



REPORT TO:	Licensing Committee
DATE:	19 July 2022
SUBJECT:	REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS, PROPRIETORS AND OPERATORS PROCEDURES – DBS DISCLOSURES
PURPOSE:	To explore the option to put in place alternative arrangements for the processing of enhanced DBS Disclosures for hackney carriage and private hire drivers
KEY DECISION:	No
PORTFOLIO HOLDER:	Councillor Paul Skinner
REPORT OF:	Senior Licensing Officer
REPORT AUTHOR:	Anna M ^c Dowell
WARD(S) AFFECTED:	Not applicable
EXEMPT REPORT?	No

SUMMARY

Boston Borough Council requires all applicants for a hackney carriage or private hire vehicle driver licence are required to undertake an enhanced criminal record check with the Disclosure and Barring Service (DBS). Boston Borough Council is currently a DBS Registered Body for the processing of these checks. A registered body must submit a minimum of 100 requests per year to maintain their registration. Since the implementation of the DBS Update Service, a significant number of licensed drivers have signed up to the service and it is expected that during the next year Boston Borough Council will fall below the threshold to continue as a registered body.

RECOMMENDATIONS

That the Licensing Committee recommend to Council that this Authority surrenders its DBS Registered Body status as from 01 January 2023 and that applicants for Enhanced DBS disclosures be directed to a Local Authority approved umbrella organisation for the processing of these applications.

That the Committee recommend to the Council that this Authority's driver licensing guidance is amended as from 01 January 2023 to reflect the above changes and that the fee structure be amended to remove the DBS fee of £40.00

REASONS FOR RECOMMENDATIONS

It is expected that the continued uptake of subscriptions to the DBS update service will lead to the number of DBS applications processed by Boston Borough Council falling beneath the required threshold. The proposed procedure of requiring applicants to use an umbrella organisation reflects similar procedures adopted by other Licensing Authorities who fall below the threshold.

OTHER OPTIONS CONSIDERED

Not applicable

BACKGROUND

- 1.1 The council is responsible for processing and determining licence applications in respect of hackney carriage and private hire vehicle drivers. There are specific requirements and policies in relation to such applications.
- 1.2 All applicants for a hackney carriage and private hire vehicle driver licence are required to submit an application for an Enhanced DBS certificate. This Council is a Registered Body, enabling us to carry out these checks. The information provided on an Enhanced Disclosure is essential in assessing the fitness and propriety of an applicant to hold a licence and to carry out the associated duties.
- 1.3 This Authority's Hackney Carriage and Private Hire policies are in the process of being updated to incorporate the Department for Transport Statutory Taxi & Private Hire Vehicle Standards. In respect of DBS checks the Standards state "all licensed drivers should also be required to evidence continuous registration with the DBS update service to enable the licensing authority to routinely check for new information every six months. Drivers that do not subscribe up to the Update Service should still be subject to a check every six months." These policy amendments are expected to be adopted in September 2022.
- 1.4 Applicants are required to obtain the Enhanced DBS Certificate through this authority, unless they have subscribed to the DBS Update Service using a certificate of the same level of checks.
- 1.5 Subscription to the Update Service is quick and simple and must be done within one month of the date on the original DBS certificate. Subscription lasts for 1 year and can be renewed annually by direct debit.

REPORT

- 2.1 Applicants for hackney carriage and private hire vehicle driver licences are required by this Authority to undergo an Enhanced Criminal Record Check with the DBS. This Authority is registered with the DBS as an approved body for processing Enhanced DBS Disclosures.

