

EAST HERTS COUNCIL

LICENSING COMMITTEE – 30 OCTOBER 2019

REPORT BY HEAD OF HOUSING AND HEALTH

CONSIDERATION OF MANDATING SUBSCRIPTION TO THE DBS
UPDATE SERVICE FOR HACKNEY CARRIAGE AND PRIVATE HIRE
DRIVERS

WARD(S) AFFECTED: ALL

Purpose/Summary of Report

- East Herts Council uses a combination of Enhanced DBS (Disclosure and Barring Service) checks and Basic criminal record checks to ensure all drivers are “fit and Proper” to hold such licences.
- Since June 2013 the DBS Update Service has been available for and this authority has encouraged licensed drivers to sign up to it as it has benefits for both licence holders and the authority.
- It is proposed that subscription to the DBS Update Service becomes mandatory for all licensed drivers.

RECOMMENDATION FOR DECISION: That	
(A)	The Committee approve a 6 week public and trade consultation regarding the mandatory requirement for Licensed drivers to maintain a subscription to the DBS Update Service whilst they remain licensed.

1.0 Background

- 1.1 East Herts is an authority that grants licenses for Hackney Carriage and Private Hire drivers, vehicle proprietors and operators.
- 1.2 The legislation places an obligation on this authority to only licence persons who are considered “fit and proper”. There is no definition of this term within the legislation and neither is there a fixed legislative mechanism for determining this.
- 1.3 East Herts Council considers a range of documentary evidence, practical criteria and testing mechanisms in order to be satisfied of an individual’s fitness and propriety. Part of this evidence is a criminal record check.
- 1.4 Since 2001 all driver applicants to the licensed trade have undertaken CRB (Criminal Records Bureau) or (as is known now) DBS (Disclosure and Barring Service) checks. Prior to that, the responsibility for disclosure rested with the Police and all drivers prior to 2001 were subject to a Police check.
- 1.5 Applicants are required to have an Enhanced DBS check before a 3 year drivers licence is granted to them and then a Basic criminal record check is required annually for the next two years. When the drivers licence is renewed a new Enhanced DBS check is carried out and the three year cycle starts again.
- 1.6 The Enhanced DBS Disclosure Certificate includes details of spent convictions, Police cautions and other relevant information for an individual undertaking the role of a licensed driver. A Basic criminal record check only shows unspent convictions.
- 1.7 This authority is able to provide both the Enhanced DBS check and Basic criminal record checks online through an umbrella

company. The current costs of these checks to the applicant/licence holder are:

- Enhanced DBS – £62.00
- Basic Disclosure – £43.00

1.8 A DBS check is undertaken, face to face, at an appointment with an Officer of the Council. Following an application being made, the DBS certificate is issued directly to the applicant. It is then the applicant's responsibility upon receipt of the certificate to present it to the Council as part of their renewal application, before their licence application can be fully processed.

1.9 Upon receipt of a disclosure certificate from the DBS, via the applicant, the information (if there is any) will be risk assessed by an Authorised Officer who will consider whether the information disclosed is capable of having real relevance as to whether or not the individual is a fit and proper person to hold a licence in line with the Hackney Carriage and Private Hire Licensing Policy and the guidance.

2.0 Report

2.1 To date the Council has been strongly encouraging all licensed drivers to subscribe to the DBS Update Service. In doing so the Update Service allows individuals to keep their DBS Certificate up to date online, subject to an annual fee which is currently set at £13. This represents a reduction in the costs year on year associated with undertaking annual Basic checks and the Enhanced DBS Check at renewal. The total saving to the licence holder would be £60.00 over the life of a licence.

2.2 Some licensed drivers are subscribed to the Update Service and this works well for them and for the Council in undertaking relevant checks and in processing their licence application.

2.3 In addition to other benefits, the DBS Update Service allows Officers to carry out a quick online status check to see if an individual's certificate is up to date. It enables the Council to see if any relevant information has been identified about the individual since their DBS Certificate was issued.

2.4 Further benefits are detailed in the table below:

<i>Benefits for Licence Holders</i>	<i>Benefits for the Authority</i>
Saves time	Saves Time
Saves Money	Reduces risk
No more appointments to complete applications	Strengthens application and renewal processes
DBS Certificate can be taken from role to role within the same workforce	Supports safeguarding and the protection of the public
Individual in control of their DBS certificate	Allows an instant update of any information

2.5 The outcome of a check being undertaken via the DBS Update Service could be one of four:

- i. *This DBS certificate did not reveal any information and remains current as no further information has been identified since its issue* - This means that the initial certificate was blank and there is no new information.
- ii. *This DBS certificate remains current as no further information has been identified since its issue* - This means that the initial certificate revealed information but there is no new information.
- iii. *This DBS certificate is no longer current. Please apply for a new DBS check to get the most up-to-date information* – New

information has come to light since the initial certificate was issued and a new DBS will need to be applied for.

- iv. *The details entered do not match those held on our system. Please check and try again* – The individual has not subscribed to the Update Service or the DBS certificate has been removed from the Update Service.

2.6 If the change to mandatory subscription to the DBS Update Service is made then Taxi Licensing Policies will be amended to reflect this. The details of which are set out below:

<i>Current policy</i>	<i>Proposed Policy</i>
<p>An Enhanced DBS shall be undertaken upon application and every three years thereafter (if subsequent renewal applications are made).</p> <p>On the years when an Enhanced DBS is not due (Years 2 & 3) then a Basic criminal record check will be undertaken.</p>	<p>An enhanced DBS shall be undertaken upon application and all licensed drivers will at that point be required to subscribe to the DBS Update Service within the specified timescale of receiving their DBS Certificate.</p> <p>Every three years, officers of the Council will undertake an online check of the DBS Update Service in order to check the applicant's current status.</p> <p>Depending on what is revealed from the online status check, the Council may require an additional DBS check to be undertaken.</p> <p>All licensed drivers will be required to renew their subscription to the DBS Update Service on an annual basis, before their current subscription ends, should they wish to</p>

continue to hold an East Herts Council issued driver's licence.

Where an individual fails to maintain and/ or renew their subscription before it ends; they will be required to apply for a new DBS Check and register for the Update Service again.

Licensed drivers will need to retain their DBS Certificate once they have subscribed as this will need to be provided to the officer undertaking the online check.

2.7 In conclusion, it is considered that the proposals are very necessary in order to contribute to the Council's Safeguarding responsibilities, along with the statutory licensing obligations. The time frame for moving all existing licensed drivers to the DBS Update Service is a three year cycle, due to the logistical set up of licence renewals. Members are recommended to consider the information within this report and approve the consultation document at **Essential Reference Paper 'B'**.

3.0 Implications/Consultations

3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

Not applicable

Contact Member: Councillor Peter Boylan – Executive Member for Neighbourhoods

Contact Officer: Jonathan Geall – Head of Housing and Health, Tel: 01992 531594.

Report Author: Oliver Rawlings – Service Manager, Licensing and Enforcement, Tel: 01992 531629.