

# 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 (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 charges 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 in 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 on-line 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 on-line. Ideally to the point where this became the default DBS system where necessary, all drivers to subscribe to the DBS on-line 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.

### 3.0 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.

#### **CONCLUSION OF IMPACT ASSESSMENT**

**(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)**

None applicable to this report.

#### **FINANCIAL IMPLICATIONS**

There would be no direct financial implications for the council as the costs of the DBS checks are currently charged to the driver.

#### **LEGAL IMPLICATIONS**

Legal Services have been consulted and have no further comment.

#### **BACKGROUND PAPERS**

None

**Contact Officer:** Ms W Peck

**Telephone:** 01524 582317

**E-mail:** wpeck@lancaster.gov.uk

**Ref:** WP