neither of which are acceptable).
- provides a hard copy or printable result page.

#### **Step 3**

If the ID validation supplier can meet the above requirements; you should then gather further information by asking questions such as:

- can you perform this type of check now, or is the service still in development?
- how much will it cost?
- how do I register with you?
- what are the payment methods and processes?
- what are your terms and conditions?

#### **Step 4**

You may wish to contact a number of ID validation suppliers to establish which is best suited to your requirements.

#### **Step 5**

Start conducting external ID validation checks on applicants to establish their identity.

The process of accessing an external ID check supplier should only need to be conducted once. Once you have identified a suitable supplier there should be no need to source an alternative, unless you decide the service is unsatisfactory.

#### **What if the applicant has been adopted?**

Registered Bodies should inform applicants that if they were adopted before the age of 10, they do not need to provide their surname at birth in section A of the DBS application form, they should give their adoptive name in this section.

This is because the age of criminal responsibility is deemed to be 10 years, under the Children and Young Persons Act 1933, Chapter 12, Section 50. This means that there is no possibility that an individual could have a criminal record in a name that was used until the age of 10.

#### **The DBS paper application form can only hold three name changes, what do I do for applicants who have changed their name more than three times?**

In these instances, you must return a [continuation sheet](#) with the application form.

#### **How can I check driving licences?**

Do not accept licenses, other than those stated in the list of valid identity documents. English, Welsh and Scottish driving licence numbers contain information about the applicant's name, sex and date of birth. This information is written in a special format but can be gleaned and matched against the information provided by the applicant in Section A.

Please note that the date of birth on English, Welsh and Scottish driving licences, issued before 1977, is not recorded as a separate entry on the licence. The date of birth can be deciphered from the driving licence number and checked against the date of birth field on the application form.

For example the format of the number for Christine Josephine Robinson, born 2 July 1975

ROBIN 757025 CJ99901

NNNNN YMMDDY IICCCCC

- N = 1st five letters of the surname (if the surname begins MAC or MC it is treated as MC for all).
- Y = YEAR of birth.
- M = MONTH of birth (In the case of a female, the number represented by the first M will have the value 5 added to the first digit e.g. a female born in November (i.e. 11) would display '61' in the MM boxes or if born in February (i.e. 02) would display '52').
- D = DAY of month of birth.
- I = Initial letter of the first two forenames - if only one, then 9 will replace the second letter. If the licence indicates that the applicant has a middle name, ensure that one has been provided in Section A.
- C = Computer generated.

Please note, for Northern Ireland; Isle of Man and Jersey driving licences the licence number is in a different format. The licence number is unique to the driver and the 'name' or 'date of birth' validation, as shown above, cannot be used.

### **What should a Registered Body do if they suspect false identity or documents?**

If you suspect that you have been presented with a false identity or documents at the time of application, do not proceed with the application process.

- To report suspected identity fraud see the [Action Fraud](#) website
- For further information on identity fraud [click here](#)
- If you suspect identity fraud once a DBS check has been submitted, you must contact the DBS.

You are also advised that under Section 8 of the Asylum and Immigration Act 1996 all employers in the United Kingdom are required to make basic document checks to help prevent anyone from working illegally. By carrying out checks employers will be able to establish a defence for themselves if any of their employees are found to be working illegally at a later date.

Further details are available on the [UK visas and immigration website](#) and the employer helpline on 0845 010 6677.

The following guidance applies to individuals applying for a DBS check and those applying for Lead or Countersignatory status.

### **How do I check for indicators of fraud?**

Always check for signs of tampering when checking identity documents. Documents should be queried if they display any signs of damage, especially

in the areas of personal details such as the name and the photograph. The following guidelines should help you look out for any suspicious signs when authenticating documents.

### **Checking a passport**

Check the general quality and condition of the passport. Treat it with suspicion if it is excessively damaged; accidental damage is often used to conceal tampering. Photographs should be examined closely for signs of damage to the laminate or for excessive glue or slitting of the laminate; these signs would indicate photo substitution. If the photograph appears excessively large, this might indicate an attempt to hide another photograph underneath. There should also be an embossed strip embedded into the laminate, which will catch a portion of the photograph.

Check there is no damage to this area. If the passport is from a foreign national, you can still follow the same general procedures as above.

Her Majesty's Passport Office have produced a guide to be used when [checking passports for identification](#)

### **Checking a photo driving licence**

Examine the licence for evidence of photo tampering or any amendment of the printed details.

### **Checking an old style driving licence (no photograph)**

Remove the document from the plastic wallet and check that it is printed on both sides. It should have a watermark visible by holding the licence up to the light and there should be no punctuation marks in the name or address. The 'Valid To' date should be the day before the bearer's 70th birthday (unless the bearer is already over 70). The 'Valid To' date can therefore be cross-referenced with the applicant's date of birth detailed in Section A.

### **Checking a birth certificate**

Birth certificates are not evidence of identity, and are easily obtained. Although certificates issued at the time of birth may give more confidence that it belongs to the individual, unlike a recently issued certificate they will not show if any information has been corrected or superseded by a new registration.

Check the quality of paper used; genuine certificates use a high grade. There should be a watermark visible when the document is held up to the light. Any signs of smoothness on the surface would indicate that original text might have been washed or rubbed away. There should be no signs of tampering, changes using liquid paper, overwriting or spelling mistakes.

The following list provides some general information about certificate completion which may help to establish whether the certificate and/or the details have been falsified. This is provided solely as a guide and is not exhaustive:

- the certificate format used should be appropriate for the year of registration.
- only the surname should be entered in upper case, not the forename(s).
- dates of birth should be shown with the day and month in words and the year in figures.

The following information might indicate that the certificate has been altered:

- spacing between falsely added particulars might be irregular compared to original information. 'Thick' or 'thin' spacing might infer particulars have been added.
- false particulars might not have been aligned with other words.
- characters may not be of the same size or shape with the rest of the particulars.
- movement of handwriting may look mechanical and does not flow with the rest of the particulars.
- changes might not be consistent e.g. parents' surnames might be altered, but not the signatures.
- the area around falsely added or removed particulars may react differently under an ultra violet light i.e. show signs of staining. In addition, such areas of paper may appear thinner where the paper fibres have been disturbed by abrasion.

For more information on checking birth certificates, please refer to Her Majesty's Passport Office document [General Register Office guide to birth certificates](#).

### **Checking an EU photo identity card**

Examine the card for evidence of photo tampering or any amendment of the printed details.

### **Checking an HM Forces ID card**

Examine the card for evidence of photo tampering or any amendment of the printed details.

### **Checking a firearms licence**

Check the licence is printed on blue security paper with a Royal crest watermark and a faint pattern stating the words 'Home Office'. Examine the licence for evidence of photo tampering or any amendment of the printed details, which should include home address and date of birth. The licence should be signed by the holder and bear the authorising signature of the chief

of police for the area in which they live, or normally a person to whom his authority has been delegated.

### **Checking a biometric residence permit**

To view the features of a permit and how to check them follow [this link](#).

### **Other forms of identification**

Ensure all letters and statements are recent, i.e. within a three month period. Do not accept documentation printed from the internet. Check letter headed paper is used, bank headers are correct and all documentation looks genuine. The address should be cross-referenced with that quoted in Section B.

### **Where to go for help**

The PRADO website is provided by the Council of European Union. Employers are able to use this website to identify the basic safeguards contained in European documents and a few more other nationality documents. [The Public Register of Authentic Identity and Travel Documents Online](#) (PRADO website)

## ANNEX C

### DBS UPDATE SERVICE - INTRODUCTION

From 17 June 2013, you can subscribe to the new Update Service when you next apply for a DBS check, and you may never need to apply for another one again.

#### What is the DBS Update Service?

For a small annual subscription of just £13 (free for volunteers) you can have your DBS Certificate kept up-to-date and take it with you from role to role, within the same workforce, where the same type and level of check is required. By subscribing to the new service you could save yourself a lot of time and money depending upon how many DBS checks you have needed in the past.

#### How do you access the Update Service?

From 17 June 2013 you will be able to join the Update Service online at [www.gov.uk/dbs-update-service](http://www.gov.uk/dbs-update-service).

Subscribing online is quick and simple. Just enter your application form or DBS Certificate number, name, date of birth and address and pay the subscription fee securely from your account. When your subscription is confirmed you then start to see the benefits of this new service.

#### Benefits to you

- Saves you time and money.
- One DBS Certificate is all you may ever need.
- Take your DBS Certificate from role to role within the same workforce.
- You are in control of your DBS Certificate.
- Get ahead of the rest and apply for jobs DBS pre-checked.

#### Benefits to your employer

- Instant online checks of DBS Certificates.
- No more DBS application forms to fill in.
- You may never need to apply for another DBS check for an employee again.
- Less bureaucracy.
- Saves you time and money.
- Enhances your safeguarding processes and may help to reduce your risks.

- Easy to incorporate into your existing suitability decision-making processes.

## **What else you need to know**

To coincide with the launch of the Update Service the DBS will no longer automatically issue a copy of your DBS Certificate to the Registered Body who countersign your DBS application form. Employers will need to ask you for sight of your DBS Certificate. This is to give you greater control over your information.

## **Further information**

You can also find further information at [www.gov.uk/dbs](http://www.gov.uk/dbs)



## ANNEX D

# Handling of DBS certificate information

### **Secure storage, handling, use, retention and disposal of Disclosure and Barring Service (DBS) certificates and certificate information**

It is a requirement of the Disclosure and Barring Service code of practice that all registered bodies must have a written policy on the correct handling and safekeeping of DBS certificate information. It also obliges registered bodies to ensure that a body or individual, on whose behalf they are countersigning applications, has a written policy.

### **Licensing Service Policy Statement**

#### **General principles**

As an organisation using the Disclosure and Barring Service (DBS) checking service to help assess the suitability of applicants for positions of trust, Slough Borough Council complies fully with the Code of Practice regarding the correct handling, use, storage, retention and disposal of certificates and certificate information. It also complies fully with its obligations under the Data Protection Act 1998 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of certificate information and has a written policy on these matters, which is available to those who wish to see it on request.

#### **Storage and access**

Certificate information should be kept securely, in lockable, non-portable, storage containers with access strictly controlled and limited to those who are entitled to see it as part of their duties.

#### **Handling**

In accordance with section 124 of the Police Act 1997, certificate information is only passed to those who are authorised to receive it in the course of their duties. We maintain a record of all those to whom certificates or certificate information has been revealed and it is a criminal offence to pass this information to anyone who is not entitled to receive it.

## **Usage**

Certificate information is only for the specific purpose for which it was requested and for which the applicant's full consent has been given.

## **Retention**

Once an application requiring a DBS Certificate has been determined, we do not keep certificate information for any longer than is necessary. This is generally for a period of up to six months, to allow for the consideration and resolution of any disputes or complaints. If, in very exceptional circumstances, it is considered necessary to keep certificate information for longer than six months, we will consult the DBS about this and will give full consideration to the Data Protection and Human Rights of the individual before doing so. Throughout this time, the usual conditions regarding the safe storage and strictly controlled access will prevail.

## **Disposal**

Once the retention period has elapsed, we will ensure that any DBS certificate information is immediately destroyed by secure means, i.e. by shredding, pulping or burning. While awaiting destruction, certificate information will not be kept in any insecure receptacle (e.g. waste bin or confidential waste sack). We will not keep any photocopy or other image of the certificate or any copy or representation of the contents of a certificate. However, notwithstanding the above, we may keep a record of the date of issue of a certificate, the name of the subject, the type of certificate requested, the position for which the certificate was requested, the unique reference number of the certificates and the details of the decision taken.

**Revised DBS Policy- Financial Aspects**

**Current Position**

**New Applicants and Current Licence holders**

All new applicants for a Hackney Carriage or Private Hire drivers licenses, have to complete and submit an enhanced DBS application at a cost of £55.00, which includes an £11.00 fee to cover current administration costs.

