



**Report of the Licensing and
Food & Safety Manager
General Licensing Committee - 12 January 2024**

**Proposed Procedure for Applicants unable to provide
Letters of Good Conduct**

1.0 Purpose of the Report

- 1.1 That Members consider authorising Licensing Officers to approve hackney carriage and private hire driver applications, in certain circumstances where the applicant is unable to supply a letter of good conduct to support their application.

2.0 Background

- 2.1 Members will be aware the Council has adopted guidance on determining the suitability of applicants and licensees in the taxi and private hire trades and where applicants that have, from the age of 10 years, spent six continuous months or more living outside the United Kingdom or previous residence, evidence of a criminal record check from the Country/Countries covering the relevant periods should be required.
- 2.2 In the UK, a person becomes a refugee when the government agrees that an individual, who has applied for asylum meets the definition in the refugee Convention. They will “recognise” that person as a refugee and issue them with refugee status documentation.
- 2.3 Once refugee status has been provided, a person cannot travel to their country of origin and/or the country from which they sought refuge or identify their location to those countries as this would put them at risk.

3.0 Current Procedure

- 3.1 Currently, for any application, where an applicant is unable to provide an equivalent DBS check or letter of good conduct from their country of

birth, or previous country of residence, due to refugee status, their application is reported to Members for determination.

4.0 Matters for consideration

4.1 The number of applications referred for consideration by the General Licensing Committee are increasing year by year, due to an increase in applications from applicants from overseas. A large proportion of these applications are received from those with refugee status, where they are unable to obtain documents from their country of birth, or where they have lived for more than 6 months.

4.2 Members are requested to consider the proposal that officers are authorised to approve hackney carriage and private hire driver applications, in certain circumstances, where the applicant is unable to supply a letter of good conduct to support their application.

4.3 The current DBS procedure requires applicants to provide a 5 year address history in order for the relevant checks to be completed. This is clearly considered to be a sufficient period for an individual to be assessed.

4.4 On that basis it is proposed that:

- i) applications from applicants who have been resident in the UK for a period of 5 years or longer and are unable to provide the relevant documentation from their country of birth and/or countries where they have lived for more than 6 months are determined by officers; and
- ii) applications from applicants who have been resident in the UK for less than 5 years and are unable to provide the relevant documentation from their country of birth and/or countries where they have lived for more than 6 months, or where there are any concerns in respect of the application, are referred to General Licensing Committee for determination.

4.5 This approach will assist in reducing the time it takes for some applications to be determined and only those applications where an

applicant has been resident in the UK for less than 5 years will be referred to the General Licensing Committee.

5.0 Recommendation

It is recommended that:

5.1 Members consider the proposal to amend the current procedure for applicants who are unable to obtain an equivalent enhanced DBS and or a certificate of good conduct from their country of birth or where they have resided for more than 6 months outside of the UK as follows:

- i) applications from applicants who have been resident in the UK for a period of 5 years or longer and are unable to provide the relevant documentation from their country of birth and/or countries where they have lived for more than 6 months are determined by officers and
- ii) applications from applicants who have been resident in the UK for less than 5 years and are unable to provide the relevant documentation from their country of birth and/or countries where they have lived for more than 6 months, or there are any concerns in respect of the application, are referred to General Licensing Committee for determination.

The Licensing Committee's instructions are requested.

Background Papers:	None
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