



**Hackney Carriage & Private Hire Drivers
DBS Update Service Consultation
Document**

Period of consultation:

4th November 2019 - 15th December 2019.

Introduction and Background

East Herts Council has responsibility for licensing Hackney Carriage and Private Hire, drivers, proprietors and operators within the District.

The Council carries out its licensing functions with a view to promoting the following objectives:

- i. The safety and protection of the public;
- ii. Vehicle safety, comfort and access;
- iii. The prevention of crime and disorder;
- iv. The promotion of environmental sustainability;
- v. Protection of children and adults at risk from harm.

Vehicles, drivers and operators are regulated to ensure the protection of the public and the Council is dedicated to providing a top quality Hackney Carriage and Private Hire service for its residents and visitors alike. The process for obtaining a driver's licence is therefore targeted at various aspects to ensure that the Council can be satisfied that an individual is a "fit and proper" person to hold such a licence.

Policy

The Taxi Licensing Policies set out the Licensing Requirements for all parties in a clear and transparent manner so that the Council can carry out its licensing functions.

The Council will not licence anyone as a driver unless they are satisfied they are a fit and proper person.

There is no legal definition of fit and proper, it is for the Council to determine how they wish to be satisfied that someone is fit and proper to be granted a driver licence. To this end, the Council considers a range of documentary evidence, practical criteria and

testing mechanisms provided by a new and renewal applicant in order to be satisfied of this.

Disclosure & Barring Service (DBS) Check

The Disclosure & Barring Service (DBS) is an executive non-departmental public body sponsored by the Home Office. It aids organisations to make safer decisions and prevent unsuitable people from working with vulnerable groups, including children.

The Council uses criminal record checks as one of the testing mechanisms to assess an applicants' suitability for the role of a licensed driver.

An Enhanced DBS check will be sought upon first application for a driver's licence and every three years thereafter (if subsequent renewal applications are made). In the intervening two years drivers are required to have basic criminal record checks.

The Council may, at its discretion, require additional DBS checks within the standard three year cycle.

Our Process

1. All new and renewal applicants for the role of a licensed driver will need to apply for the DBS check through East Herts Council, unless they are subscribed to the Update Service for the same level and workforce.
2. Currently a DBS check is undertaken, face to face, at an appointment with an Officer of the Council.
3. Following an application being made, the DBS certificate is issued directly to the applicant. Where no information is present the physical certificate does not need to be presented to the Council. Where information is present it is the applicant's responsibility, upon receipt of the certificate, to

present it to the Council before their any application can be fully processed.

4. If an applicant's Enhanced DBS check is not completed and the result obtained prior to the expiry date of the licence, then the licence will be deemed to have expired. An applicant would then be expected to start the application process again.
5. Upon receipt of a disclosure certificate from the DBS, via the driver, containing information that information 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 policy and guidance.
6. Until this point in time, the Council has been strongly encouraging all licensed drivers to subscribe to the 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.
7. 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 application. In addition these drivers save £60.00 and considerable time over the life of a 3 year licence.
8. Subscribing to the Update Service is quick and simple and must be done within the specified timescales. Subscription lasts for a year and must be renewed annually, before the current one ends.

Consultation

East Herts Council is conducting a consultation to seek the views of the trade as well as a wide range of partnering agencies and stakeholders, on the following proposal which will form part of the Hackney Carriage and Private Hire Licensing Policy.

<i>Current policy</i>	<i>Proposed Policy</i>
<p>An Enhanced DBS shall be undertaken upon application for a driver's licence 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 year, 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 continue to hold an East Herts Council issued driver's licence.</p> <p>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. In</p>

	<p>these circumstances the drivers licence will be suspended until the results of the new Enhanced DBS check are received by the Council.</p> <p>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.</p>
--	---

The consultation is open to the licensed trade, partner agencies and the public from the 4th November 2019 and the closing date for submitting consultation responses is 15th December 2019.

All feedback is encouraged and the results of the consultation exercise will be presented to Members at Licensing Committee in March 2020 and will form part of a revised Hackney Carriage and Private Hire Licensing Policy.

Any comments that you forward to the Licensing Authority should clearly state your name and any organisation or persons you may represent.

Send your response:

- By email to licensing.taxi@eastherts.gov.uk please include the words 'DBS Update Service Consultation' in the subject field; or
- In writing to Licensing & Enforcement Team, East Herts Council, Wallfields, Pegs Lane, Hertford, Hertfordshire, SG13 8EQ.