



**Committee:** LICENSING REGULATORY COMMITTEE

**Date:** THURSDAY, 7 FEBRUARY 2019

**Venue:** LANCASTER TOWN HALL

**Time:** 1.00 P.M.

## **A G E N D A**

1. **Apologies for Absence**

2. **Minutes**

Minutes of the meeting held on 22 November 2018 (previously circulated).

3. **Items of Urgent Business authorised by the Chairman**

4. **Declarations of Interest**

To receive declarations by Members of interests in respect of items on this Agenda.

Members are reminded that, in accordance with the Localism Act 2011, they are required to declare any disclosable pecuniary interests which have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting.)

Whilst not a legal requirement, in accordance with Council Procedure Rule 9 and in the interests of clarity and transparency, Members should declare any disclosable pecuniary interests, which they have already declared in the Register, at this point in the meeting.

In accordance with Part B, Section 2 of the Code of Conduct, Members are required to declare the existence and nature of any other interests as defined in paragraphs 8(1) or 9(2) of the Code of Conduct.

### **Matters for Decision**

#### **Exclusion of the Press and Public**

5. **Exempt Item**

The Committee is recommended to pass the following recommendation in relation to the following item:

"That, in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business, on the ground that it could involve the possible disclosure of exempt information, as defined in paragraph 1 of Schedule 12A of that Act."

Members are reminded that, whilst the following item has been marked as exempt, it is for Committee itself to decide whether or not to consider it in private or in public. In making the decision, Members should consider the relevant paragraph of Schedule 12A of the Local Government Act 1972, and also whether the public interest in maintaining the exemption outweighs the public interest in disclosing the information. In considering their discretion Members should also be mindful of the advice of Council Officers.

6. **Application for the Renewal of Private Hire Driver's Licence - Graham Richard Lee**  
(Pages 1 - 4)

Report of Licensing Manager

**Public Item**

The press and public will be readmitted to the meeting at this point.

7. **Disclosure and Barring Service Checks (DBS Checks)** (Pages 5 - 13)

Report of Licensing Manager

**ADMINISTRATIVE ARRANGEMENTS**

**(i) Membership**

Councillors Colin Hartley (Chairman), Terrie Metcalfe (Vice-Chairman), Susie Charles, Ian Clift, Mel Guilding, Tim Hamilton-Cox, Janice Hanson, Joan Jackson and Robert Redfern

**(ii) Substitute Membership**

Councillors Claire Cozler, Rebecca Novell, Jean Parr, Sylvia Rogerson and John Wild

**(iii) Queries regarding this Agenda**

Please contact Jane Glenton, Democratic Services - telephone (01524) 582068, or email [jglenton@lancaster.gov.uk](mailto:jglenton@lancaster.gov.uk).

**(iv) Changes to Membership, substitutions or apologies**

Please contact Democratic Support, telephone (01524) 582170, or email [democraticsupport@lancaster.gov.uk](mailto:democraticsupport@lancaster.gov.uk).

SUSAN PARSONAGE,  
CHIEF EXECUTIVE,  
TOWN HALL,  
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LANCASTER, LA1 1PJ

Published on Wednesday, 30 January 2019.

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

**LICENSING REGULATORY COMMITTEE****Disclosure and Barring Service Checks (DBS Checks)  
7<sup>th</sup> February 2019****Report of Licensing Manager****PURPOSE OF REPORT**

The report is to ask members to consider proposed changes to the Licensing Service by amending terms and conditions so that all applicants for private hire and hackney carriage driver's licences sign up to the Disclosure and Barring (DBS) update service.

**This report is public.**

**RECOMMENDATIONS**

**Members are recommended to consider the proposed improvements.**

**1.0 Report**

- 1.1 Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 provides that a Council shall not grant a private hire or hackney carriage driver's licence unless satisfied that the applicant is a fit and proper person to hold the licence.
- 1.2 Part of the application process requires that an applicant is the subject of an enhanced level check with the Disclosure and Barring Service (DBS). The purpose of these checks is to identify any criminal convictions or cautions recorded against the applicant and highlight if their name appears in any barred lists. Information contained in the disclosure may then be used to determine whether the applicant is fit and proper.
- 1.3 Members may be aware that the matter of DBS certificates was reported to this Committee in October 2016. Report and Minutes of that meeting are attached at **Appendix 1**.

