

East Herts Council Report

Annual Council

Date of Meeting: 13 May 2020

Report by: Councillor Peter Boylan
Executive Member for Neighbourhoods

Report title: Consideration of consultation responses in relation to mandating subscription to the Disclosure and Barring Service (DBS) Update Service for Hackney Carriage and Private Hire Drivers.

Ward(s) affected: All

Summary

RECOMMENDATIONS TO COUNCIL:

- (a) The Licensing Committee recommends to Council that from the 1st June 2020 it adopts the policy of requiring all Hackney Carriage and Private Hire drivers licensed by East Herts to register to the Disclosure and Barring Service (DBS) Update Service and maintain that registration for the life of their Dual Driver or Private Hire Drivers licence.

1.0 Proposal(s)

- 1.1 That all drivers licensed by the authority are required to register with the DBS Update Service and maintain that registration for the duration of holding that licence.

2.0 Background

- 2.1 As an authority that issues Hackney Carriage and Private Hire drivers licences we have a legal obligation to only grant

licences to those persons we believe to be “fit and proper” to hold such a licence.

- 2.2 Part of the test of fitness and propriety is a criminal record check and this is currently carried out on an annual basis at a cost to the applicant. Each year the applicant has to make a new application which often involves having to arrange an appointment to visit the offices.
- 2.3 The initial proposal to make registering with the DBS Update Service was brought to the Licensing Committee on 30th October 2019 and a six-week trade consultation was approved.

3.0 Reason(s)

- 3.1 The use of the DBS Update Service allows the authority to check an individual driver’s current criminal record at any time. Should this check highlight that there has been a change in an individual’s record since the last Enhanced DBS, officers can then make the appropriate enquiries and deal with matters promptly rather than it only being identified at renewal.
- 3.2 The use of the DBS Update Service saves the licensed driver both time and money over the life of their driver’s licence, which is normally three years.

4.0 Options

- 4.1 Recommend to Council the adoption of a policy requiring registration with the DBS Update Service for all licensed drivers (both new and renewing), with that registration to be maintained throughout the life of the Dual Driver or Private Hire Drivers licence.
- 4.2 Make no changes to the current policy of requiring licensed drivers to complete an Enhanced DBS check at first application and then every three years, with Basic Disclosures applied for

in the two intervening years.

5.0 Risks

- 5.1 Registration for the DBS Update Service needs to be paid for on an annual basis. There is a risk that drivers will either forget to renew their registration or let it lapse. There is a similar risk within the current system as drivers may forget to apply for a check or fail to apply on time.
- 5.2 It is hoped that the mandating of the DBS Update Service will in fact lessen the likelihood of criminal record checks becoming overdue. It is possible to register and set up an ongoing payment for registration so drivers will only have to do this once. Only where a driver makes a one-off payment and then misses the reminder, will the registration end without the driver having to make a positive action to do so.
- 5.3 It is possible that this will happen, but under the current system drivers often fail to provide documents on time. The impact is minor as it results in the suspension of the drivers licence until the appropriate document is provided, and this part of the current system will remain in place.

6.0 Implications/Consultations

- 6.1 A trade consultation was held between 12th November 2019 and 24th December 2019.
- 6.2 Every driver licensed by East Herts was contacted directly either by email or letter at the start of the consultation.
- 6.3 No responses were received regarding the proposal.

Community Safety

Yes

The change to mandating registration on the DBS Update Service will

make the system for checking criminal records more robust and responsive, further enhancing community safety.

Data Protection

No

Equalities

No

Environmental Sustainability

No

Financial

Yes. Currently drivers are required to attend the Council Offices to have an Enhanced DBS check done every three years and can choose to have the intervening Basic Disclosures done by this authority as well.

These applications are made through an umbrella company and the cost of this is charged to the driver.

If the recommendation is agreed by Council, then the income from carrying out these checks will decline over the next 3 years, but it will be in line with a decrease in expense.

Health and Safety

No

Human Resources

No

Human Rights

No

Legal

No

Specific Wards

No

7.0 Background papers, appendices and other relevant material

- 7.1 Licensing Committee report from the meeting held on 30th October 2019:
<http://democracy.eastherts.gov.uk/ieListDocuments.aspx?CId=120&MIId=3551&Ver=4&J=1>
- 7.2 Appendix A - Minutes of meeting of Licensing Committee on 11 March 2020.

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