

ONLINE DBS UPDATE SERVICE

Report of the: Head of Housing & Environmental Services
Contact: Nicholas Tapping
Urgent Decision?(yes/no) No
Annexes/Appendices (attached): Annexe 1: Hackney Carriage and Private Licensing Policy

REPORT SUMMARY

This report sets out a proposed amendment to the Hackney Carriage and Private Hire Policy with regard to the process for obtaining Disclosure and Barring Service (DBS) checks. The Committee are asked to consider the implementation of an online DBS Update Service in addition to the existing paper disclosures.

RECOMMENDATION (S)

- (1) That the Committee consider information provided within the report and agree to the implementation of an online Disclosure and Barring Service (DBS) procedure for new applicants and existing Hackney Carriage and Private Hire Drivers.**
- (2) That the Committee agree to the amendment of the Hackney Carriage and Private Hire Policy as set out in paragraph 2.5 and highlighted in Annexe 1 to the report.**

Notes

1 Background

- 1.1 Drivers are required to undertake a Disclosure and Barring Service (DBS) check every three years on grant or renewal of their Hackney Carriage or Private Hire Driver Licence. DBS checks replaced the former "Criminal Records Check". Previously the Authority would receive a copy of the DBS check, however, changes to the process means that only the applicant receives a copy of the check.

- 1.2 Currently, it is the responsibility of the applicant to provide the Council with a copy of the DBS check. Whilst the majority of applicants adhere to the system, in order to improve efficiency and ensure the continuing validity of the applicant, the process needs to be updated thereby facilitating conformity with the legislative term, 'fit and proper'. The Committee should be aware that information disclosed on the DBS disclosure is vital for the Local Authority to make a decision as to whether the driver is considered a fit and proper person. The DBS enhanced check provides the Authority with a means to scrutinize essential information such as criminal activity.
- 1.3 Requiring all drivers to sign up to an online DBS Update Service would ensure that the Authority is able to check in real time prior to issue of, and during the period of the licence to ensure the licence holder is free from relevant convictions.

2 Proposals

- 2.1 The Committee is requested to approve a review of the current Policy so that:
 - In the case of new applicants, an applicant must obtain a DBS authorised by this Authority, and then apply for an online account with the DBS. The account access code must be provided to the Licensing Authority before a Licence is granted”.
 - In the case of renewal applicants, the applicant will be required to apply for an online account with the DBS, The account access code must be provided to the Licensing Authority prior to the licence being renewed”.
- 2.2 It is proposed that new administrative procedures will be implemented early in the next financial year, and will necessitate drivers applying for renewal of their DBS well in advance of the licence expiry date.
- 2.3 The exception to the above are drivers employed by organisations which are themselves registered with the DBS such as Surrey Choices, drivers who are subject to enhanced checks under the Home to School licensing scheme or drivers dual licensed by Transport for London, for which separate arrangements apply.
- 2.4 The cost for the online check service is currently £13 a year. The enhanced DBS check is £44 per check. Therefore once the initial £13 has been paid on application for the DBS check, there would be a reduced financial burden for the applicant/licence holder, who would be entirely liable for the fee.
- 2.5 To reflect this, the Hackney Carriage and Private Hire Licensing Policy will be amended at paragraph 1(c) to read as follows:

“An applicant must be a “fit and proper person” to hold a licence. Applicants for the grant and renewal of a licence are subject to an enhanced DBS Check. From 01st April 2017 all new and renewal applicants will be required to sign up to the Online DBS update.

There will be an exemption for drivers who solely undertake Home to School runs who will not be required to undertake a DBS from us as they are already checked through Surrey County Council. PCO dual licensed drivers are also not required to undertake a DBS check as they are already checked through the Public Carriage Office.”

- 2.6 The proposed amendment is highlighted in bold in the policy attached at **Annexe 1**.

3 Financial and Manpower Implications

- 3.1 There would be additional resource pressures when implementing the scheme, but this will be met within existing staffing levels.

- 3.2 **Chief Finance Officer's comments:** *There will be additional Officer time required to implement this policy, but this would be managed within the current resources.*

4 Legal Implications (including implications for matters relating to equality)

- 4.1 None for the purposes of this report, and no issues have been reported by other authorities utilizing online DBS checks. .

- 4.2 **Monitoring Officer's comments:** *As noted in the report, DBS checks are an essential part of the licensing process to ensure that individuals are fit and proper to hold a licence. The proposal in this report seems to promote a more efficient and economic method of undertaking the relevant checks. It is important that our Policy is amended to reflect the new process as, potentially, applications will be refused if there is a failure to comply.*

5 Sustainability Policy and Community Safety Implications

- 5.1 None

6 Partnerships

- 6.1 N/A

7 Risk Assessment

- 7.1 N/A

8 Conclusion and Recommendations

- 8.1 The Committee are asked to agree to the implementation of an online DBS procedure for new applicants and existing licensed drivers, and approve the amendment of the Hackney Carriage and Private Hire Policy as set out in paragraph 2.5 and highlighted in Annexe 1, paragraph 1 (c) to the report.

WARD(S) AFFECTED: (All Wards);