

Appendix 7

Question 4 - Do you agree that where an applicant has spent an extended period of three or more continuous months outside of the UK the application should be required, where possible to provide criminal records information or a 'certificate of good character' from the country in which they have resided?

Summary of DfT requirement and reason: -

The DBS cannot access criminal records held overseas, only foreign convictions that are held on the Police National Computer may, subject to the disclosure rules, be disclosed. Therefore, a DBS check may not provide a complete picture of an individual's criminal record where there have been periods living or working overseas; the same applies when an applicant has previously spent an extended period (three or more continuous months) outside the UK. It should however be noted that some countries will not provide an 'Certificate of Good Character' unless the individual has been resident for six months or more.

Licensing authorities should seek or require applicants to provide where possible criminal records information or a 'Certificate of Good Character' from overseas in this circumstance to properly assess risk and support the decision-making process (. It is the character of the applicant as an adult that is of particular interest, therefore an extended period outside the UK before the age of 18 may be less relevant. As with all licensing decisions, each case must be considered on its own merits.

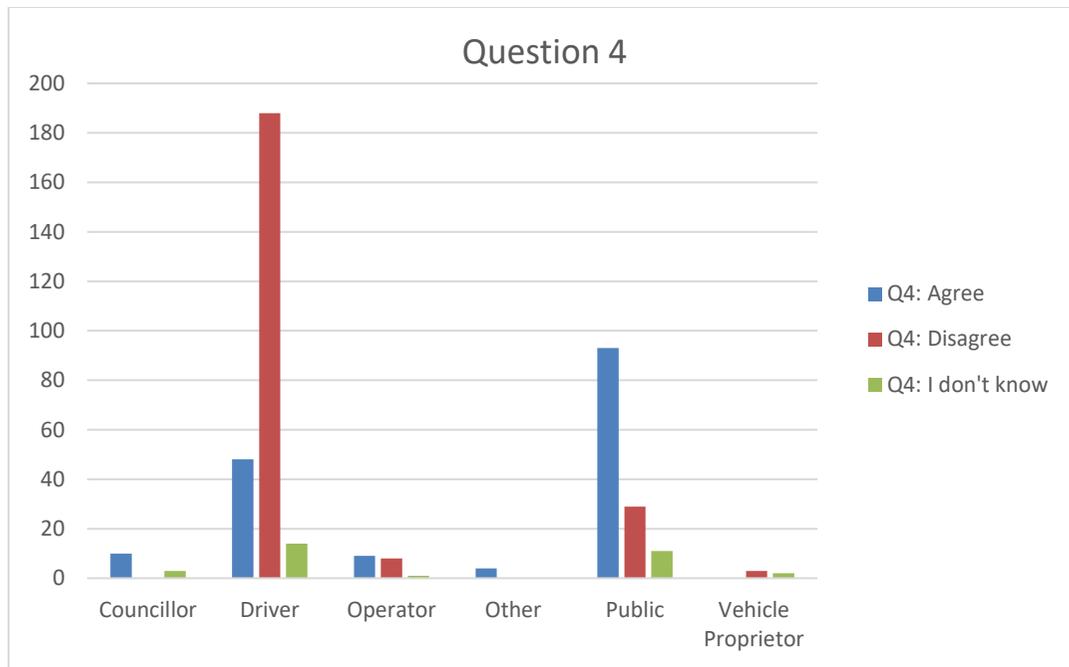
Where an individual is aware that they have committed an offence overseas which may be equivalent to those listed in the annex to this document, licensing authorities should advise the applicant to seek independent expert or legal advice to ensure that they provide information that is truthful and accurate.

No, I do not agree – 228 respondents (54%)

Yes, I agree – 165 respondents (39%)

I do not know – 31 respondents (7%)

Appendix 7



| <u>Summary of repeated/similar additional comments</u> | <u>Council Response</u> |
|---|--|
| Legitimacy of any document/not all countries will supply this. Time it may take and practicality of it, some say 6 months would seem fairer and it is alleged that it is discrimination/racist. | It is a decision for members. |
| How do we know if a driver has been away for 3 months and how can the statement be verified to be genuine and other similar questions about how it would work. | The onus is on the licence holder to notify the authority if they are outside the UK for over 3 or more continuous months. Verification of the document will be difficult. |