*At that meeting members resolved: "That the delivery of the DBS service continue as at present, but that registering online be publicised and drivers encouraged and assisted to register online. Ideally to the point where this becomes the default DBS system where necessary, all drivers subscribe to the DBS online update check. This would mean that new certificates would only be required when the check indicated that there had been a change since the last check, and would ensure that checks could be done with immediate effect."*

- 1.4 Currently applicants complete a DBS application upon initial application and every 3 years thereafter. Licensing staff complete identity checks before submitting to DBS for background checks to be carried out and a certificate issued.

Applicants who are applying to renew their licence receive documents, including DBS instructions, 3 months in advance of their licence expiry date, yet despite this early notice and reminder, the Licensing Service is experiencing issues with certificates not being returned before the expiry of the licence. In such circumstances, a licence will not be renewed until the required DBS clearance has been received, which can lead to the driver being unable to work for a period of a few weeks or more.

- 1.5 This tends to be caused by a combination of problems. The first one being that applicants do not submit paperwork to the Licensing office in a timely manner, Secondly, DBS certificates are issued to the applicants' home address and although reminder letters outline requirements to present the certificate to Licensing, this does not always happen until a licence holder is notified his/her licence has expired and is no longer permitted to drive. In some circumstances there may also be a considerable delay with the return of DBS certificates, which is out of the control of licensing officers.
- 1.6 Although drivers have the option of using the update service and have been encouraged to do so by the Licensing Service, very few opt to use the service, and there is no evidence to suggest this will change.

## **2.0 Update Service Process**

- 2.1 Once an applicant has submitted a DBS application with valid identification documents, they receive a certificate to their home address in approximately 6-8 weeks, at times this can be up to 12 weeks.
- 2.2 The applicant must then log on to the gov.uk website that facilitates the update service. This has to be completed within 30 days of the initial DBS certificate issue date.

The cost of updating online is currently only £13 per year.

- 2.3 Applicants are provided with unique certificate/reference numbers which must be provided to the Licensing Authority upon initial application, this will allow licensing officers to access the DBS service and check the status of an applicant/driver at any time. Application forms would be amended to include specifying this number before an application is determined.
- 2.4 It is anticipated that if all drivers used the update service this would completely eliminate the issue raised above, except where the information indicates that there has been a change since the last certificate. This provides drivers with the assurance that unless their circumstances change they will always have a valid DBS certificate.
- 2.5 Licensing officers are often asked to issue temporary licences or to grant renewals without sight of the fresh DBS certificate. Our policy is not to do this because without the fresh DBS certificate, officers have no means of determining whether the driver has had any relevant convictions or cautions that would cast doubt on their suitability.
- 2.6 Introduction of the update service would also benefit service delivery, officers could process applications in a more efficient and timely manner. Officer time can then be focused on other matters.

## **3.0 Options**

The following options are available to members;

1. To make no changes to current procedure, or;
2. To amend new and renewal application procedures for private hire and hackney carriage drivers to include a mandatory requirement for all drivers to sign up to the DBS update service.

#### **4.0 Conclusion**

- 4.1 Members are asked to consider the options set out above and to determine whether changes to the procedures in relation to the DBS check are required.
- 4.2 If members decide to make the changes outlined in option 2 above, that this should be brought into effect on 1<sup>st</sup> May 2019, amending our terms and conditions accordingly, updating driver renewal documents and adding the change to the Council's web page. The change would also be included in the next Taxi Licensing newsletter and sent out

<b>CONCLUSION OF IMPACT ASSESSMENT</b> (including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)
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None applicable to this report.

<b>FINANCIAL IMPLICATIONS</b>
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There would be no direct financial implications for the council as the costs of the DBS checks are currently charged to the driver.

<b>LEGAL IMPLICATIONS</b>
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Pursuant to section 57 of the Local Government (Miscellaneous Provisions) Act 1976, the Licensing Authority may require any applicant for a licence to submit to them any such information as they may reasonably consider necessary to enable them to determine whether a licence should be granted.

