

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO LICENSING COMMITTEE

Agenda Item No. 8

meeting date: 29 NOVEMBER 2011
title: CRIMINAL RECORDS BUREAU CHECKS – ADDITIONAL INFORMATION
submitted by: HEAD OF LEGAL AND DEMOCRATIC SERVICES
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1 PURPOSE

1.1 To seek instructions from Committee relating to additional information supplied as part of the response to Criminal Records Bureau (CRB) checks.

1.2 Relevance to the Council's ambitions and priorities

- Council Ambitions - }
 - Community Objectives - }
 - Corporate Priorities - }
 - Other Considerations - }
- The Council aims to make the life of residents of the borough safer – the process for licensing drivers ensures all available information about any relevant convictions is known before a decision is made.

2 BACKGROUND

2.1 When considering whether or not an applicant is a fit and proper person to hold a licence, the Council considers information from several sources; this can include medicals, references and CRB checks.

2.2 There are two levels of CRB checks – standard and enhanced. The enhanced CRB check is the highest level and the one currently used by the Council. This is because drivers often carry out school or other contracts which can involve working with children and vulnerable adults.

2.3 One of the key differences between standard and enhanced checks is that the enhanced check may include approved or additional information – these are defined as follows:

Approved information - is non conviction information provided by the Police from their local records. The Chief Police Officer in each force will decide what, if any, information to provide. The CRB will print this information on both the applicants and the counter signatories copy.

Additional information – the Chief Police Officer may decide it is necessary in the interests of the prevention or detection of crime to release additional information to the counter-signatory only. This additional information is provided in the form of a separate letter and should not be revealed to the applicant without the consent of the Chief Police Officer.

2.4 In order for the Council to countersign the applications which individuals make for a CRB check, it has to register with the CRB. One of the obligations placed on the

Council as a registered body is 'to ensure that additional information, including information as to its existence, is not revealed to the disclosure applicant and is disposed of in the appropriate manner and at the appropriate time'. Other information can be shared with relevant persons in the course of their specific duties relevant to the vetting process.

3 ISSUES

- 3.1 The Council receives additional information infrequently. However, when such information is received, the Council is placed in a difficult position, in that the Council is required to take into account information which is unknown to the applicant and in respect of which they therefore have no opportunity to provide an explanation. This has an effect on the weight that can be attached to the information provided, particularly in the absence of a relevant criminal conviction.
- 3.2 The current procedure is that the application is referred to the Licensing Sub Committee. This creates several problems; firstly the applicant needs to be given a reason why their application has been referred to the Sub Committee, and in the absence of any convictions or other issues, this can prove difficult. The receipt of additional information cannot be given as the reason due to the commitment given as part of the registration process.
- 3.3 If the applicant's licence is referred to the Sub Committee, then information has to be given to the Sub Committee, in the absence of the applicant which mitigates against the expectation of a right to a fair hearing.
- 3.4 The fact that additional information exists and its nature, if disclosed, creates a risk that the existence of the information will become known to the applicant or others.
- 3.5 Finally, Members are dissatisfied with the current process, as when considering additional information as they have concluded that no regard can be had to the information due to the lack of convictions and the other issues set out above.
- 3.6 It is proposed to change the procedure as follows. Where the only issue in relation to an application is the existence of additional information, that the information be disclosed solely to the Chairman, only where the Chairman considers the matter should be referred to the Licensing Sub Committee will a Licensing Sub Committee be convened. Other applications will be determined by officers in the normal way.

4 RISK ASSESSMENT

- 4.1 The approval of this report may have the following implications
 - Resources – None.
 - Technical, Environmental and Legal – The procedure should ensure a fair balance between the Council's need to ensure all relevant information is taken into account, and minimising the risk of breaching the terms of its registration with the CRB, and obligation to determine applications fairly.
 - Political – None.
 - Reputation – None.

5 RECOMMENDED THAT COMMITTEE

- 5.1 Authorise the Head of Legal and Democratic Services and the Licensing and Electoral Registration Officer to determine applications where additional information has been received, but no other matters of concern exist, subject to confirmation by the Chairman that the matter should not be referred to the Licensing Sub Committee.

HEAD OF LEGAL AND DEMOCRATIC SERVICES

For further information please ask for Diane Rice, extension 4418.