Once a licence has been granted a new DBS application has to be made every 3 years at the total current cost of £55.00.

**Position with the revised Policy**

**New applicants**

1. Mandatory requirement that all new applicants **must** complete a DBS application at the current cost of £55.00 and register with the DBS Update Service at the current cost of £13.00. The total initial cost is £68.00.
2. Once the applicant has registered with the 'Update Service' the only cost involved will be an annual fee of £13.00 for maintaining the registration with the Update Service.
3. Officers will conduct annual status checks with the DBS at the anniversary of the previous 'status check'. If the status checks show a 'Status Change' a new DBS application must be made at the cost of £55.00 and the new DBS certificate to be produced within the specified policy time limits.
4. If the registration with the Update Service lapses, a new DBS application must be made at the cost of £55.00 and for a new registration with the Update Service to be made at a cost of £13.00.

**Current Licence Holders**

1. At the next renewal where a DBS application is required the applicant **must** complete a DBS application at the current cost of £55.00 and register with the DBS Update Service at the current cost of £13.00. The total initial cost is £68.00.
2. Following this the procedures as set out on points 2 to 4 above for new applicants will apply.

## Notes

Where a licence holder maintains the registration with the Update Service there will only ever be an annual fee to the DBS of £13.00. This equates to £39.00 over a three year period rather than £55.00 every 3 years.

In addition registering with the DBS Update Service and maintaining that registration ensures that the DBS Certificate **becomes portable and will be accepted in any local authority area with no additional costs for further DBS applications.**

The only exception is where the registration with the DBS Update Service lapses or where an annual status check shows a 'Status Change'.



# Disclosure & Barring Service

## **DBS Update Service** Applicant guide

May 2013

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# 1.1 Introduction

From 17 June 2013, you can subscribe to the new Update Service when you next apply for a DBS check, and you may never need to apply for another one again.

## What is the DBS Update Service?

For a small annual subscription of just £13 you can have your DBS Certificate kept up-to-date and take it with you from role to role, within the same workforce, where the same type and level of check is required.

By subscribing to the new service you could save yourself a lot of time and money depending upon how many DBS checks you have needed in the past.

## How do you access the Update Service?

From 17 June 2013 you will be able to join the Update Service online at [www.gov.uk/dbs](http://www.gov.uk/dbs)

Subscribing online is quick and simple. Just enter your application form or DBS Certificate number, name, date of birth and address and pay the subscription fee securely from your account. When your subscription is confirmed you then start to see the benefits of this new service.

## Benefits to you

- Saves you time and money.
- One DBS Certificate is all you may ever need.
- Take your DBS Certificate from role to role within the same workforce.
- You are in control of your DBS Certificate.
- Get ahead of the rest and apply for jobs DBS pre-checked.

## Benefits to your employer

- Instant online checks of DBS Certificates.
- No more DBS application forms to fill in.
- You may never need to apply for another DBS check for an employee again.
- Less bureaucracy.
- Saves you time and money.
- Enhances your safeguarding processes and may help to reduce your risks.
- Easy to incorporate into your existing suitability decision-making processes.

## What else you need to know

To coincide with the launch of the Update Service the DBS will no longer automatically issue a copy of your DBS Certificate to the Registered Body who countersigned your DBS application form. Employers will need to ask you for sight of your DBS Certificate. This is to give you greater control over your information.

## Further information

Detailed information included in this guide:

- quick guides
- frequently asked questions
- terms, conditions and exceptions

You can also find further information at [www.gov.uk/dbs](http://www.gov.uk/dbs)



# 1.2 Quick guides

## How to subscribe to the Update Service

### Step 1

- Have you applied for a DBS check or was your DBS Certificate issued in the last 14 days? If 'yes', you can join the Update Service. Go to [www.gov.uk/dbs](http://www.gov.uk/dbs)

### Step 2

- Select whether you are applying with your DBS application form or with your DBS Certificate.

### Step 3

- Agree to the Terms and Conditions of the service and then enter your personal details – these must match those on your application form or DBS Certificate.

### Step 4

- Answer the question 'Does the above application/DBS Certificate relate to a voluntary position?'

### Step 5

- Make payment for subscription fee (if relevant). A payment confirmation screen will confirm whether payment was successful.
- If the application form/DBS Certificate was issued for a voluntary position the subscription is free-of-charge.

You have now joined the Update Service.

If you have joined with your DBS application form reference number your subscription will start from the date of issue printed on your DBS Certificate. If for some reason your application form is withdrawn your subscription fee will be refunded and your subscription cancelled.

## Managing your subscription

If you have subscribed to the Update Service you can:

- View the reference details of any applications and/or DBS Certificates linked to your subscription.
- View the Update status of any DBS Certificate linked to your subscription.
- Amend your contact details.
- Add and remove applications and DBS Certificates.
  - All applications and DBS Certificates attached to your subscription must be in the same name.
- View the details of any organisations that have made a Status check of your DBS Certificates.
- Cancel your subscription.
- Renew your subscription (this facility is only available 30 days prior to your subscription expiring).
- View the status and expiration date of your subscription.
- Statuses explained:
  - 'Subscription status'
    - 'New' - when you apply with an application form reference number.
    - 'Subscribed' - when your DBS Certificate is attached to your subscription.
    - 'Cancelled' - if you cancel your subscription.
    - 'Expired' - if you fail to renew your subscription.
  - 'Application status' - if you subscribe with a DBS check application form.
    - 'Received' - when we receive your DBS check application form at the DBS.
    - 'Not received' - whilst we are waiting for your DBS check application form to be received.
    - 'Printed' - when your DBS Certificate has been printed.
  - 'Update status' - which shows the current status of a DBS Certificate in your account.
    - 'Non-blank/No New Info' - still current.
    - 'Blank/No New Info' - still current.
    - 'New Info' - no longer current.

## 1.3 Frequently Asked Questions

### 1. When will the Update Service start?

The Update Service becomes available on 17 June 2013.

### 2. How do I access the Update Service?

You can apply online to join the Update Service at [www.gov.uk/dbs](http://www.gov.uk/dbs). You will receive a unique ID number, which you must keep safe and not share with anyone, as you will use this to access your Update Service account online.

### 3. When can I join?

From 17 June 2013, you can join the Update Service at the same time as you apply for your next DBS check using your application form reference number. Your form must be received by the DBS within 28 days of you subscribing. When your DBS Certificate is issued the DBS will automatically add it to your account.

### 4. I already have a DBS Certificate can I join the Update Service?

You can only join the Update Service if you apply for your DBS check after 17 June. If you have applied prior to this date and receive your certificate before or after 17 June, you cannot use this application or certificate to join the Update Service.

### 5. Who can join?

Only applicants who apply for a DBS check can join the Update Service.

Organisations do not join the service, as they can access the service online for free to carry out a Status check on an individual's DBS Certificate.

### 6. Do I have to join the Update Service?

No you don't, this is an optional service provided by the DBS.

Some organisations may however decide to make joining the Update Service a condition of your employment, but this will be a matter between you and your employer, not the DBS.

### 7. Can I join the Update Service with a manual DBS Certificate?

No. Unfortunately, as your DBS Certificate was not produced by the system you cannot link this to the Update Service. If you have received a manual DBS Certificate you will have also received a letter explaining that it is a manual DBS Certificate and not a system generated one.

### 8. When will my subscription start?

Your subscription will start when you add a DBS Certificate to your Update Service account, or from the date of issue of your DBS Certificate if you joined with your DBS application form.

### 9. How do I add a DBS Certificate to my subscription?

If you applied to join the Update Service with your application form, the DBS will automatically link the resulting DBS Certificate to your subscription. If you would like to add

further DBS Certificates you can do this by using the Certificate number printed on your Certificate within 14 days of its issue.

**10. When can I allow an organisation to check my DBS Certificate?**

When you add a DBS Certificate to your account it will show that you are 'subscribed'. You can then give your permission to allow an organisation to carry out a Status check.

**11. How can I let an organisation carry out a Status check on my DBS Certificate?**

You will need to give your consent and then show them your original DBS Certificate. They will record the DBS Certificate's 12 digit reference number and your name and date of birth. After this they will go online and carry out a Status check.

**12. Is the service only available online?**

Yes. The service is only available online; however, we may look to see how we can offer other ways of providing this service in the future.

**13. Is there a cost to join?**

Yes. To join the Update Service you must pay a small subscription fee of just £13 per year, unless you are joining with a DBS Certificate for a voluntary position.

**14. How long is the subscription period?**

The subscription is for 12 months so you will need to pay the fee (if applicable) every year to stay subscribed.

**15. How do I pay the subscription fee?**

You will only be able to pay the subscription fee by credit or debit card, from within your online Update Service account.

**16. Who can pay the subscription fee?**

You or someone else can pay the fee but if you are using someone else's card you must have their permission to do so.

**17. Do volunteers have to pay to subscribe?**

No. If you have applied for a DBS check as a volunteer ([defined by the DBS](#)) you can join the service free-of-charge.

**18. Can I cancel my subscription at any time?**

Yes. If you cancel your subscription the DBS will close your account and your DBS Certificate(s) attached to this account will no longer be checked for updates.

**19. How many DBS Certificates can I add to my Update Service account?**

You can add as many DBS Certificates as you need i.e. if you have attached a Standard Certificate to your account and then have to apply for an Enhanced Certificate you can add this one to the same account without incurring an additional subscription fee.

**20. Why would I need more than one DBS Certificate?**

Your employer or organisation may ask you to apply for another DBS check, if:

- They have taken the decision not to use the Update Service for Status checks
- Your DBS Certificate has been updated, is no longer current and has been removed from the Update Service.
- They may need another level or type of DBS Certificate than the one you have. E.g. you may have an Enhanced with a Adults' Barred List check not an Enhanced with a Children's Barred List check.
- The Enhanced DBS Certificate relates to another workforce.
- If you are working from home your employer may need your DBS check to reveal information about you and your address.

## **21. What does the Subscription status mean in my account?**

New	= you have joined with a DBS application form and the DBS Certificate has yet to be issued and added to your subscription.
Subscribed	= a DBS Certificate has been added to your subscription and is now being kept up-to-date.
Cancelled	= your subscription has been cancelled.
Expired	= you subscription has lapsed as you did not renew your subscription.

## **22. What does the Application status mean in my account?**

Not received	= we are waiting to receive your DBS application form.
Received	= we have received your DBS application form.
Printed	= your DBS Certificate has been printed.

## **23. What does the Update status mean in my account?**

'Update status' is the status of a DBS Certificate in your Update Service account:

- Blank/No New Info = The DBS Certificate when issued was blank i.e. it did not reveal any information about you, no new information has been found since its issue and can therefore be accepted as being still current and valid.
- Non-Blank/No New Info = The DBS Certificate revealed information about you, no new information has been found since its issue and can therefore be accepted as being still current and valid.
- New Info = New information has come to light since the DBS Certificate was issued and you will need to apply for a new DBS check to see this new information.

## **24. Can I remove a DBS Certificate from my Update Service account?**

If you have DBS Certificate attached to your account you can remove it at any time. However, once removed you cannot add it again or use the same one to create another subscription.

## **25. Can I change my email, mobile phone number, correspondence address, payment details?**

Yes. You will need to log in to your Update Service account to do this. You can only amend your payment details within 30 days of the renewal date of your subscription and if you have selected to automatically renew your subscription.

## **26. How do I find out my application form reference number?**

You can either contact the person who asked you to complete your DBS application form or contact the DBS on 0870 90 90 811.

**27. How do I find out my DBS Certificate reference number?**

The 12 digit DBS Certificate number can be found on the top right-hand side of your DBS Certificate.

**28. What if I forget my Update Service reference number?**

You should call the DBS on 0870 90 90 811.

**29. What if I lose my DBS Certificate?**

You must keep your DBS Certificate safe and secure as the DBS will not issue replacement DBS Certificates.