<b>BACKGROUND PAPERS</b>	<b>Contact Officer:</b> Miss J Curtis <b>Telephone:</b> 01524 582732 <b>E-mail:</b> jcurtis@lancaster.gov.uk <b>Ref:</b> JC
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None

**LICENSING REGULATORY COMMITTEE**

**The Introduction of Online DBS Checks  
13<sup>th</sup> October 2016**

**Report of Licensing Manager**

**PURPOSE OF REPORT**

The report is to inform members of the recent problems in relation to the return of Disclosure and Barring Checks (DBS checks) and to ask members to consider proposed improvements.

**This report is public.**

**RECOMMENDATIONS**

**Members are recommended to consider the recent problems in relation to DBS checks and to consider proposed improvements.**

**1.0 Report**

- 1.1 Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 provides that a Council shall not grant a private hire or hackney carriage driver's licence unless satisfied that the applicant is a fit and proper person to hold the licence.
- 1.2 For the purposes of the above one of the checks that is carried out is an enhanced check with the Disclosure and Barring Service (DBS) which would show any convictions recorded against the applicant. This check is carried out before the initial grant of a licence and subsequently the check is carried out every 3 years.
- 1.3 Recently changes have been made in relation to the DBS have had a negative impact on the delivery of the service. Formerly a copy of the clients completed DBS check would be issued to the licensing authority at the same time as one was issued to the applicant. Recently that changed and only the applicant receives a copy. This means that the licensing officers are reliant on the applicant delivering a copy of the DBS to them. This can sometimes cause delays in the issuing of licences and extra administrative work for officers who have to chase up copies of the DBS check. The checks also take a considerable amount of time to be returned, usually between 4 and 8 weeks, but in exceptional circumstances they can take a lot longer, meaning that the driver could have a period when he/she cannot work
- 1.4 Recently there have been several issues relating to DBS checks not being returned in time for renewal of the licence and the applicant has been unable to work until the DBS check has been received. This tends to be caused by a combination of two

problems. The first one being that applicants do not submit paperwork to us in a timely manner, (renewal packs are sent to them 3 months in advance). The second issue is that the applications are delayed at the police checking stage and the DBS will not escalate the application until 60 days have passed.

- 1.5 Work has been taking place to establish how best to avoid situations where drivers might be left out of work.
  - 1.6 **UMBRELLA COMPANIES-** The licensing manager has been approached by some umbrella companies who can carry out the DBS checks on our behalf
  - 1.7 These companies provide an online DBS checking service which provides a one stop shop for Enhanced Disclosures which are processed through a portal.
  - 1.8 The companies claim they offer a quick turnaround of the DBS checks with 80% of Enhanced applications currently being completed within 0-5 days. The results are returned online which negates the need to see original applicant copies in most cases.
  - 1.9 There will be an additional cost involved. One of the companies approached charge a £10 administration fee per check, and it is envisaged that other providers will offer a very similar service. This would change the cost of the DBS check from the current £44 for 3 years to £54 for 3 years. This could possibly be offset in the future by a reduction in the fee in relation to a driver's licence once an analysis of any reduction in officer time involved carrying out the checks has been made.
  - 1.10 However the down side is that the companies cannot give guarantees in relation to the timescale for the return of the checks if they get stuck at the police stage which is the main problem at the minute. They have indicated that if an application is stuck at the police checking stage, they will not be able to escalate the application until 60 days have passed and therefore this may not fully alleviate the problems arising at this time.
  - 1.11 **ONLINE DBS CHECK-** Drivers do have the option of updating their DBS check on line. This has to be done within 19 days of receiving the initial DBS check. The cost of updating on line is currently £13 per year which equates to a saving of £5 over the 3 year period. The online update check would completely eliminate the issue of checks not being received on time as the information would be available immediately except where the information indicates that there has been a change since the last certificate. This provides drivers with the assurance that unless their circumstances change they will always have a valid DBS check
  - 1.12 The information would have to be accessed and checked by a licensing officer via a pin code which would be unique to each driver. This would be reliant on the driver giving the pin code to officers. There would only be the need to ask for a new check if the online update states that there has been a change since the last check.
- 2.0 **Options**
- 2.1 **Option 1.** Approve the change in relation to the administration procedures to allow the checks to be done by an umbrella body. This will speed up most applications, but as set out above would not completely alleviate the problem where an application is stuck at the police stage.
  - 2.2 **Option 2.** Continue the way we are working but publicise, encourage and assist drivers to register online. Ideally to the point where this became the default DBS system where necessary, all drivers to subscribe to the DBS online update check.



