

Appendix 5

Question 2 - Do you agree that the if the Licensing authority make a decision to refuse or revoke a licence due to an individual being thought to be a risk of harm to a child or vulnerable adult this matter should be referred to the DBS?

Summary of DfT requirement and reason: -

In some circumstances it may be appropriate under the Safeguarding Vulnerable Groups Act 2006 for licensing authorities to make referrals to the DBS. A decision to refuse/revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable adult, should be referred to the DBS. The power for the licensing authority to make a referral in this context arises from the undertaking of a safeguarding role.

If the DBS are satisfied the specific conditions are met then they may consider it appropriate for the person to be added to the barred list; these conditions are –

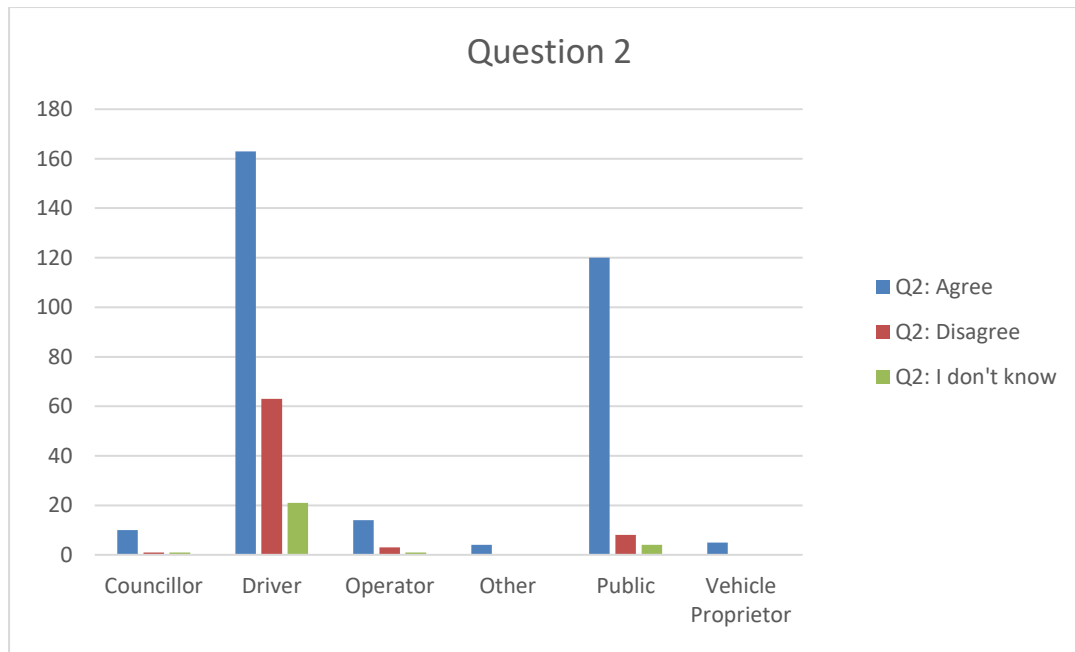
- An individual has harmed or poses a risk of harm to a child or vulnerable adult
- An individual has satisfied the 'harm test'
- Received a caution or conviction for a relevant offence
- The person they are referring is, has or might in future be working in regulated activity

Yes, I agree – 317 respondents (76%)

No, I do not agree – 75 respondents (18%)

I do not know – 27 respondents (6%)

Appendix 5



<u>Summary of repeated/similar additional comments</u>	<u>Council response</u>
Not unless it is proven, or person is convicted	There were multiple responses which suggested that the DBS should only be notified if it is proven, or the person is convicted. It is a matter for members to consider.
Public safety is paramount, and every service user should be protected	There were multiple responses from people who agreed that the matter should be referred, and public safety is the priority. It is a matter for members to consider.
It is the job of the police not the council any referral to DBS should be in relation to information that is required to be disclosed by law.	Several respondents mentioned the police and their responsibility not the licensing service. It is a matter for members to consider.