**30. I want to subscribe to the Update Service but have not received my DBS Certificate?**

If you have not received your DBS Certificate and it was issued more than 7 days ago you can request a reprint. Don't forget you must attach the DBS Certificate to your account within 14 days from the date of issue as printed on the DBS Certificate.

**31. I have already subscribed to the Update Service but have not received my DBS Certificate?**

If you have not received your DBS Certificate and it was issued more than 14 days ago you can request a reprint. You can use the Tracking Service at [www.gov.uk/db](http://www.gov.uk/db)s to find out if your DBS Certificate has been issued and the date of issue.

**32. Can I stop an organisation checking the status of my DBS Certificate?**

Yes. You should contact them and withdraw your consent for any future checks. If they fail to stop they would be breaking the law by accessing data they were not entitled to see. If they persist you could remove the DBS Certificate from your account but this would also mean other organisations would not be able to carry out a Status check on it. If they persist you should contact the Information Commissioner's Office.

**33. How can I find out who has carried out a Status check of my DBS Certificate?**

You can see a full list of the organisations that have carried out a Status check from your online account.

**34. What information will the organisation see when they carry out a Status check?**

The organisation will receive one of the following results:

- This DBS Certificate did not reveal any information and remains current as no further information has been identified since its issue.
- This DBS Certificate remains current as no further information has been identified since its issue.
- This DBS Certificate is no longer current. Please apply for a new DBS check to get the most up-to-date information.
- The details entered do not match those held on our system. Please check and try again.

**35. Will I be told if the information on my DBS Certificate changes?**

No. If you are subscribed to the Update Service and want to check that your DBS Certificate is still current and that no further information has been identified since it was issued, you can log in to your account and check its status.

### **36. What is likely to cause a change to my DBS Certificate?**

Your DBS Certificate status will change if:

- For all DBS certificates
  - new convictions, cautions, reprimands or warnings; or
  - any amendment or change to a current conviction, caution, warning or reprimand.
- For Enhanced DBS Certificates
  - any new, relevant police information.
- For Enhanced Certificates with a Barred List check(s):
  - if you become barred for that list(s) checked on the Enhanced Certificate.

### **37. What can I do if my DBS Certificate status changes but I don't think it should have?**

You should call the DBS on 0870 90 90 811 and we will investigate to find out why this has happened and let you know.

### **38. My employer has asked that I get another DBS check because they have found out that new information has come to light. Do I have to get one?**

This is a matter between you and your employer. If you do not apply for another DBS check your employer may terminate your employment or move you to another job which does not require a DBS check.

### **39. My new DBS Certificate contains new information. Do I have to show this to my employer?**

This is matter between you and your employer. If you do not show your new DBS Certificate to your employer they may terminate your employment or move you to another job which does not require a DBS check. Also, if you don't show them your new updated DBS Certificate within 28 days of receiving it, the Registered Body that countersigned this application may be entitled to request a copy from the DBS.

### **40. An organisation has said that they need me to apply for another DBS check but I thought I would never need to apply for one again if I joined the Update Service?**

In some cases your employer or organisation will require a new DBS check, for example:

- The organisation may decide not to use the Update Service for Status checks.
- Your DBS Certificate has been updated and as it is no longer current it has been removed from the Update Service.
- Your DBS Certificate may not be of the same level or type as is required by the organisation. For example, you may have an Enhanced with an Adults' Barred List check not an Enhanced with a Children's Barred List check.
- Your DBS Certificate was not issued for the right workforce.

### **41. Can I re-use my certificate for a new home based position?**

The DBS will not have carried out checks on the address from where the work will be undertaken. You will need to discuss this with your employer or the person requesting the certificate.



**42. My certificate has changed; my employer has said that they are going to carry out a check to see if this is because I have been barred from working in Regulated Activity. Do I have to give my permission for them to do this?**

You employer will need your consent to find this out. They can only request this information if all of the following conditions apply:

- You are subscribed to the Update Service; and
- A Status check has indicated that the certificate is no longer up-to-date; and
- The certificate included a check of a Barred List(s); and
- You are employed in Regulated Activity covered by the Barred List(s) ; and
- The employer has your to consent.

**43. What will they find out?**

Your employer will be told if you have become barred from working in Regulated Activity. If you have become barred the DBS would have written to let you know. It is illegal for a Barred Person to work or seek to work in Regulated Activity.

**44. Is the Update Service secure?**

Yes it is secure. It is hosted on our secure and accredited DBS system.

**45. Is the Update Service available in Welsh?**

The online service is available in Welsh.

**46. I am a transgender applicant; will my previous gender and identity continue to be protected when joining the Update Service?**

Yes. Your previous gender and identity will be protected unless you have given permission for your DBS certificate to contain this information. If you would like further advice you can email the Sensitive Application Team at [sensitive@dbs.gsi.gov.uk](mailto:sensitive@dbs.gsi.gov.uk) or call on 0151 676 1452.



# 1.4 Terms, conditions and exceptions

## Subscription

- An individual's subscription will continue even if DBS Certificates are removed from the account. If the subscription is not renewed at the end of the subscription period the account will close. Any DBS Certificate attached to a closed account will be removed and organisations will no longer be able to carry out Status checks. If a subscription lapses you will have to apply for a new DBS check and then re-subscribe to the Update Service.

## Home-based Occupations

- The Update Service will only check for updates based on the individual for whom the check was carried out – not the home address where the work is being undertaken or any other individuals employed or living at that address.

## Multiple DBS Certificates

- Individuals may still require more than one DBS Certificate if their DBS Certificate is not of the same type and level of check required by an employer. Employers may require a different level or type of check to the one you have e.g.
  - **Level:** Enhanced not Standard check.
  - **Type:** Enhanced with a Children's Barred List check not an Adults' Barred List check; or  
Enhanced without a Barred List check.
  - **Workforce:** Child Workforce not Adults Workforce.

## Manual DBS Certificates

- Sometimes it is not possible for the DBS to produce a system generated DBS Certificate. When this happens the DBS will issue a manual DBS Certificate. Manual DBS Certificates cannot be used in the Update Service.

## Update Frequency

When a person adds their DBS Certificate to their Update Service account the DBS will keep their DBS Certificate up-to-date by \*regularly searching to see if any new information has come to light since its issue.

\* Regularly means:

- Criminal record conviction and barring information will be searched for updates on a weekly basis as this information can change frequently.
- Non-conviction information which is released on relatively few DBS Certificates and changes infrequently will be searched for updates every 9 months.

The frequency condition is based on the number of DBS Certificates which reveal this type of information; the likely risk of new information coming to light in the time period; and the cost of checking for changes.

## Cancelling DBS Certificates

If the names declared on a DBS Certificate attached to a subscription change, or are found to be incorrect, the DBS reserves the right to cancel the incorrect DBS Certificates attached to that subscription.

## Retention of payment information

Details of the card used to pay the subscription fee will be retained for the purposes of automatic renewal and refunds where appropriate. The DBS will be using a secure Payment Card Industry (PCI) Data Security Standard system.

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## How to subscribe to the update service

### Option one

Submit an application to the DBS

Subscribe at [www.gov.uk/dbs-update-service](http://www.gov.uk/dbs-update-service) with your application reference number

### Option two

Submit an application to the DBS

Receive your DBS certificate

Subscribe at [www.gov.uk/dbs-update-service](http://www.gov.uk/dbs-update-service) with your Certificate reference number within 19 days of the certificate issue

#### Step 1

- go to [www.gov.uk/dbs-update-service](http://www.gov.uk/dbs-update-service) to subscribe to the update service.

#### Step 2

- please read the instructions carefully and enter all the required information.
- enter your date of birth in DD/MM/YYYY format.
- select whether you are applying with your DBS application reference or with your DBS certificate number and check you have entered the correct number.
- make sure you don't enter any spaces after you type in your information.

#### Step 3

- your personal details must match those on your application form or DBS certificate.
- read and agree to the terms and conditions of the service.

#### Step 4

- answer the question 'Does the above application/DBS certificate relate to a voluntary position?'

#### Step 5

- make payment for subscription fee. The service is free for volunteers. A payment confirmation screen will confirm whether payment was successful.

**You have now subscribed to the update service:** please make a note of your update service ID number (begins with the letter C) and keep it safe. You should not share this ID number with anyone else because you will use it to access your update service account online.

If you have subscribed with your DBS application form reference number your subscription will start from the date of issue printed on your DBS certificate. If for some reason your application form is withdrawn your subscription fee will be refunded and your subscription cancelled.

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## **Warning over Home Office & Police Dispute over DBS Information**

**Published Date: 04/Feb/2015**



The Local Government Association (LGA) has warned the Home Office of the risk being posed to public safety by a disagreement on the lawfulness of certain DBS information being provided to licensing authorities.

It has been reported that police forces are no longer providing information to councils on criminal investigations involving prospective taxi and private hire drivers because of a dispute between the Home Office and police over whether it is lawful to do so.

The LGA reported that some councils had also been told by the Disclosure and Barring Service that they could no longer check whether a prospective taxi driver had been barred from working with children or vulnerable adults unless they worked on a school transport contract.

The warning came in the wake of the Deregulation Bill going back before Lords this week (3 February) which includes, in clause 10, proposals to the duration of taxi and private hire licences from one to three years.

The LGA said the clauses should be deleted and a comprehensive reform of taxi and private hire vehicle licensing undertaken, based on the Law Commission's report published in 2014.

It has demanded a guarantee from the Department for Transport and the Home Office that "access to this vital information will be immediately returned and maintained in the future, without risk of it being removed again".

Cllr Ann Lucas OBE, Chair of the LGA's Safer and Stronger Communities Board, said: "Extending the length of taxi licences without ensuring councils can keep carrying out robust checks risks putting children and vulnerable people at risk.

"Recent child sex abuse cases in Rotherham and Rochdale are a stark reminder of the vulnerability of some passengers."

Cllr Lucas added: “Taxi drivers routinely work with vulnerable adults and children as part of their daily work, regardless of whether they have a school contract or not. It is imperative that councils can keep checking applicants against barred lists and be able to find out if they are under criminal investigation.

“The consequence could be councils unknowingly granting licences to people investigated for sexual offences and only finding out three years later when the driver renews the licence and has the conviction flagged up.”

**SLOUGH BOROUGH COUNCIL**

**REPORT TO:** Licensing Committee      **DATE:** 22<sup>nd</sup> July 2015

**CONTACT OFFICER:** Michael Sims, Licensing Manager  
(01753 477387)  
Ginny De Haan - Head of Consumer Protection and  
Business Compliance  
(01753 477912)

**WARD(S):** All

**PART I**  
**FOR DECISION****GAMBLING ACT 2005: REVIEW OF 'NO CASINO POLICY' AND 'STATEMENT OF LICENSING PRINCIPLES'****1. Purpose of Report**

To instigate the 3 yearly reviews of the Council's 'No Casino Policy' and the Gambling Act 2005 'Statement of Licensing Principles'.

**2. Recommendation/Proposed Action**

The Committee is requested to recommend the consultation exercises for the 'No Casino Policy' and the Gambling Act 2005 'Statement of Licensing Principles' to begin.

**3. The Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan**

As the report outlines a 3 yearly review and consultation of the 'No Casino Policy' needs to be conducted and consulted upon otherwise it will lapse. Once the review and consultation have been conducted it is a matter for the Licensing Committee to decide if the policy should remain as is or change.

The review and consultation on the Statement of Licensing Principles for the Gambling Act 2005 is a statutory requirement that ensures that the Licensing Authority can carry out their functions under the 2005 Act.