This would mean that new certificates would only be required when the check indicated that there had been a change since the last check. This option will ensure that checks can be done with immediate effect.

2.3 Option 3. Make no changes to the current procedures. However this option will not improve the problems that have been occurring in recent months.

30. **Conclusion**

3.1 Members are asked to consider the options set out above and to determine whether changes to the administrative procedures in relation to the DBS check are required.

3.2 Officers preferred option would be option 2.

<b>CONCLUSION OF IMPACT ASSESSMENT</b> (including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)
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None applicable to this report.

<b>FINANCIAL IMPLICATIONS</b>
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There would be no direct financial implications for the council as the costs of the DBS checks are currently charged to the driver.

<b>LEGAL IMPLICATIONS</b>
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Legal Services have been consulted and have no further comment.

<b>BACKGROUND PAPERS</b>	<b>Contact Officer:</b> Ms. W. Peck <b>Telephone:</b> 01524 582317 <b>E-mail:</b> wpeck@lancaster.gov.uk <b>Ref:</b> WP
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None

MINUTE

32 THE INTRODUCTION OF ONLINE DBS CHECKS

The Committee received the report of the Licensing Manager to inform Members of the recent problems in relation to the return of Disclosure and Barring Service (DBS) checks and to ask Members to consider proposed improvements.

It was reported that changes had recently been made to the DBS, which had impacted negatively on the delivery of the service. The change was to the issue of the client's completed DBS check, which had been issued to both the applicant and the licensing authority at the same time.

Since the change, only the applicant received a copy, which meant that licensing officers were reliant on the applicant delivering a copy of the DBS to them. This could sometimes cause delays in issuing licences and extra administrative work for officers, who had to chase up copies of the DBS check.

It was reported that the checks took between 4 and 8 weeks. However, in exceptional circumstances, they could take a lot longer, and this meant that the driver could have a period when he/she could not work. Officers had therefore undertaken work to establish how best to avoid this situation.

The Licensing Manager had been approached by some umbrella companies who could carry out the DBS checks on behalf of the licensing authority and provide a one stop shop for enhanced disclosures, which were processed through a portal. The cost for the DBS check would be £54 for 3 years, compared to the current £44 for 3 years. The umbrella companies could not give guarantees in relation to the timescale for the return of the checks if they got stuck at the police stage, and would not be able to escalate the application until 60 days had passed.

Another option was for drivers to update their DBS check online, which had to be done within 19 days of receiving the initial DBS check. The cost of updating online was currently £13 per year, which equated to a saving of £5 over the 3 year period. The information would be available immediately, except where the information indicated that there had been a change since the last certificate.

This would eliminate the issue of checks not being received on time and provide drivers with the assurance that they would always have a valid DBS check, unless their circumstances

changed. The information would have to be accessed and checked by a licensing officer via a unique pin code, which the driver would need to provide.

Members considered the three options set out in the report.

### *Option 1*

Approve the change in relation to the administration procedures to allow the checks to be done by an umbrella company. This would speed up most applications but would not completely alleviate the problem where an application was stuck at the police stage.

### *Option 2*

To continue as at present, but publicise, encourage and assist drivers to register online. Ideally to the point where this became the default DBS system where necessary, all drivers would subscribe to the DBS online update check, which would mean that new certificates would only be required when the check indicated that there had been a change since the last check. This would ensure that checks could be done with immediate effect.

### *Option 3*

Make no changes to the current procedures. However, this option would not improve the problems that had been occurring in recent months.

The Officer preferred option was Option 2.

It was proposed by Councillor Redfern and seconded by Councillor Edwards:

“That Option 2, as set out in the report, be approved.”

Upon being put to the vote, Members voted unanimously in favour of the proposition, whereupon the Chairman declared the proposal to be clearly carried.

### **Resolved:**

That the delivery of the DBS service continue as at present, but that registering online be publicised and drivers encouraged and assisted to register online. Ideally to the point where this becomes the default DBS system where necessary, all drivers subscribe to the DBS online update check. This would mean that new certificates would only be required when

the check indicated that there had been a change since the last check, and would ensure that checks could be done with immediate effect.