Licensing Committee

Disclosure & Barring Service Checks

Report of Executive Member for Neighbourhoods

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7th June 2022

Executive Summary
Government statutory guidance issued in July 2020 requires Licensing Authorities to conduct a Disclosure and Barring Service criminal records check every six months on licensed drivers. A new procedure was developed and approved by Committee Members in November 2020 and this procedure has now been updated.

Recommendations
That Members:

1) Note the report; and

2) Approve the procedure as outlined in the report

Licensing Committee **7th June 2022**

Disclosure & Barring Service Checks

1.   **Purpose of the report**

1.1   The purpose of this report is to inform Members of changes made to a procedure previously agreed in respect of criminality checks of all licensed drivers.

2.   **History**

2.1   The Department for Transport (DfT) issued Statutory Taxi & Private Hire Vehicle Standards in July 2020, the focus of which is on protecting children and vulnerable adults.

2.2   In respect of criminality checks for drivers the guidance states:

All individuals applying for or renewing a taxi or private hire vehicle drivers licence licensing authorities should carry out a check of the children and adult Barred Lists in addition to being subject to an enhanced DBS check (in section x61 of the DBS application 'Other Workforce' should be entered in line 1 and 'Taxi Licensing' should be entered at line 2). 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.

2.3   The DfT wrote to Licensing Authorities stating they expected the guidance be implemented by 31st December 2021.

3.   **Implementation of the Guidance**

3.1   Officers across Greater Manchester have discussed the guidance and firmly believe that there is no compelling reason not to implement the recommendations within it.

3.2   In order to comply with the guidance Members approved a procedure in November 2020 to mandate the need for new and existing drivers to obtain a new DBS and to register their DBS with the DBS Update Service, which would allow us to carry out 6 monthly criminality checks.

3.3   The original procedure permitted existing drivers to continue to drive under their 'old' DBS whilst their new one was being processed, however, as the deadline for implementation has now passed, we have updated the procedure to ensure we are compliant with the guidance relating to 6 monthly checks.

4.4   A copy of the proposed procedure can be found at Appendix 1 of this report.

5   Legal Services Comments

5.1   Under section 177 of the Policing and Crime Act 2017 the Secretary of State may issue guidance to public authorities as to how their licensing functions under taxi and private hire vehicle legislation may be exercised so as to protect children, and vulnerable individuals who are 18 or over, from harm. Under section 177(4) any public authority which has licensing functions under taxi and private hire vehicle legislation must have regard to any guidance issued under the section.   Paragraph 1.3 of the statutory guidance states that public authorities are expected to implement the recommendations in the statutory guidance unless there is a compelling local reason not to. (A Evans)

6   Co-operative Agenda

6.1   The licensing process is in place not only to protect the public but also to support and where necessary regulate businesses within the Borough.

7   Environmental and Health & Safety Implications

7.1   None

8   Equality, community cohesion and crime implications

8.1   None

9   Equality Impact Assessment Completed?

9.1   No

10   Key Decision

10.1   No

11   Key Decision Reference

11.1   N/A

12   **Background Papers**

12.1   None

13.0   **Appendices**

13.1   Appendix 1 – DBS Procedure

PROCEDURE INVOLVING DISCLOSURE BARRING SERVICE (DBS) CERTIFICATION

1.0   Purpose

1.1   This document aims to outline the procedure involved for DBS applications and renewals and the requirement to sign up to the DBS Online Update Service.

2.0   Background

2.1   This procedure has been implemented to guide drivers and members of the Licensing Team in the correct way to process DBS applications and necessary actions where there is a failure to sign up to the DBS Update Service.

3.0   Procedure

3.1   All applicants, new or renewal, are required to apply for their DBS Certificate through Taxi Plus. Taxi Plus are an independent company who have been instructed by Oldham Council Licensing Service to accept and process DBS applications on behalf of the Council. The fee for the application must be paid directly to Taxi Plus.

3.3   Document verification associated with the DBS application procedure must be carried out via the Post Office, or as directed by Taxi Plus. Any associated fees with this process must be covered by the applicant.

3.4   Applicants must provide their DBS Certificates to the Licensing Service within 30 days of receipt. Within those 30 days the client must have registered for the DBS Update Service. Signing up to this service allows applicants to keep their DBS Certificates up to date and allows employers to check the certificate.

3.5   At the time of writing this procedure the current timeframe for being able to register a DBS Certificate to the DBS Update Service is 30 days from the date printed on the certificate.

3.6   Where an applicant/driver fails to register their DBS Certificate to the DBS Update Service within those 30 days, they will be required to apply for and

obtain a new DBS Certificate, via Taxi Plus, and sign up to the DBS Update Service upon receipt of the new certificate.

3.7 Where a currently licensed Dual Driver fails to sign up to the DBS Update Service in time and is required to re-apply, the Licensing Service will allow the driver to continue to work under their original DBS Certificate, for a maximum of 6 months from the date of the certificate. Where the currently licensed Dual Driver fails to submit a further DBS application and their original certificate reaches 6 months, their Dual Driver Licence will be suspended until such time as they provide a new DBS Certificate that is registered with the Update Service.

3.8 Where a new applicant fails to sign up to the DBS Update Service in time and is required to reapply, the Licensing Service will allow the applicant to continue through the Licensing process, however, any licence issued will be suspended upon the DBS Certificate reaching 6 months.

3.9 It is the applicant/driver's responsibility to keep the Update Service live by paying the annual amount to the DBS (£13) which will be charged to the credit/debit card they have registered with them. If the credit/debit card details change, the applicant/driver must update the details on their account.

3.10 In the instance where the applicant/driver's DBS Update Service registration is terminated for any reason, and their DBS certificate is no longer part of the scheme, the applicant/driver must complete a new DBS application and pay the associated fee. Where the original DBS Certificate is over 6 months old, or the last check completed was 6 months ago or more, the Dual Driver will be suspended until such time as their new DBS Certificate is returned and registered with the DBS Update Service.

3.11 For all currently licensed Dual Drivers who already hold a DBS Certificate that is not registered to the DBS Update Service, they will be required to apply for and obtain a new DBS Certificate, via Taxi Plus, and sign up to the DBS Update Service upon receipt of the new certificate. All currently licensed drivers whose existing DBS Certificates are over 6 months of age will be suspended until such time as they produce a new DBS Certificate that is registered with the DBS Update Service.

3.12 Only in exceptional circumstances, will the Licensing Office depart from this procedure.

3.13 The commencement date for the procedure is **7th June 2022.**