**3a. Slough Joint Wellbeing Strategy Priorities –**

The Licensing Authority is responsible for administering all functions under the 2005 Act. In developing a Statement of Licensing Principles the Licensing authority must ensure that the Licensing Objectives are promoted at all times and therefore contribute to the following wellbeing priorities:

Priorities:

- Health (gambling addiction)
- Economy and Skills
- Safer Communities

Cross-Cutting themes:

The report highlights the need to review the 'No Casino Policy and in particular the statutory requirement to review the Statement of Licensing Principles. If both policies lapse the Licensing Authority would not be able to carry out its functions under the Act or regulate and control those individuals or organisations carry on gambling activities.

Therefore the reviews contribute to the cross cutting theme of **Improving the image of the town.**

**3b. Five Year Plan Outcomes**

The report outlines the requirement to conduct the review of both policies under the 2005 Act. In doing so this contributes toward the Five Year Plan with the specific outcome of:

- All people who live and work in Slough feel safe.

**4. Other Implications**

(a) Financial

There are no financial implications of the proposed action.

(b) Risk Management

Recommendation	Risk/Threat/Opportunity	Mitigation(s)
For the report to be noted	The Council will not be able to properly control gambling premises without the policies being fully reviewed.	The reviews and consultation are a 3 yearly statutory requirement.

(c) Human Rights Act and Other Legal Implications

There are no direct Human Rights Act or other implications.

(d) Equalities Impact Assessment

An Equalities Impact Assessment has been completed and the conclusions are that there are no adverse or negative impacts on equality for one group or any other. The Equality Impact Assessment will be reviewed following the formal consultations.

**5. Supporting Information**

5.1 A major reform of gambling laws was introduced by way of the Gambling Act 2005. Amongst a range of other The Act introduced 3 new types of casino that could operate. The number of each type of casino was set by central government. The Act allowed the establishment of more casinos than were allowed under the previous legislation (Gaming Act 1968) with the introduction of eight large and eight small casino's in 'permitted areas'. There was also a proposal for a super casino however the Government subsequently decided not to proceed with this.



- 5.2 Section 166 of the Gambling Act 2005 provides that a licensing authority may resolve not to issue a Casino Premises Licence. The decision must be taken by the authority as a whole and cannot be delegated to the Licensing Committee. In passing such a resolution, the authority may take into account any principles or matter, and not just the licensing objectives. Where a resolution is passed it must be published by the authority in its three year Statement of Policy and Principles.
- 5.3 The resolution must apply to casino premises generally. The authority cannot limit its effect to geographical areas or categories of casinos. The resolution must specify the date it comes into effect. The authority may revoke the resolution by passing a counter-resolution. The resolution will however lapse after 3 years, when if they wish to do so, the authority would be required to pass another resolution to keep the policy in place.
- 5.4 A resolution, if passé, would mean that no application for a Casino Premises Licence would be considered. Any application received would be returned with a notification that a “No-Casino” resolution was in place.
- 5.5 The Council adopted a “No Casino” policy in July 2006. The policy has to be reviewed after 3 years. The policy was fully reviewed in 2012 and is now due for further consultation and review otherwise it will lapse.
- 5.2 The Council was required by the Act to adopt a gambling policy, called a “Statement of Principles” and the policy was adopted by the Council in December 2006. The 2005 Act requires that the policy is reviewed every three years. The last policy was in 2012 and therefore a further consultation and review needs to take place to ensure a new adoption is made by December 2015.
- 5.3 The Licensing Team have commenced planning the consultations on the two policies. The consultations will include the public and businesses. Members of the Licensing Committee will be kept closely informed and involved in the consultation process and updated reports will put before the Committee in due course.
- 5.4 With regards to the ‘Statement of Principles, the recently published Gambling Commission Guidance to Local Authorities highlights that, for the first time, authorities are going to develop local area profiles, identifying, quantifying and mapping the vulnerabilities and other relevant features of their areas. Such profiles will then be used to inform the new generation of gambling policies, against which all applications will have to be judged.
- 5.5 This radical new approach represents a major opportunity for local authorities to contain the number and distribution of gambling premises and to enforce high standards of operation which respect the sensitivities of their locality. However policies will be under close scrutiny and potential challenge.
- 5.6 Once the consultation exercise has been completed a report will be brought back to Committee for consideration.
- 5.7 Following consultation the policy must be approved by Full Council by 31<sup>st</sup> January 2016.

## **6. Conclusion**

The consultations will assist the Committee in deciding on the reviewed policies to be recommended to Full Council for adoption.

**8. Background Papers**

The current Gambling Act 2005 Slough Statement of Principles (2012).

'No Casino Policy' (2012)

Gambling Commission Guidance to Local Authorities (May 2015)

**SLOUGH BOROUGH COUNCIL**

**REPORT TO:** Licensing Committee                      **DATE:** 22<sup>nd</sup> July 2015

**CONTACT OFFICER:** Michael Sims - Licensing Manager  
**(For all Enquiries)** (01753) 477387  
 Ginny de Haan – Head of Consumer Protection and  
 Business Compliance  
 (01753 477912)

**WARD(S):** All

**PART I**  
**FOR INFORMATION, COMMENT AND DECISION**

**CHANGES FOLLOWING THE INTRODUCTION OF THE DEREGULATION ACT 2015**

1. **Purpose of Report**

For Members to note the changes to the duration of licences for Hackney Carriage and Private Hire Drivers and Operators, and the removal on restrictions on sub- contracting bookings outside the licensing authority area.

2. **Recommendation(s)**

That the Committee;

- (a) Note the changes to the duration of licences for Drivers and Operators
- (b) The removal of restrictions on sub-contracting outside the local authority area, and
- (c) To approve or grant where appropriate the grant of a 1 year licence and annual renewal

3. **The Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan**

The Deregulation Act is to provide for the removal or reduction of burdens on businesses, individuals, public sector bodies and the taxpayer. As a result, changes introduced by the sections 10 and 11 of the Act aim to standardise the duration of licences for all Driver and Operator nationally. The changes also allow all licensed Private Hire Operators to sub-contract bookings to any other licensed Operator anywhere in England and Wales.

However it felt by the majority of licensing authorities that not all licence holders will want to apply for either 3 year licences/renewals for drivers and 5 year licenses /renewals for Operators and those new applicants and current licence holders should be given the option to request to renew on an annual basis rather than 3 and 5 years respectively.

The proposals within the report will to a certain extent reduce financial burden

on new applicants and current licence holders as well as allowing them the option for lesser period licenses and renewals.

3a. **Slough Joint Wellbeing Strategy Priorities –**

As the report outlines licence holders should be given the option as to whether they want to renew a licence annually or for the new 3 or 5 years periods. There are financial implications for the licence holders as not all will want to renew a licence for an extended period as they may choose not to be licenced for a period time as some currently do. In additional it is felt that if there is not an alternative to paying for a 3 or 5 year licence some individuals may decide not to be licensed , operate illegally posing a serious risk to the members of the public. The recommendations within the report will contribute to the following wellbeing themes.

- Economy and Skills
- Safer Communities

Cross-Cutting themes:

Approving the recommendations will promote the benefits of living and working in Slough and will contribute to the cross cutting theme of **Improving the image of the town.**

3b. **Five Year Plan Outcomes**

The report outlines fully the reason for the recommendation and that of the risk posed to the public of individuals possibly working illegally which will therefore contribute to the Five Year Plan with the specific outcome of:

- Slough will be one of the safest places in the Thames Valley

4. **Other Implications**

(a) **Financial**

There will be financial implications by the introduction of the Deregulation Act 2015. However it is not known at this time as to how many new applicants or current licence holders will wish to apply for a new 3 or 5 year licence and how many will request to continue to renew their licence annually.

The financial implications will be known after the first year of the introduction and implementation of the (2015) Act

**Risk Management**

Recommendation	Risk/Threat/Opportunity	Mitigation(s)
As detailed in Point 2.	The new provisions only give licensing authorities' limited discretion to issuing lesser length licenses. In addition not all licence holders will wish to apply and pay for a 3 or 5 year	By approving the recommendations this will ensure that licence holders and new applicants can apply for yearly licenses reducing financial burden and

	<p>licence. It is also felt that that if there is no alternative to applying for 3 or 5 year licence some licence holders may decide to operate illegally thus posing a serious risk to the public.</p>	<p>ensuring that they continue to work and operate legally.</p>
--	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------

(b) Human Rights Act and Other Legal Implications

Section 1 and Schedule 1 Parts I & II of The Human Rights Act 1998 apply:

Article 1 – Every person is entitled to the peaceful enjoyment of his or her possessions including the possession of licence and shall not be deprived of the possession except in the public interest

Article 6 – That in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

(c) Equalities Impact Assessment

An initial EIA has been completed which indicates that there are no negatives or adverse impacts on any equality group.

**5. Supporting Information**

**Current Position Private Hire and Hackney Carriage Drivers.**

**5.1 Private Hire Driver**

The requirement to licence private hire drivers is set out on the Local Government (Miscellaneous Provisions) Act 1976, and a licence can be granted for up to 3 years, although a shorter period can be granted.

**Hackney Carriage Driver**

The Town Police Clauses Act 1847 provided that a licence should last no longer than a year, although a shorter period can be granted to ensure all licences expire on the same date (Town Police Clauses Act 1889)

5.2 The Department of Transport issued Best Practice Guidance in October 2006, and this confirmed that annual licences may be preferred by some drivers to make it easier to for drivers to move jobs or to a different area, or because some may not easily pay a 3 year licence fee.

**5.3 Current Position with Private Hire Operators**

A private hire vehicle can only be dispatched to a customer by a private hire operator. The operator is required to hold an Operator’s licence under Local Government (Miscellaneous Provisions) Act 1976. The licence itself can be granted for up to 5 years, although a shorter period can be granted. The Council, in common with others, grants annual licences to enable better control over applicants who may be convicted of offences during the life of a licence.

5.4 As can be seen the current provisions of the 1976 Act gives discretion to the district council to grant a licence for a lesser period of time for both types licence. In Slough it was resolved some considerable years ago that licenses would be grant for one year and renewed on an annual basis which is the case to date.

5.5 **New position with the Deregulation Act 2015 (From 1<sup>st</sup> October 2015)**

**Driver Licenses**

The effect of the amendments to both private hire driver licences and hackney carriage driver licences is to allow the Council to grant a 3 year licence *or such lesser period as the Council think fit appropriate in the circumstances of the case.*

**Private Hire Operators**

The effect of the amendments to private hire operators is allow the Council to grant a 5 year licence *or such lesser period as the Council think fit appropriate in the circumstances of the case.*

5.6 The Department for Transport (DfT) has not issued any formal guidance on the introduction of the new provisions within the Deregulation Act 2015. It has however issued a statement published on 2<sup>nd</sup> June 2015 in response from a request for clarification from the National Association of Licensing Enforcement Officers (NALEO), which stated – *“DfT have today indicated, in response to enquiries from NALEO and other Trades groups members, that they are considering whether Best Practice Guidance should be updated to reflect the changes brought about by the “Taxi and Private Hire” clauses of the Deregulation Act 2015. DfT also state that other matters in the guidance may need revision and that interested parties will be consulted prior to any new guidance being issued”.*

5.7 The amendments give Councils’ discretion as to the duration of a licence. However, to grant a shorter one must require consideration of the “appropriate in the circumstances of the case” in other words on a case by case basis. This may be based on a specific request from an applicant or because the Council has concerns in relation to that particular applicant.

5.8 In light of this it requested that the Committee approve the following:

*“That where a specific request is made by a new applicant for or current licence holder of a private hire or hackney carriage drivers licence or an Operator’s licence to be issued for a period of 1 year this will be granted as appropriate in the circumstances of the case”.*

5.9 By way of comparison, some other Berkshire Authorities have implemented 1 and 3 years licence grants and or renewals with appropriate fees set at cost recovery level and details of these are detailed in **Appendix A**, albeit fees for 5 years Operator licenses have yet to be set.

5.10 The Council will now need to review its current fees and consider fees for 3 and 5 year grants and renewal as well as possible new 1 year renewal fee. A report on the proposed new fees will be put before Cabinet in September this year.