- 2.2 At present licence applicants must apply for an Enhanced DBS Disclosure through the licensing team and are charged the statutory £40.00 fee. This fee is incorporated into the licence application fee. The DBS then invoice this Authority on a monthly basis for the cost of the disclosures processed.
- 2.3 The DBS provide an online subscription service that allows a person to keep their DBS Certificate up to date. The DBS charge an annual subscription fee of £13.00 for this service. A licence holder, once subscribed, can then give consent to this Authority to check their DBS certificate.
- 2.4 The Department for Transport Statutory Taxi and Private Hire Vehicle Standards recommend that licensed drivers be subject to a bi-annual check of their DBS status. The Standards recommend that licence holders subscribe to the update service. Subscription to the service removes the need for new certificates to be requested, reduces the administrative burden and mitigates potential delays in relicensing, and that drivers who do not subscribe will be required to apply for a DBS check every six months.
- 2.5 The threshold for a registered body to retain their registration is 100 applications per year. If the Hackney Carriage & Private Hire Vehicle & Driver Policy amendments are adopted it is expected that there will be a large increase in drivers subscribing to the update service and it is predicted that within a year the Council will fall below the mandatory threshold. If the Authority is not carrying out the required number of checks, the DBS is likely to cancel this Authority's Registered Body Status.
- 2.6 With this in mind the Licensing Team are looking at using an umbrella organisation to take over the processing of the Enhanced DBS applications. Under the proposed new licensing process, applicants will be directed to the umbrella organisation to complete an online application for an Enhanced DBS Disclosure and pay the disclosure fee direct to that organisation. Once their application is satisfactorily completed, the Licensing Team must log on to the umbrella organisations portal and confirm that they have seen the ID documents for the applicant, as required by the DBS. This approach would align with arrangements already in place at East Lindsey District Council.
- 2.7 The applicant would be liable to pay an administration fee to the umbrella organisation. This increase in cost to the applicant appears unavoidable due to the expectation that in the future this Authority's Registered Body status is likely to cease however, the applicant can reduce their costs by paying an annual subscription fee to the DBS.
- 2.8 The proposed new process for applicants to obtain an Enhanced Disclosure will have added benefits for the application process. Currently an applicant must submit their licence application prior to a DBS check application being submitted. The application can then sit in a dormant state for up to 4 weeks awaiting the return of the DBS certificate. If applicants can apply for their enhanced disclosure earlier in the process and hand the certificate in with all their other application paperwork it will improve the turnaround time from applications being received to licences being issued and provide a faster and more efficient service.
- 2.9 With the introduction of the bi-annual Enhanced Disclosure requirement there is likely to be a significant increase of DBS requests processed by the Licensing Team until licence holders subscribe to the DBS update service. The proposed method will stop the continuous checking, correcting and chasing of DBS forms that the Licensing Team carry out

with applicants and will remove the burden of some of the DBS Registered Body legal requirements.

CONCLUSION

It is inevitable that at some point this Authority will fall below the mandatory threshold set by the DBS and will need to put in place alternative arrangements for the processing of Enhanced DBS Disclosures in respect of Hackney and private hire vehicle drivers. By starting the process early Boston Borough Council will not be in the position of having our registered body status cancelled without having alternative measures in place. Should alternative measures not be in place there could be a significant gap in service continuity.

EXPECTED BENEFITS TO THE PARTNERSHIP

By working together as a partnership, the three sovereign councils benefit from the learning and experience of each other and the trade benefits from a consistency and uniformity of approach from the Licensing service across the Partnership.

IMPLICATIONS

SOUTH AND EAST LINCOLNSHIRE COUNCIL'S PARTNERSHIP

Not applicable – this is a general Licensing Committee report

CORPORATE PRIORITIES

This work contributes to one priority area in the Boston Borough Council Corporate Strategy 2020 to 2024; Priority Four. **Delivering high quality services and maximising use of technology to support residents:** Make better use of technology and data to reduce costs and improve performance and efficiency.

STAFFING

There are no direct implications in terms of staffing, however, the development of processes so that they are fit for purpose will help the Council to become more efficient in terms of processing Licences.

CONSTITUTIONAL AND LEGAL IMPLICATIONS

Any amendment to the Council's licensing procedures are of course open to legal challenge. However, the proposed procedure of requiring driver licence applicants to use an umbrella organisation in order to obtain their Enhanced DBS disclosure, reflects procedures adopted by other Licensing Authorities who fall below the DBS registration threshold.

