

**MAIDSTONE BOROUGH COUNCIL**

**LICENSING COMMITTEE**

**7 OCTOBER 2013**

**REPORT OF HEAD OF HOUSING AND COMMUNITY SERVICES**

**Report prepared by Lorraine Neale**

- 1. HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS - OPERATIONAL CHANGES WITH REGARD TO DISCLOSURE AND BARRING SERVICE (DBS) CHECKS**
  - 1.1 Issue for Decision
    - 1.1.1 To consider information on the recent changes made to the DBS checking service and their impact on procedures for licensing drivers at MBC.
  - 1.2 Recommendation of Head of Housing and Community Services
    - 1.2.1 That the report and necessary procedural changes are noted and agreed.
  - 1.3 Reasons for Recommendation
    - 1.3.1 This report is to provide information to the Committee regarding changes to the DBS checking system and for the Committee to note the resulting procedural changes which need to be implemented by the Licensing Section and the Licensing Partnership.
    - 1.3.2 The Licensing Authority requires an enhanced DBS to check for any criminal convictions/cautions in order to assist the determination of whether an applicant or a renewing licence holder is a fit and proper person to hold a hackney carriage/private hire driver's licence. The DBS was previously known as the Criminal Records Bureau (CRB)
    - 1.3.3 The enhanced disclosure involves an extra level of checking with police force records in addition to checks with the Police National Computer (PNC) and other agencies where appropriate. This level of disclosure is considered necessary for drivers as the nature of

their work can put them in regular unsupervised contact with children and vulnerable adults.

- 1.3.4 As of 17th June 2013, Registered Bodies no longer receive copies of DBS certificates direct. This means that the Licensing Section do not receive a copy of driver's enhanced certificate, and the Licensing Section cannot request a copy from the DBS. The certificate is sent to the applicant direct and the Council will only be able to view it with their consent.
- 1.3.5 Previously the Council did not accept DBS checks undertaken by other organisations as the duty of care fell to the Local Authority and they accepted only certificates received direct from CRB. That position was agreed by Licensing Committee
- 1.3.6 However due to the changes in legislation there is now no justification for refusing to accept a certificate that has been applied for by another body, as the certificate will come from the individual in any event. It will also be available online with the consent of the individual if they have registered for the updating service. There are various security features to enable a certificate to be checked as genuine. The Council will, therefore, now accept up to date certificates from an applicant and will encourage all applicants to subscribe to the update service and consent to the Council making status checks, (see below).

#### 1.4 **DBS Update Service**

- 1.4.1 Any driver applying for their next criminal record check can choose to subscribe online to the DBS Update Service. This will allow them to keep their certificate up to date and allow applicants to reuse their DBS certificate when applying for similar jobs.
- 1.4.2 If a driver subscribes to the Update Service, the Council can carry out a free online check of the DBS certificate as long as the driver gives their consent.
- 1.4.3 Drivers can register online when they apply for a DBS certificate or within 14 days of getting one. Registration lasts for 1 year and costs £13 per year.
- 1.4.4 There are three possible outcomes of an online status check:

**This Certificate did not reveal any information and remains current as no further information has been identified since its issue.** This means that the individual's Certificate contains no criminality or barring information and no new information is available;

**This Certificate remains current as no further information has been identified since its issue.** This means that the individual's Certificate did contain criminality or barring information and no new information is available;

**This Certificate is no longer current. Please apply for a new DBS check to get the most up to date information.** This means that the individual's Certificate should not be relied upon as new information is now available and you should request a new DBS check.

- 1.4.5 The DBS have advised that the service will be cancelled in cases where drivers have failed to pay the DBS the annual fee. In these instances drivers will then be expected to apply for a Certificate in the traditional way.
- 1.4.6 Further information regarding the DBS Update Service can be found at <https://www.gov.uk/dbs-update-service> or 0870 90 90 811.
- 1.4.7 The Council Licensing Policy requires that all new taxi and private hire drivers obtain an enhanced Disclosure & Barring Service (DBS) certificate prior to the grant of a licence. Existing drivers currently are required to apply for a new DBS certificate on a four yearly basis.

1.5 Alternative Action and why not Recommended

- 1.4.1 There is no alternative action available as the change has been necessitated by legislative change.

1.6 Impact on Corporate Objectives

- 1.5.1 None

1.6 Risk Management

- 1.6.1 There are none

1.7 Other Implications

1.7.1

- 1. Financial
- 2. Staffing
- 3. Legal

X

- 4. Equality Impact Needs Assessment
- 5. Environmental/Sustainable Development
- 6. Community Safety
- 7. Human Rights Act
- 8. Procurement
- 9. Asset Management


1.7.3 Under the Local Government (Miscellaneous Provisions) Act 1976 the Licensing Authority shall not grant/renew a hackney carriage or private hire driver’s licence unless it is satisfied that the applicant/driver is a fit and proper person to hold such a licence. The DBS certificate assists the Licensing Authority in assessing whether an applicant/driver is a fit and proper person and the new system allows this checking to take place.

1.8 Relevant Documents

None

1.8.1 Background Documents

1.8.2 None

<b><u>IS THIS A KEY DECISION REPORT? COMPLETED</u></b>	<b><u>THIS BOX MUST BE COMPLETED</u></b>
Yes <input style="width: 40px; height: 25px; margin-left: 10px;" type="checkbox"/>	No <input style="width: 40px; height: 25px; margin-left: 10px;" type="checkbox"/>
If yes, this is a Key Decision because: ..... .....	
Wards/Parishes affected: ..... .....	