**Sub-Contracting**

## **Current Position.**

- 5.11 Currently Licensed Private Hire Operators can only sub-contract a booking to another licensed Operator licensed by the same local authority.
- 5.12 This area has been heavily litigated and as a result the the Deregulation Act 2015 has consolidated the requirements.

## **New position with the Deregulation Act 2015 (From 1<sup>st</sup> October 2015)**

- 5.13 In summary a licensed Private Hire Operator will from the 1<sup>st</sup> October 2015 be able to sub-contract a booking to any licensed Private Hire Operator in another local authority area, including London and Scotland.
- 5.14 Although there has been some opposition to the amendments, from a public safety perspective, it has been felt that because the law requires the vehicle and driver supplied to be licensed and therefore must be suitable (in the case of the vehicle) and 'fit and proper' (in the case of the driver), this should address any issues around public safety.
- 5.15 Finally, the first Private Hire Operator commits an offence if he knows that the second Private Hire Operator is going to use an unlicensed vehicle or driver to fulfil the sub-contracted booking.

## **6. Comments of Other Committees**

None.

## **7. Conclusion**

The Committee is therefore requested to note the changes within the report and to approve the recommendation for the grant and renewal of 1 year licenses where a specific request has been to do so.

## **8. Appendices Attached**

'A' - Licence lengths and fees form Berkshire Authorities

## **9. Background Papers**

Local Government (Miscellaneous Provisions) Act 1976

Deregulation Act 2015

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**APPENDIX A**

**Bracknell Forest Council**

Licence type	1 year grant	1 year renewal	3 year renewal
Private Hire Driver	£138.00	£105.00	£210.00
Private Hire Vehicle	£265.00	£265.00	n/a
Hackney Carriage Driver	£138.00	£105.00	£210.00
Hackney Carriage Vehicle	£265.00	£265.00	n/a
Private Hire Operator 1 vehicle	£172.00	£172.00	£412.00
2 - 5 vehicles	£298.00	£298.00	£724.00
6 - 10 vehicles	£500.00	£500.00	£1,200.00
11 - 15 vehicles	£692.00	£692.00	£1,663.00
16 - 20 vehicles	£938.00	£938.00	£2,251.00
20+ vehicles	£1,130.00	£1,130.00	£2,711.00

**Chiltern & South Bucks Council**

Licence type	1 year grant	3 year grant	1 year renewal	3 year renewal
Private Hire Driver	£161.00	£332.00	£95.00	£256.00
Private Hire Vehicle	£329.00	n/a	£230.00	n/a
Hackney Carriage Driver	£161.00	£332.00	£95.00	£256.00
Hackney Carriage Vehicle	£399.00	n/a	£300.00	n/a
Private Hire Operator 1 vehicle	£155.00	n/a	£155.00	n/a
2 - 4 vehicles	£205.00	n/a	£205.00	n/a
5 - 10 vehicles	£255.00	n/a	£255.00	n/a
11 + vehicles	£305.00	n/a	£305.00	n/a

**50% reduction  
for wheelchair  
accessible and  
fuel efficient  
vehicles**

### Reading Council

Licence type	1 year grant	1 year renewal	3 year renewal
Private Hire Driver	£118.66	n/a	£301.78
Private Hire Vehicle	£288.48	£288.48	n/a
Hackney Carriage Driver	£123.78	n/a	£301.78
Hackney Carriage Vehicle	£296.67	£296.67	n/a
Private Hire Operator 1 vehicle	£314.06	£314.06	n/a
2 - 5 vehicles	£684.38	£684.38	n/a
6 - 10 vehicles	£1,149.85	£1,149.85	n/a
11 - 15 vehicles	£1,614.29	£1,614.29	n/a
16 - 20 vehicles	£2,079.75	£2,079.75	n/a
21 - 25 vehicles	£2,055.20	£2,055.20	n/a
26 - 30 vehicles	£3,008.64	£3,008.64	n/a
31 - 35 vehicles	£3,395.00	£3,395.00	n/a
36 - 40 vehicles	£3,847.00	£3,847.00	n/a
41 - 45 vehicles	£4,271.00	£4,271.00	n/a
45+ vehicles	£4,758.00	£4,758.00	n/a

### Slough Council

Licence type	1 year grant	1 year renewal
Private Hire Driver	£115.00	£57.50
Private Hire Vehicle	£220.00	£220.00
Hackney Carriage Driver	£115.00	£57.50
Hackney Carriage Vehicle	£220.00	£220.00
Private Hire Operator 1 vehicle	£137.00	£137.00
Up to 5 vehicles	£275.00	£275.00
Up to 15 vehicles	£360.00	£360.00
Up to 25 vehicles	£595.00	£595.00
Up to 35 vehicles	£835.00	£835.00
Up to 45 vehicles	£1,070.00	£1,070.00
Up to 55 vehicles	£1,310.00	£1,310.00
Up to 65 vehicles	£1,550.00	£1,550.00

Licence type	1 year grant	1 year renewal
Up to 75 vehicles	£1,790.00	£1,790.00
Up to 85 vehicles	£1,930.00	£1,930.00
Up to 99 vehicles	£2,365.00	£2,365.00
100 vehicles and over	£2,385.00	£2,385.00

### West Berkshire Council

Licence type	1 year grant	1 year renewal	3 year grant	3 year renewal
Private Hire Driver	n/a	n/a	£251.00	£251.00
Private Hire Vehicle	£148.00	£148.00	n/a	n/a
Hackney Carriage Driver	n/a	n/a	£251.00	£251.00
Hackney Carriage Vehicle	£157.00	£157.00	n/a	n/a
Private Hire Operator 1 - 4 vehicles	£176.00	£176.00	n/a	n/a
5 - 9 vehicles	£282.00	£282.00	n/a	n/a
9+ vehicles	£439.00	£439.00	n/a	n/a

### Windsor and Maidenhead Council

Licence type	1 year grant	1 year renewal
Private Hire Driver	£100.00	£100.00
Private Hire Vehicle	£255.00	£255.00
Hackney Carriage Driver	£100.00	£100.00
Hackney Carriage Vehicle	£315.00	£315.00
Private Hire Operator 1 - 5 vehicles	£265.00	£265.00
6 - 10 vehicles	£440.00	£440.00
11 - 15 vehicles	£615.00	£615.00
16 - 20 vehicles	£790.00	£790.00
21 - 30 vehicles	£1,035.00	£1,035.00
30+ vehicles	£1,420.00	£1,420.00

**Wycombe District Council**

Licence type	1 year grant	1 year renewal	6 mth renewal	3 year grant	3 year renewal
Private Hire Driver	n/a	n/a	n/a	£175.00	£175.00
Private Hire Vehicle under 6 years	£247.00	£247.00	n/a	n/a	n/a
Private Hire Vehicle over 6 years	n/a	n/a	£146.00	n/a	n/a
Hackney Carriage Driver	n/a	n/a	n/a	£175.00	£175.00
Hackney Carriage Vehicle under 6 years	£252.00	£252.00	n/a	n/a	n/a
Hackney Carriage Vehicle over 6 years	n/a	n/a	£146.00	n/a	n/a
Private Hire Operator 1 vehicle	£117.00	£117.00			
2 - 5 vehicles	£180.00	£180.00			
6 - 10 vehicles	£230.00	£230.00			
11 - 20 vehicles	£285.00	£285.00			
21 - 50 vehicles	£460.00	£460.00			
50+ vehicles	£680.00	£680.00			

minus £10 for  
vehicles without  
door stickers

**SLOUGH BOROUGH COUNCIL**

**REPORT TO:** Licensing Committee **DATE:** 22<sup>nd</sup> July 2015

**CONTACT OFFICER:** Michael Sims - Licensing Manager  
**(For all Enquiries)** (01753) 477387  
 Ginny de Haan – Head of Consumer Protection and  
 Business Compliance  
 (01753 477912)

**WARD(S):** All

**PART I**  
**FOR DECISION**

**PROPOSAL FOR MANDATORY ENGLISH LANGUAGE COMPETENCY TEST FOR NEW HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS**

1. **Purpose of Report**

A proposal to introduce a mandatory English Language Competency Test for all new applicants for hackney carriage and private hire driver licences.

2. **Recommendation(s)**

That the Committee recommend adoption of the of a mandatory English Language Competency test.

3. **The Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan**

As the report outlines, the Council does not currently have in place any policy or provision to ensure that new applicants for drivers licences have a sufficient understanding of the English language.

Some current drivers and private hire operators have recently made comment on the limited understanding and use of the English language by some new drivers.

The introduction of a mandatory English Language Competency Test will ensure that not only can drivers converse with the fare paying passengers and the public in general, but will also help in protecting the drivers own safety when dealing with awkward and problematic customers

3a. **Slough Joint Wellbeing Strategy Priorities –**

The proposal of this policy will contribute to the following wellbeing themes.

- Economy and Skills
- Safer Communities

Cross-Cutting themes:

The introduction will also promote the benefits of living and working

in Slough and will contribute to the cross cutting theme of **Improving the image of the town.**

3b. **Five Year Plan Outcomes**

The report outlines fully the reason for the proposal and will therefore contribute to the Five Year Plan with the specific outcome of:

- Slough will be one of the safest places in the Thames Valley

4. **Other Implications**

(a) **Financial**

There will be initial costs incurred in purchasing the test papers, currently at £25.50 plus VAT. This cost will be borne by the new applicants together with a nominal fee to cover officer time which is yet to be determined.

**Risk Management**

Recommendation	Risk/Threat/Opportunity	Mitigation(s)
As detailed in Point 2.	There is currently a risk to the fare paying passengers as well as to the licensed driver where there is a communication barrier between both. The approval of the proposal once fully consulted upon will enhance the status of the licensed drivers in Slough.	It is important that a consultation is conducted with all current licence drivers and operators and with the public through the Council website, to assess the views and comments on the proposals.

(b) **Human Rights Act and Other Legal Implications**

Section 1 and Schedule 1 Parts I & II of The Human Rights Act 1998 apply:

Article 1 – Every person is entitled to the peaceful enjoyment of his or her possessions including the possession of licence and shall not be deprived of the possession except in the public interest

Article 6 – That in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

(c) **Equalities Impact Assessment**

An EIA will be undertaken following the conclusion of the consultation and of the final proposals to be put before the Licensing Committee.

5. **Supporting Information**

5.1 Currently the Council does not have any policy or process in place to ensure that

new applicants for hackney carriage and private hire driver licenses and private hire operator licenses have a sufficient understanding of the English language.

- 5.2 As with many other licensing authorities there has been an increase in the number of new applicants who have a very poor and / or limited use and understanding of the English language. This has been raised recently by some current drivers and Operators.
- 5.3 A large number of licensing authorities have introduced English Tests for all new applicants for driver licenses.
- 5.4 There are a number of varying types of English test, both verbal and written currently available. For example:
- There are various English tests available around the country with high test date availability however they are for applicants for naturalisation and visa applicants and a declaration that the test is being taken as part of a naturalisation or visa application is a requirement of the test. The cost of these tests for level B1 is generally £150.00.
  - Local adult education colleges, as used by Bournemouth Borough Council, in Slough offer various English courses for all levels at multiple venues in the borough including Thomas Grey Centre, Penn Road CC, Wexham Road CC, Pakistan Welfare Association with ESOL courses taught at Thomas Grey Centre and Britwell Centre. These courses are run in term time only and fees vary from £50.00 to 270.00 depending on which course is undertaken although people on certain benefits may be eligible for a fee discount or fee waiver. An initial assessment of the student's English level is undertaken at Thomas Grey Centre or Britwell Centre before enrolment to ensure the correct course is undertaken. Courses last between 20 and 45 weeks.
  - There are other ESOL providers offering online and in person courses but again the cost for these courses is generally £150.00.
- 5.5 All of the above options are costly in terms of finance and time, potentially significantly increasing the time from application submission to licence issue. Additionally, using external courses or accepting appropriate level qualification certificates removes an essential level of control from the Licensing Team thereby undermining the diligence of our duty of care to protect the public from persons who are not 'fit and proper' as we would have no definite knowledge of who took and passed these tests.
- 5.6 The Licensing team in discussion through the Licensing Guru Forum which is a national forum for all aspects of licencing, have identified an English Test being used by a large number of licensing authorities, certainly some for over 4 years. This test is known as the Versant English Test.
- 5.7 The Versant English test is an assessment instrument designed to measure how well a person understands and speaks English. The test takes approximately 15 minutes to complete and can be undertaken by phone or computer. The computerised scoring allows for immediate, objective and reliable results to measure spoken English.