DATA PROTECTION

The DBS Code of Practice lays down clear rules on the correct handling and safekeeping of DBS certificate information.

FINANCIAL

This procedural change is being undertaken as part of the normal duties carried out by the Licensing Team with no additional costs involved.

RISK MANAGEMENT

There is a theoretical risk of civil action against the Licensing Authority if it is found not to have exercised due diligence in licensing matters.

STAKEHOLDER / CONSULTATION / TIMESCALES

Not applicable – this is a general licensing matter.

REPUTATION

The reputation of the Council is at risk if we are not seen to have exercised due diligence in the development and application of policy and that the service offered is not consistent or does not keep pace of revised guidance, best practice or efficient ways of working.

CONTRACTS

Not applicable – this is a general licensing matter

CRIME AND DISORDER

The DBS Certificate and process are vital to the decision-making process to enable the Council to meet its statutory requirement of ensuring that hackney carriage and private hire vehicle driver licence applicants are fit and proper persons.

EQUALITY AND DIVERSITY/ HUMAN RIGHTS/ SAFEGUARDING

Equality Implications: The contents of this report do not have the potential to cause negative impact or discriminate against different groups in the community based on age, disability, gender, race, ethnicity, religion or religious belief, or sexual orientation.

Human Rights: The licensing authority must ensure that its decisions can withstand scrutiny by reference to the principle of proportionality, i.e. is the decision / action / policy proportionate to what it wishes to achieve, or, colloquially do the ends justify the means.

Safeguarding Implications: The Council has a duty to provide the public with a safe and secure taxi and private hire vehicle service within the Borough that is consistent with prevailing national guidance and standards.

HEALTH AND WELL BEING

Not applicable – this is a general licensing matter

CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

Not applicable – this is a general licensing matter

ACRONYMS

DBS – Disclosure & Barring Service

APPENDICES

None

BACKGROUND PAPERS

(If none then insert the working 'No background papers as defined in Section 100D of the Local Government Act 1972 were used in the production of this report.' Also delete the below text/boxes.)

Background papers used in the production of this report are listed below: -

Document title	Where the document can be viewed
Statutory Taxi & Private Hire Vehicle Standards	Licensing Section, West Street, Boston

CHRONOLOGICAL HISTORY OF THIS REPORT

A report on this item has not been previously considered by a Council body.

REPORT APPROVAL

Report author:	Anna McDowell (Senior Licensing Officer) Telephone: 01205 314235 Email: anna.mcdowell@boston.gov.uk
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Approved for publication:	Not applicable

FINANCE PROFORMA

BOSTON BOROUGH COUNCIL

PROFORMA FOR EXECUTIVE APPROVAL OF THE RELEASE OF RESOURCES

(CAPITAL AND REVENUE BUDGETS)

FROM: Rachel Chatterton

THIS PROFORMA PROVIDES THE FINANCIAL IMPLICATIONS
IN RESPECT OF THE ATTACHED

REPORT: REGULATORY & APPEALS COMMITTEE

REPORT DATE: 19th July 2022

	£ Year 1 2022.23	£ Year 2 2023.24	£ Year 3 2024.25	£ Year 4 2025.26	£ Year 5 2026.27
Revenue					
DBS checks	1000	4000	4000	4000	4000
Income from drivers	(1000)	(4000)	(4000)	(4000)	(4000)
Total Revenue Cost	0	0	0	0	0

Funding required: £0 **Considered by:** **Date:**

Total capital cost £0

Revenue cost £0 Enter Council or
Cabinet here

Financial Services Comments

There is currently no cost to the council to be registered with the DBS to undertake Enhanced DBS Disclosures.

As the cost of the checks are recovered in full from the drivers there are no financial implications.

Risk

None

Procurement

None

Value for Money Efficiency

This FP is valid for 3 months from FP date	If this FP is no longer required please advise Finance	If there are changes to the original report it may invalidate this document, it must be reviewed by Finance.
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