

# 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

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

<p><b>FINANCIAL IMPLICATIONS</b></p>
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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.

<p><b>LEGAL IMPLICATIONS</b></p>
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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.

<p><b>BACKGROUND PAPERS</b></p>	<p><b>Contact Officer:</b> Miss J Curtis <b>Telephone:</b> 01524 582732 <b>E-mail:</b> <a href="mailto:jcurtis@lancaster.gov.uk">jcurtis@lancaster.gov.uk</a> <b>Ref:</b> JC</p>
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