- 5.8 One of the main advantages is that an attainment scoring level can be set to the 'Common European Framework of Reference for Languages' (CEFR) scale. The scale has 6 levels, which in summary are:
- A1 – correct usage and pronunciation of a few words in relevant language.
  - A2 – correct usage and pronunciation of a range of words in the relevant language, basic sentence construction.
  - B1. – ability to hold basic conversations on a range of topics, albeit with some broken sentences or misused words (N.B. a B1 – level language qualification is now required to apply for British Citizenship)
  - B2 – ability to hold conversations on a range of everyday topics, with infrequent errors
  - C1 – 'native' level of language ability, able to converse fluently and coherently on a range of everyday and advanced topics
  - C2 – advanced ability, consistent with a post graduate qualification in the applicable language
- 5.9 A number of licensing authorities have set the scoring at CEFR level B2. The reason being that it is felt that the drivers need the confidence and ability to understand and give instructions when dealing with stressful and emergency situations which is sometimes the case.
- 5.10 Although the Versant system does not require an examiner to be present, in line with other licensing authorities it is proposed that the test will be conducted in Council premises with an officer present. The procedure for taking the Versant test is as follows:
- The English test will be a 'pre-application requirement' to be taken by all new applicants.
  - The test will scoring will be set at CEFR B2.
  - The test must be taken and passed before any other part of the application procedure is commenced to reduce unnecessary expense to the applicant.
  - The applicant will be required to submit a completed application form (no fee to be paid at that time) together with proof of photographic identification i.e. passport and/or driving licence. A photograph will also be taken of the applicant.
  - The test will be taken in Council premises in the presence of a Licensing Officer.
  - When passed, the pass certificate can be downloaded direct from the Versant website the same day.
  - Failure to pass the minimum CEFR level B2 will require a further test to be taken.
- 5.11 For information the link to the Versant English Test is:
- <https://www.versanttest.com/>
- 5.11 If the Committee approve the recommendations, the next stage will be for a consultation to be conducted with all current hackney carriage and private



hire licence holders as well as the Police and members of the public through the Council website.

- 5.12 Once the consultation has closed officers will bring back a report with the outcome and final proposals.

**6. Comments of Other Committees**

None

**7. Conclusion**

The Committee is therefore requested to note and comment on the proposal.

**8. Appendices Attached**

None

**9. Background Papers**

Local Government (Miscellaneous Provisions) Act 1976

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**SLOUGH BOROUGH COUNCIL**

**REPORT TO:** Licensing Committee                      **DATE:** 22<sup>nd</sup> July 2015

**CONTACT OFFICER:** Michael Sims - Licensing Manager  
**(For all Enquiries)** (01753) 477387  
 Ginny de Haan – Head of Consumer Protection and  
 Business Compliance  
 (01753 477912)

**WARD(S):** All

**PART I**  
**FOR DECISION**

**PROPOSALS FOR MANDATORY SAFEGUARDING TRAINING FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS AND OPERATORS**

1. **Purpose of Report**

For Members to consider a proposal for the introduction of mandatory 'Safeguarding Training' for all Hackney Carriage and Private Hire Drivers and Operators.

2. **Recommendation(s)**

That the Committee recommend the introduction of mandatory safeguarding training for all Hackney Carriage and Private Hire Drivers and Operators and the Trade to be consulted on the arrangements for such introduction.

3. **The Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan**

The primary role of the licensing authority is the protection, safety and wellbeing of the public.

A number of high profile recent safeguarding issues around the country have been publicised in particular relating to Child Sexual Exploitation (CSE), some involving Hackney Carriage and Private Hire drivers.

The Hackney Carriage and Private Hire trade including both the drivers and Operators carry out and deal with hundreds of fares on a daily basis some of whom are potential vulnerable people. The proposal will increase and raise awareness of all aspects of safeguarding vulnerable persons.

3a. **Slough Joint Wellbeing Strategy Priorities –**

Safeguarding issues, particularly that of CSE are high on the agenda and priorities of both the JSNA and SJWS. The proposal will also be included in the LSCB Strategy.

The eventual approval of the proposal of mandatory 'Safeguarding Training' will contribute considerably to the wellbeing priority of:

- Safer Communities

Cross-Cutting themes:

The eventual proposal of the introduction of mandatory ‘Safeguarding Training’ will promote the benefits of living and working in Slough and will contribute to the cross cutting theme of **Improving the image of the town.**

3b. **Five Year Plan Outcomes**

The report outlines the work undertaken by the LSCB Licensing Splinter Group and that of similar Safeguarding Training already introduced in Scarborough.

Approval of the proposal will therefore contribute to the Five Year Plan.

The specific Five year Plan targets are:

- Slough will be one of the safest places in the Thames Valley
- Children and young people in Slough will be healthy, resilient and have positive chances

4. **Other Implications**

(a) Financial

There will be a cost to the Council on setting up the training package, but at this time the full cost is not known.

Risk Management

Recommendation	Risk/Threat/Opportunity	Mitigation(s)
As detailed in Point 2.	Introduction of mandatory safeguarding training will support the council priorities with regards to not only children subject of CSE but of all other vulnerable people many of whom use local private hire and hackney carriages on a daily basis.	It is important that a full public and wide ranging consultation is conducted with all relevant agencies as well as with all current licensed hackney carriage and private hire drivers and Operators, to assess views on the proposal.

Human Rights Act and Other Legal Implications

Section 1 and Schedule 1 Parts I & II of The Human Rights Act 1998 apply:

Article 1 – Every person is entitled to the peaceful enjoyment of his or her possessions including the possession of licence and shall not be deprived of the possession except in the public interest

Article 6 – That in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

(b) Equalities Impact Assessment

An Equality Impact Assessment will be completed on conclusion of the consultation which will highlight the positive and negative impacts on the proposed introduction of the policy.

**5. Supporting Information**

- 5.1 Members will be aware of the Councils commitment through Local Safeguarding Children's Board (LSCB) together with Thames Valley Police in combating and raising awareness of Child Sexual Exploitation.

**Background**

- 5.2 In late 2013, Slough LSCB and Thames Valley Police agreed to work together on a CSE awareness raising campaign for licensed premises. A 'licensing splinter' group was established, linked to the LSCB CSE sub-group with the partners being Thames Valley Police, SBC Engage team and SBC Licensing Team.
- 5.3 The Purpose of the Licensing Splinter Group is to *"Raise awareness of CSE with premises and taxi drivers of Slough through a range of methods including media and campaigns. Work together to ensure a robust response to CSE is implemented by businesses. Coordinate resources and work together to achieve the above"*.
- 5.4 In 2012 the Licensing Team developed a Taxi and Private Hire Newsletter to provide advice and guidance on all areas of taxi and private hire licensing issues. The newsletter is sent out to all current taxi and private hire licence holders on a regular basis and has also been used as a platform to raise awareness of a number of issues including, Loan Sharks, Hate Crime (*stickers provided to all drivers*), Dementia and Diabetes. Since the introduction of the Licensing Splinter Group the newsletter has also carried articles on raising awareness of CSE and human trafficking where all drivers were provided with stickers which are now displayed in their vehicles. A copy of the most recent Newsletter is attached at **Appendix C**, which again includes CSE and also the National Working Group (NWG) Code of Conduct for drivers and staff.
- 5.5 The work through the CSE Splinter Group to raise awareness of CSE with businesses drivers and Operators has received national recognition by the Local Government Association (LGA) and Slough is used as one of 9 case studies in the LGA Tackling Child Sexual Exploitation resource pack for Councillors. A copy of the case study is attached at **Appendix A**.
- 5.5 Following the case study being published, Slough Borough Council represented by Ginny de Hann - Head of Consumer Protection and Business compliance Services was asked by the LGA to take part in a workshop at the LGA Taxi and PHV Licensing Conference. The workshop was run jointly with representatives from Scarborough Council and North Yorkshire Police who covered working with taxi drivers and of the 'mandatory safeguarding training for taxi and private hire drivers'.

- 5.6 Scarborough Council introduced the mandatory condition that all licence holders must undergo safeguarding and safer recruitment training following consultation with all taxi and private hire trade members. The training covers, safeguarding children and vulnerable adults, making referrals, signposting to relevant agencies, domestic violence, child sexual exploitation and ‘hate and mate’ crime”. The wording of the mandatory condition is:

*“Following the grant of a licence (and where a driver has not already completed an approved certified safeguarding training session) the driver shall within 6 months produce a certificate to the LA confirming that they have undertaken and completed a training session on safeguarding and safer recruitment. Certificates will only be accepted by training providers approved by the LA and training should be delivered in person, where such a session is not available, an online training session may be substituted, but only in these circumstances”.*

A copy of the article covering the training provided by Scarborough Council and North Yorkshire Police as detailed in the LGA Taxi and PHV Licensing Councillors handbook is attached at **Appendix B**.

### **Proposals**

- 5.7 In light of the work done by Scarborough Council the SBC Licensing Team are now working on developing a similar training package together with a recommendation that all licence holders must complete the safeguarding training package within a specified period of time. The training package and training method will be identified and formally consulted upon with all current licence holders. The proposal for mandatory safeguarding training has been included in the latest Taxi and Private Hire Newsletter to inform licence holders of the proposal.
- 5.7 In addition to the implementation of the safeguarding training the Licensing team will also be looking at introducing a ‘Licensing Hotline’ where information can be passed confidentially to officers by all licence holders as well as taxi and private hire drover and operators.

### **6. Comments of Other Committees**

None

### **7. Conclusion**

The Committee is therefore requested to note and make comment on the Proposals. A further report will be put before the Licensing Committee in due course following the consultation detailing the responses to the consultation, full recommendations for the proposed condition and how and by whom the training package will be delivered.

### **8. Appendices Attached**

‘A’ Extract of the Slough case study (*LGA resource pack*)

‘B’ Extract of the Scarborough Council and North Yorkshire training (*LGA Taxi and PHV Councillors handbook*).

'C' Copy of June 2015 issue of the SBC Taxi and Private Hire Newsletter.

**9. Background Papers**

LGA Tackling child sexual exploitation – A resource pack for Councils

LGA Taxi and PHV Licensing – Councillors' Handbook

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## **Slough Council: Licensing ‘splinter’ group**

### **Background**

In late 2013, Slough LSCB and Thames Valley Police agreed to work together on a CSE awareness raising campaign for licensed premises. A ‘licensing splinter’ group was established, linked to the CSE sub- group and consisting of representation from Slough Borough Council licensing team, an Engage worker (CSE specialist team) and a Thames Valley Police Inspector. The group continues to meet on a bi-monthly basis; their work is strongly supported by councillors and forms a key part of the overall communications package on CSE awareness raising.

