

LICENSING COMMITTEE
23 JULY 2019

DRAFT HACKNEY CARRIAGE & PRIVATE HIRE LICENSING POLICY

1. Summary

- 1.1 To consider the proposal make the subscription to the DBS Update Service mandatory for all licensed drivers upon new and renewal applications.

2. RECOMMENDATIONS

- 2.1 That, for the reasons detailed in the body of the report, section 25 of the Hackney Carriage and Private Hire Policy, be amended to make registration to the DBS Update Service mandatory, with the conditions referred to in Appendix A to the report.
- 2.2 That consultation on recommendations 2.1 be undertaken with the Hackney Carriage and Private Hire trade, in accordance with national guidance and that comments and representations received, be reported to the Committee.

3. Background and Discussion

- 3.1. The Hackney Carriage & Private Hire Licensing Policy was adopted on 14 March 2017 [Min No 6]. The current Policy has an expiry date of 31 March 2020.
- 3.2. The Policy details the criteria applicants have to meet to become a licensed private hire driver, operator or to licence a vehicle.
- 3.3. Section 25 of the Hackney Carriage and Private Hire Policy requires an applicant for a private hire/hackney carriage driver's licence, to submit a current (no less than three (3) months old) enhanced DBS enhanced certificate with his/her application and thereafter, at three yearly intervals.
- 3.4. The current system of relying on hard-copy applications and certificates every three years does not easily facilitate timely assessment of criminal records' checks for applications and issue of licences. It is therefore proposed to make registration to the DBS Update Service mandatory, with the conditions referred to in Appendix A to the report. By doing so, applicants, or the Council (with applicants' consent) can then obtain a status check at any time.

Applicants can subscribe to the DBS Update Service, either at the same time as they apply for a new DBS check (noting the DBS application form must be received by the DBS within 28 days of subscribing) or alternatively, within 14 days of the disclosure being issued.

It is vital for the Council to make a decision as to whether applicants for new and renewable licence application, are considered fit and proper persons. The DBS enhanced check provides the Council with a means to scrutinise essential information, such as criminal activity. Requiring all applicants (for new and renewable licence applications) to sign up to the DBS Update Service, enables the Council to check in real time prior to

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issue of, and during the period of the licence, that the licence holder is free from relevant convictions.

- 3.5. It is recommended that section 25 of the Hackney Carriage and Private Hire Policy, be amended to make registration to the DBS Update Service mandatory, with the conditions referred to in Appendix A to the report.
- 3.6. It is recommended that the draft section 25 of the Hackney Carriage and Private Hire Policy, (as amended), at Appendix A to the report, be approved for the purposes of consultation with the Hackney Carriage and Private Hire trade, in accordance with national guidance.
- 3.7. If representations are received, a further report will be submitted to the Committee, summarising the comments and/or representations made.

4 Relationship to the Corporate Plan

SC1: To use the Council's statutory functions to ensure public safety in the Borough.

SC3: To increase public perception of the borough as a safe place

5 Financial, legal, staffing and other administrative implications and risk assessments

Financial Implications	None
Legal Implications	The production of the Policy is not currently a statutory requirement
Staffing Implications	None
Administrative Implications	Already in place
Risk Assessment	No uncertainties and/or constraints

6. Details of Exempt Information Category

Not applicable

7. Appendices

Appendix A – Section 25 DBS Update Service Conditions

BACKGROUND PAPERS

<u>Documents consulted</u>	<u>Date / File Ref</u>	<u>Report Author</u>	<u>Section and Directorate</u>	<u>Exempt Information Category</u>
Hackney Carriage and Private Hire Policy	21/06/2019	Joanne Philpott		N/A

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