

Appendix 4

Question 1 - Do you agree that licence holders should be required to notify the issuing authority within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence?

Summary of DfT requirement and reason: -

Licence holders should be required to notify the issuing authority within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offences. An arrest for any of the offences within this scope should result in a review by the issuing authority as to whether the licence holder is fit to continue to do so. This must not however be seen as a direction that a licence should be withdrawn; it is for the licensing authority to consider what, if any, action in terms of the licence should be taken based on the balance of probabilities. Should an authority place an obligation on licensees to notify under these circumstances, authorities should also ensure appropriate procedures are in place to enable them to act in a suitable timeframe if and when needed.

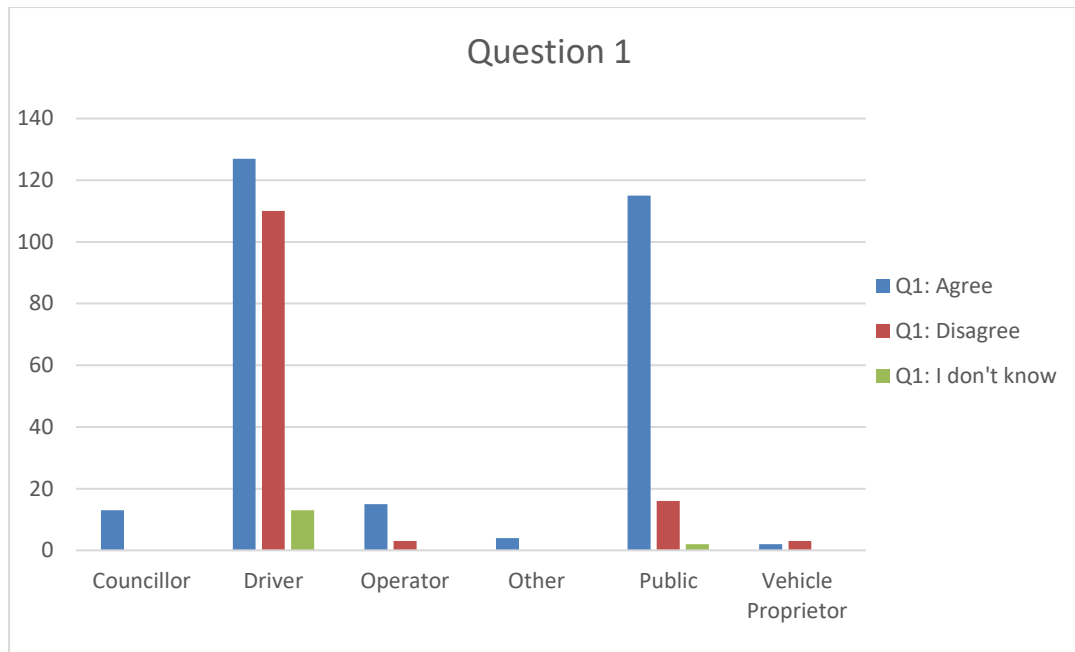
Importantly, a failure by a licence holder to disclose an arrest that the issuing authority is subsequently advised of might be seen as behaviour that questions honesty and therefore the suitability of the licence holder regardless of the outcome of the initial allegation.

Yes, I agree - 277 respondents (65%)

No, I do not agree - 132 respondents (31%)

I do not know – 15 respondents (4%)

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<u>Alternative proposals</u>	<u>Council response</u>
7 days	7 days is the current requirement
72 hours	Any change to the existing or deviation from the recommended 48 hours in the statutory guidance is a decision for members, including the reason for the decision.
48 hours for serious offences but not minor offences	Any change to the existing or deviation from the recommended 48 hours in the statutory guidance is a decision for members, including the reason for the decision.
Reduce to 24 hours	Any change to the existing or deviation from the recommended 48 hours in the statutory guidance is a decision for members, including the reason for the decision.
10 days	Any change to the existing or deviation from the recommended 48

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	hours in the statutory guidance is a decision for members, including the reason for the decision.
Motoring offences 7 days other serious offences 2 days	Any change to the existing or deviation from the recommended 48 hours in the statutory guidance is a decision for members, including the reason for the decision.
2 weeks	Any change to the existing or deviation from the recommended 48 hours in the statutory guidance is a decision for members, including the reason for the decision.
<u>Summary of Additional Comments relating to timescales</u>	
Reporting should be made simpler, i.e. online, form, email etc	A report is already accepted in all formats, such as email, online submission, in writing, over the telephone or in person.
Respondents were concerned that required reporting is not already the case/concerned that they may get into a licensed vehicle with someone who had been charged/convicted of offences	Public safety is the paramount consideration of the licensing service. Should someone be arrested, charged or convicted of an offence that would be a public safety concern it is likely that persons licence would be suspended/revoked with immediate effect.
People can be arrested due to false allegations, and they should be given time to resolve issues before having to report or if a person is not charged, they should be free to work because people can be arrested and be innocent.	The requirement to report an arrest does not automatically result in a licence being suspended or revoked.
Several respondents agree for the serious offences but not for the minor offences	Should members wish to deviate from the recommendation of the Department for Transport and change the reporting timescales they will need to specify what is a serious offence, what is a minor offence and provide detailed reasons why.
The police should be notifying the licensing service	The police do notify the licensing authority if they are made aware of the occupation of the person. However, if they are not aware they would not

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