### **The project**

In late 2013, the licensing group wrote a short article about CSE, which was published in the Slough Taxi & Private Hire Newsletter. CSE has consistently featured in subsequent newsletters to re-enforce awareness, and taxi firms and ranks are a key focus for the ‘Licensed Premises’ working group. CSE is now mainstreamed into the work of the council licensing team, which has been significant in helping to maintain momentum on issues such as delivery of a CSE presentation to the Pub Watch Scheme members in December 2013. The three teams involved in the working group set about coordinating premises visits in specific areas, and team members unfamiliar with CSE were trained and briefed on the key messages and action to take. A script with consistent messaging was developed to relay to local businesses. Thames Valley Police and the licensing team have now visited all local hotels and B&B’s. The Engage team and police community support officers visited other local businesses and the council’s food and safety and trading standards officers are also raising awareness at fast food outlets and other retail outlets during routine inspections. During visits to local businesses, awareness raising packs were distributed. Hotels and B&Bs received a Say Something If You See Something (SSIISS) poster, Children’s Commissioner CSE indicators, a letter from the Slough LSCB Chair and a Barnardo’s leaflet.

### **Impact**

Following each ‘wave’ of visits, the team completed an evaluation detailing exactly which premises were visited and noting the time it took, who they spoke to and comments about the discussions with businesses and any concerns or questions that were mentioned.

- During 2013 there were 24 joint visits to hotels and B&B’s, 44 packs were distributed.
- 261 joint visits were made to local businesses.
- Hotels contacted 101 to share concerns about CSE on three occasions.

- The number of visits in the two years up to December 2014 has now risen to 441. The SIYSS posters and full awareness raising packs that the team put together, including the letter from the Chair of the LSCB, enabled a professional and credible range of information to be presented to the hotel trade. Over the summer of 2014 the team revisited premises in particular 'hotspot' areas, including hotels. The team took out posters and enquired to find out if they hotels had been displaying them and how staff members were being involved in being alert to CSE.

A multi-agency approach, embedded via the 'splinter group', has delivered enormous benefits, enabling a sharing of resources without placing a large capacity strain on a single agency. By visiting premises and hotels, publishing articles and having a better, wider presence across the town, the licensing working group has increased the degree of conversation within the communities about the issue of CSE in Slough. In May 2014 the Engage team at Slough Council received an award from the National Working Group: Tackling Sexual Exploitation Network, for their work to address CSE. The council's licensing team was also recognised in early 2014 with a Berkshire Environmental Health Officers Award for Achievement for their work on raising awareness of CSE.

**Further information**

Ginny de Haan

Head of Consumer Protection & Business Compliance

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[www.slough.gov.uk/council/strategies-plans-and-policies/awareness-raising-initiatives.aspx](http://www.slough.gov.uk/council/strategies-plans-and-policies/awareness-raising-initiatives.aspx)

The NWG Network and The Children's Society have developed a campaign pack supporting local safeguarding children boards to work with retail, transport, and leisure and hospitality businesses to protect children in their communities from child sexual exploitation. The resources are available at:

[www.nwgnetwork.org/resources/resourcespublic?cat=74](http://www.nwgnetwork.org/resources/resourcespublic?cat=74)

### Protecting vulnerable people

Councils can help to protect some of their most vulnerable residents through effective licensing regimes, including children at risk of sexual exploitation. Sadly, both licensed premises and licensed vehicles have been used as opportunities to sexually exploit children, as recent high profile cases have underlined.

We know that many victims of exploitation are too traumatised for investigations to proceed to court, meaning that issues do not always show up through disclosures. This makes additional intelligence from all other sources critical to licensing deliberations. A detailed exploration of tackling child sexual exploitation (CSE) is outside the remit of this guide, but all councillors and officers, across all services, should familiarise themselves with the LGA's guides on CSE, which can be found at <http://tinyurl.com/CSEguide>. It is important to recognise that this is a subject that needs to be sensitively handled to avoid drivers feeling that they are being treated as potential criminals. However, the sensitivity around the subject must not mean that the issue is not discussed or that training is not provided.

Your local safeguarding boards also have an important role to play in licensing and you should ensure that safeguarding boards understand the role that licensing can play in their discussions. Your licensing officers should also be fully engaged with relevant safeguarding discussions.

This is particularly important in two-tier areas, with licensing located in the districts and child protection in the county council. A number of serious case reviews have highlighted a failure of communication between the two-tiers of local government as a contributing factor to child exploitation going undetected.

If allegations of CSE or other serious offences are made, then your council should have in place procedures to allow a rapid response from the council. In the most serious cases, it will not be appropriate to wait until a licensing committee or sub-committee can be held.

### **Safeguarding training: Scarborough Borough Council**

Working together, Scarborough Borough Council and North Yorkshire Police identified that working with taxi drivers was key to safeguarding practices linked to the local night-time economy (NTE), particularly in helping to prevent sexual exploitation, and in accessing the information and intelligence drivers held which they'd been reluctant to share with agencies.

An opportunity to capture those individuals arose when Scarborough Borough Council's Taxi Licensing Policy was renewed, introducing **mandatory safeguarding training for taxi drivers wishing to obtain or retain their licences**.

This comprises a two-hour tailored session, written and delivered by Sandra Rees, the Council's Community Safety and Safeguarding Manager and Sgt Rachel Wood,

both of whom have operational experience in the NTE. It was essential, for the package to have maximum impact, that it had to be delivered by people who were not only passionate about safeguarding, but also had credible operational experience working in the NTE. The training covers safeguarding children and vulnerable adults, making referrals, signposting to relevant agencies, domestic violence, child sexual exploitation and 'hate and mate' crime. Taxi and PHV Licensing – Councillors' Handbook (England and Wales) **27**

As well as delivering this training to drivers, it gave an opportunity to establish closer working relationships with drivers going forward. Local taxi officers are now allocated a named PCSO to visit them on a weekly basis to share information and concerns. In addition to this, having listened to drivers' concerns, stickers with 'zero tolerance on abuse to drivers' were printed and distributed to all taxis, and information cards with relevant agency numbers were produced and given to all taxi companies for distribution by their drivers. With perseverance and careful delivery, the outcomes have been very positive; forging closer relationships with drivers and impacting on their decisions to report concerns. For instance, it has led to a greater number of reports to police regarding drugs information.

# Taxi and Private Hire Newsletter

June 2015

This is now the ninth edition of the newsletter and the licensing team hope it is useful and informative for all our licensed drivers.

In the coming months the licensing team will be continuing their work on raising awareness of Child Sexual Exploitation (CSE) and implementing the changes outlined in The Deregulation Act 2015 to the taxi and private hire legislation.

Again we would like to thank all those drivers who have supported the CSE and human trafficking campaigns by displaying the stickers in their cars.



## Changes ahead

From 1 October 2015, The Deregulation Act 2015 will come into force and will make changes to the existing legislation relating to private hire and hackney carriage licences.

Licensing authorities will be able to issue a drivers licence (badge) for a three years and an operator's licence for a five year period.

Also, private hire operators will be able to sub-contract bookings to other operator who are licensed with other authorities.

The licensing team will provide further information to drivers and operators before the changes come into force.

## Operator inspections

The licensing team would like to thank all our operators for their co-operation and assistance in helping the team complete the inspections which we have now almost finished.

Overall the standards and professionalism of our operators has been extremely high with only minor issues needing to be addressed - so a big thank and well done!

## Certificate of compliance

Here is a list of the three garages that are authorised by Slough Borough Council to carry out the certificate of compliance test.

### **P.M. Autos**

148 Edinburgh Ave  
Slough SL1 4SS  
Tel: 01753 533007

### **Thames Valley Garage Ltd**

George House  
2A Bower Way  
Slough SL1 5HX  
Tel: 01628 666100

### **Triple S Motor Centre**

1A Belgrave Road  
Slough SL1 3RG  
Tel: 01753 533134



## Caught speeding?

Thames Valley Police have recently been in contact with the licensing team regarding certain individuals who have been nominated as a driver of a licensed vehicle when it has been caught speeding by their speed enforcement cameras.

The fixed penalty unit will always make contact with the relevant licensing department when a licensed vehicle has activated the camera in order to ensure that the person who has been nominated is in fact a licensed driver.

Some licence holders have named unlicensed drivers as being the

driver of the vehicle at the time the camera was activated (mobile mechanics working at 1am for instance). As an unlicensed driver cannot drive a licensed vehicle, Slough Borough Council will take formal action against licence holder for this offence.

Making a false nomination for any motoring offence could lead to Thames Valley Police prosecuting you for perverting the course of justice. This is punishable by way of a custodial prison sentence and is deemed a serious matter by the courts. Please think carefully before completing the relevant forms.

## Missed appointment charge

A missed appointment charge of £20 has been introduced to try and reduce the number of appointments wasted by people failing to turn up.

This is particularly frustrating when we are experiencing a high demand for appointments.

If you have booked an appointment and cannot make it, please call us to arrange another time. One phone call could save you £20!







## Drug-driving and prescribed medication

The new law, introduced 2 March 2015 in England and Wales, aims to catch those who put the lives of others at risk while driving under the influence of drugs.

As well as outlawing driving while under the influence of illegal drugs, the new law includes some prescription medicines.

Robert Goodwill MP, Road Safety Minister, says as long as they stay within prescribed levels, most people will still be able to get behind the wheel of a car.

"If you are taking your medicine as directed by your doctor and your driving is not impaired, then you are not breaking the law and there is no need to worry. Prescribed doses do not exceed the limits for legal drugs, so most patients should still be safe to drive."

### Get advice

Prof David Taylor, a spokesman for the Royal Pharmaceutical Society and a member of the Department for Transport advisory panel on drug-driving said: "Don't stop taking your medicines,

prescribed or otherwise, if you are worried about this new law. Instead, talk to your doctor or pharmacist for information about how your medicines might affect your ability to drive. They'll be happy to give you the advice you need to stay safe."

Ed Morrow, campaigns officer for road safety charity Brake said the organisation strongly welcomed the new drug-driving law. "This much-needed progressive move by government will make it much easier for police to deal with illegal drug-drivers," he said. "We are confident that the necessary measures are in place to ensure drivers who take prescription medication are not unfairly penalised. However, many prescription medications can have a negative effect on your ability to drive safely, and there is a worrying lack of awareness of this among the public."







## Ban on Khat

### Prescription drugs covered by the new law

**Clonazepam** is prescribed to treat seizures or panic disorders.

**Diazepam** is used for anxiety disorders, alcohol withdrawal symptoms or muscle spasms.

**Flunitrazepam** (also known as Rohypnol) is a sedative originally used in hospitals for deep sedation in the 1970s.

**Lorazepam** is used to treat convulsions or seizures caused by epilepsy.

**Oxazepam** is used to relieve anxiety, including anxiety caused by alcohol withdrawal.

**Temazepam** affects chemicals in the brain that may become unbalanced and cause insomnia problems.

**Methadone** is used in the treatment of heroin addiction.

**Morphine** or opiates treat moderate to severe pain.

Khat goes by various traditional names, such as kat, qat, ghat and chat, Arabian tea, miraa and bushman's tea.

In the past, Licensing have received information about licensed drivers being under the influence of khat whilst on duty. Until now no action could be taken however on Tuesday 24 June 2014 khat became a controlled class C drug in the UK.

This means that it is illegal to have khat for yourself and to sell or give away khat to someone else. If the Police catch you with khat, they'll always take some action. This could be a police warning, a £60 penalty notice, or arrest and possible conviction.

### Did you know?

Like drinking and driving, driving while under the influence of drugs is illegal - with some drugs you can still be unfit to drive the day after using. You can get a heavy fine, be disqualified from driving or even go to prison.

Allowing other people to use drugs in your house or any other premises is illegal.

**Factsheets about khat and the law are available in Amharic, Arabic, English, Somali and Swahili for information on the reasons for the ban, penalties for use, and where to go for advice and support at [www.gov.uk/government/publications/khat-fact-sheet-for-england-and-wales](http://www.gov.uk/government/publications/khat-fact-sheet-for-england-and-wales)**



## No smoking - a reminder of the 2007 law

**Are taxis/mini cabs covered by the legislation?** The law covers all taxi and mini cabs. Any licensed vehicle carrying members of the public must be smokefree at all times.

You must:

- Keep vehicles used to transport members of the public smokefree.
- Display 'no-smoking' signs in all vehicles where they can be clearly seen at all times.
- Make sure that your customers are aware that legally your vehicle must be smoke free.

**Can a taxi/mini cab driver smoke in their vehicles if they don't have any passengers?**

No.

**Can drivers smoke in their own private vehicle?** Yes, as long as the vehicle is not licensed as a Private Hire or Hackney Carriage vehicle.

**Does the Operator office need to be smokefree?**

Yes.

If more than one person works there (full or part time) or if members of the public visit the premises the office is covered by the law.

This means that Operators will need to:

- Make sure that the office premises are smokefree at all times
- Display the mandatory A5 'no smoking' signage at least at one entrance to the premises. All other entrances need to display a sign similar to that for vehicles.
- Make sure that staff and customers visiting the office are aware that the premises are legally required to be smokefree.

**What could it cost if you ignore the law?**

- Failure to display minimum no smoking signs: up to £1000 or £200 fixed penalty notice
- Smoking in a no-smoking place: up to £200 or a penalty notice of £50
- Failing to prevent smoking in a smokefree place: up to £2500.

**Further help on stopping smoking, the law and advice for businesses is available at [www.smokefreeengland.co.uk](http://www.smokefreeengland.co.uk)**





## Disclosure and Barring Service (DBS)

Due to the introduction of a three year drivers badge in October 2015 and the removal of the Notifiable Occupations Scheme (which placed a duty on police forces to notify licensing authorities if a driver was charged or convicted of an offence) the current DBS policy is being fully reviewed.

It will be proposed to make the subscription to the DBS update service (creating a 'living' certificate which can be used by this council and if applying to other councils) compulsory.

Registering the DBS certificate for the update service means that a new DBS application may

never be needed (providing the status and the subscription is maintained). This means there will be a cost saving to all drivers as no additional payment needs to be made to the council.

We will be carrying out a formal consultation on the new policy proposals and will be asking all licence holders for their views and comments.

### How to register your DBS certificate

The annual subscription fee is £13 payable to the DBS directly. The update service allows the DBS certificate to be used between different organisations.

This means if you apply for a DBS certificate with Windsor & Maidenhead, register it online, then if you wish to apply to Slough, there may be no need for a new certificate as an online check can be made (please note that the original DBS certificate still needs to be produced).

You can register when you apply for the DBS certificate (with a reference number known as the 'F' number) or within 19 days of the certificate being issued.

**More information about registering your DBS certificate online can be found at [www.gov.uk/dbs-update-service](http://www.gov.uk/dbs-update-service)**





## Child Sexual Exploitation (CSE) and Human Trafficking

The Licensing Team, Thames Valley Police and Slough Borough Council Engage officers have been recognised for their joint work on CSE, in particular their efforts of raising awareness of the issue. This work is now one of nine case studies being promoted nationally by the Local Government Association.

In light of this, the Licensing Team is now reviewing proposals for all current licence holders and new applicants to complete compulsory Safeguarding Training. The training would cover:

- safeguarding children and vulnerable adults
- making referrals
- signposting to relevant agencies

- domestic violence
- child sexual exploitation and hate crime.

In addition to the Safeguarding training, we are also looking at introducing a taxi and private hire 'hotline' where information can be passed confidentially to officers.





Once a draft policy has been prepared, all licensed drivers will be formally consulted with and we look forward to your comments and support.

There have been several articles regarding CSE and Human Trafficking, however as it's such an important issue we will continue raising awareness through the newsletter.

Taxi and private hire drivers are vital in identifying victims of sexual exploitation as you might come into contact with children and young people who are transported in taxis. Please remember that you can anonymously share any concerns about a young persons' welfare by calling Crimestoppers on 0800 555 111.

To help you identify young people at risk or subject to exploitation the main things to be aware of are listed below.

To assist you in your work when transporting vulnerable passengers we have also included the National Working Group (NWG) Code of Conduct for licensed drivers and operators.

Suspicious activity such as:

- Taking/collecting young people (girls and boys) from hotels/ B&B's/house parties
- Picking up young people from other cars
- Young people who look distressed or intimidated
- Observing suspicious activity in hot-spot areas
- Young people under the influence of drugs and/or alcohol
- Bribes by young women to avoid paying fares
- Regular males requesting taxi rides to and from locations - taking young people with them

- Taking young people to A&E, who are not in the presence of parents
- Young people with injuries such as bruising or blood stains

#### **What to do:**

- Make notes about the information you know
- Call 101 to report your concerns about possible sexual exploitation

#### **Information to share:**

- Names
- Locations/addresses of concerns
- Descriptions of people
- Car registration plates/ makes and models of vehicles
- Description of concerning activity.



## Selling your licensed vehicle?

Licensed drivers frequently buy a car with a current vehicle licence on it from another driver.

An application to transfer the vehicle licence needs to be made to the licensing office in order for our records to be updated with the new owner's details.

Both parties need to attend the office for the formal transfer to be completed.

If you have a question regarding vehicle licence transfers then please contact the licensing team.



## NWG Code of Conduct - when working with v

This guidance aims to promote good safeguarding practice for drivers and staff working with vulnerable passengers in the taxi or private hire trade. It is recommended that the following safeguarding principles should be embedded into staff/ driver training and practice:

- All drivers should register in and out of shifts. A shift register should be maintained and at the point of registration the driver should confirm his/her identity and the registration number of the vehicle in use.
- Drivers should carry photo ID at all times.
- The booking process should include a check for vulnerability issues so that provision can be arranged.
- When making a journey with vulnerable passengers, photo-identification should be

produced to the carer responsible for the vulnerable person. If necessary, the driver/staff should obtain a record of the career's contact details if there is no chaperone.

- Never double up passengers unless formal consent and authorization has been obtained.
- If a vulnerable passenger is refused service a responsible person should be informed so that alternative arrangements can be made.
- Always ask if a vulnerable passenger needs help, do not assume.
- Drivers/staff should remain professional at all times and should not:
  - Touch a vulnerable person inappropriately



## vulnerable passengers

- Behave in a way that may make a vulnerable passenger feel intimidated or threatened
- Make offensive or inappropriate comments (such as the use of swearing or sexualised or discriminatory language)
- Attempt to misuse personal details obtained via the business about a child (for example communicating with a child at their postal address, or by social network, internet or mobile telephone or by using any other information disclosed as part of placing a booking, or obtained by any other aspect of the business).
- A log should be kept by drivers when a service has been provided to a vulnerable passenger and should include all the details of any incidents occurring/actions taken or refusals of service.
- If a driver or member of staff is concerned about the safety, welfare or behavior of a vulnerable person, he/she should report this to the Police and their operator.
- As with all professions if you are concerned about the conduct of someone you work with report your concerns to your operator or the Police.

Thank you for joining us to tackle Child Sexual Exploitation and Human Trafficking.

**For further information:**  
[www.nationalworkinggroup.org](http://www.nationalworkinggroup.org)  
[www.barnardos.org.uk](http://www.barnardos.org.uk)

## Keeping a copy of documents

We would like to remind you that all licensed private hire and hackney drivers are required to keep a copy of the following documents in their vehicle:

- current certificate of motor insurance
- certificate of compliance
- DVLA driving licence

You could receive three penalty points per missing document so please check that you have your up-to-date copies.





## Awareness of radicalisation and extremism

There has been extensive media coverage on terrorism and in particular the issues relating to radicalisation. As part of our ongoing safeguarding awareness raising Slough Borough Council has been training all their front line employees on how to spot the potential signs.

Everyone within the community has a role to play in helping to prevent terrorism. You can do this by remaining vigilant and reporting any suspicious activity to the police. Suspicious activity can include:

- Someone noticeably behaving different for no obvious reason
- Someone with passports or documents in different names for no obvious reason

- Someone who travels for long periods of time but it vague about where they're going
- Someone buying or storing large amounts of chemicals for no obvious reason

**Thames Valley Police have a confidential Anti-Terrorist hotline and your call will be taken by specialist officers - call 0800 789 321.**

The internet is also used by some people to radicalise vulnerable people and promote terrorism and extremism. The government and the police have a dedicated webpage where you can report online content you think might be illegal, or which you find offensive.

Illegal terrorist or extremist content might include:

- Speeches or essays calling for racial or religious violence
- Videos of violence with messages of 'glorification' or praise for the attackers
- Chat forums with postings calling for people to commit acts of terrorism or violent extremism
- Messages intended to stir up hatred against any religious or ethnic group
- Bomb-making instructions

**To report terrorist content on the web go to [direct.gov.uk/reportingonlineterrorism](https://www.direct.gov.uk/reportingonlineterrorism)**





## Heathrow Airport by-laws

Heathrow's Taxi Tout squad have asked us to make all private hire and hackney carriage drivers aware of the new by-laws which have come into force at the airport this year.

These by-laws are being strictly enforced and contravening them could 'land' you with a fine. They make reference to 'private hire vehicles' and this includes hackney carriage vehicles that are picking up or dropping off passengers for pre-booked journeys.

### 1. Private hire vehicles

No person shall cause or permit a private hire vehicle to enter the airport for the purpose of loading passengers unless that private hire vehicle has been pre-booked or is to be parked in an official car park in anticipation of such a booking.

### 2. Loading of private hire vehicles

No person shall cause or permit a private hire vehicle to load passengers

at the airport other than in an official car park.

### 3. Offer of service

No person shall sell or distribute anything, offer anything for sale or hire or make any offer of services for reward.

### 4. Taxi touting

No person shall in the terminal building or other public building, car park or any other public place on the airport offer his or any other vehicle (unless that

vehicle is a taxi or public service vehicle) for hire.

### 5. Wearing of badge

Taxi and private hire vehicle drivers shall display their badge at all times whilst at the airport.

### 6. State name and address

A person shall, if requested to do so by a constable or airport official, state his correct name and address and the purpose of his being on the airport.



## Carrying children as passengers

The licensing team frequently get queries from drivers regarding the laws relating to the carrying of babies and children in licensed vehicles.

Firstly, wherever possible, a baby or child should travel in the correct child seat. However the law does allow for private hire and hackney carriage

vehicles can carry babies and children when a child seat is not available.

- A child under three years of age may travel unrestrained in the rear of the vehicle
- A child aged 3-11 or less than 1.35 metres tall must use an adult belt when travelling in the rear of the vehicle

- A baby is classed as a passenger, so if a vehicle is licensed for four passengers then you can carry three adults and a baby.
- It is the driver's responsibility to ensure that the baby or child is restrained in the correct manner.



## Can I licence that vehicle?

The past few months has seen an increase in the number of people buying vehicles that are too old to be licensed.

The licensing team would like to remind everyone of the age policy which is that a vehicle being licensed for the first time must be less than five years old at the time it is licensed.

If you are buying a new vehicle check:

- the date of first registration in the log book (V5) to ensure it complies with the policy.
- the vehicle complies with our vehicle type policy, and
- the vehicle complies with our no tints policy

It could be a costly mistake if you buy a vehicle we won't licence.

Please contact the licensing team if you have any queries regarding the age policy or refer to pages 11, 12 and 13 of the private hire policy and conditions booklet and pages 14, 15, 16 and 17 of the hackney carriage booklet which details the age policy in full.





## Slough Borough Council website

Visit [www.slough.gov.uk/business](http://www.slough.gov.uk/business) to view the web pages relating to hackney carriage and private hire licensing.

The webpages are constantly updated and copies of the current policy and procedures booklets are available to download along with a variety of application forms.

### Contact us

#### Licensing

📞 01753 875664

✉ [licensing@slough.gov.uk](mailto:licensing@slough.gov.uk)



The licensing team has an appointment system for all taxi applications.

#### Appointment times

Monday: 9.00am - 12.00pm 2pm - 4pm

Tuesday: 9.00am - 12.00pm 2pm - 4pm

Wednesday: **No appointments**

Thursday: 10am - 12.30pm 2pm - 4pm

Friday: 9.00am - 12.00pm 2pm - 4pm

