

CONSIDERATION OF MANDATING SUBSCRIPTION TO THE DBS UPDATE SERVICE FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS

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**Purpose/Summary of Report**

- Uttlesford District Council uses a combination of Enhanced DBS (Disclosure and Barring Service) and Driver and Vehicle Licensing Authority (DVLA) checks to ensure all drivers are and remain “fit and proper” persons to hold such licences.
- Since June 2013 the DBS Update Service has been available for individual accessing and this authority has therefore encouraged licensed drivers to “sign up” to it on a voluntary basis as it has benefits for both licence holders and the authority.
- It is proposed that subscription to the DBS Update Service becomes mandatory for all licensed drivers.

1.0 Background

- 1.1 Uttlesford District Council is an authority that grants licenses for Hackney Carriage and Private Hire drivers, vehicle proprietors and operators.
- 1.2 The legislation places an obligation on this authority to only licence persons who are considered “fit and proper”. There is no definition of this term within the legislation and neither is there a fixed legislative mechanism for determining this. Cases are determined upon their individual merits.
- 1.3 Uttlesford District Council considers a range of documentary evidence, practical criteria and testing mechanisms in order that it may be satisfied of an individual’s fitness and propriety. Part of this evidence is a criminal record check.
- 1.4 Since 2001 all driver applicants to the licensed trade have undertaken CRB (Criminal Records Bureau) or (as is known now) DBS (Disclosure and Barring Service) checks. Prior to that, the responsibility for disclosure rested with the Police and all drivers prior to 2001 were subject to a Police check.
- 1.5 Applicants are required to have an Enhanced DBS check before a 3 year drivers licence is granted to them. When the drivers licence is renewed a new Enhanced DBS check is carried out and the three year cycle starts again.
- 1.6 The Enhanced DBS Disclosure Certificate includes details of spent convictions, Police cautions and other relevant information for an individual undertaking the role of a licensed driver. A basic criminal record check only shows unspent convictions.

1.7 This authority is able to obtain both the Enhanced DBS check and basic criminal record checks online through an umbrella company. The current costs of these checks to the applicant/licence holder are:

- Enhanced DBS – £50.07

1.8 A DBS check is undertaken, face to face, at an appointment with an Officer of the Council. Following an application being made, the DBS certificate is issued directly to the applicant. It is then the applicant's responsibility upon receipt of the certificate to present it, if necessary to the Council as part of their renewal application, before their licence application can be fully processed.

1.9 Upon receipt of a disclosure certificate from the DBS, via the applicant, the information (if there is any) will be risk assessed by an Officer who will consider whether the information disclosed is capable of having real relevance as to whether or not the individual is a fit and proper person to hold a licence in line with the Hackney Carriage and Private Hire Licensing Policy and the official guidance.

## 2.0 Report

2.1 To date the Council has been strongly encouraging all licensed drivers to subscribe to the DBS Update Service. The Update Service allows individuals to keep their DBS Certificate up to date online, subject to an annual fee which is currently set at £13. This represents a modest reduction in the cost year on year associated with the undertaking of the Enhanced DBS Check at renewal. The total saving to the licence holder would be £1.00 over the life of a licence, but an additional advantage would be that that cost was spread over the three year licensing cycle rather than payable in a single lump sum..

2.2 Some licensed drivers are subscribed to the Update Service and their feedback to the Council is that this works well for them; while for the Council, officer time is no longer spent upon undertaking relevant checks and in processing their licence application.

2.3 In addition to the benefits set out in para 2.2 above, the DBS Update Service also allows Officers to periodically carry out a online status check to see if an individual's certificate remains up to date . It enables the Council to identify if any relevant information about the individual has changed since their DBS Certificate was issued and take action as appropriate.

2.4 Further benefits are detailed in the table below:

<i>Benefits for Licence Holders</i>	<i>Benefits for the Authority</i>
Saves time	Saves Time
Saves Money	Reduces risk

No more appointments to complete applications	Strengthens application and renewal processes
DBS Certificate can be taken from role to role within the same workforce	Supports safeguarding and the protection of the public
Individual in control of their DBS certificate	Allows an instant update of any information

- 2.5 The outcome of a check being undertaken via the DBS Update Service could be one of four:
- i. *This DBS certificate did not reveal any information and remains current as no further information has been identified since its issue* - This means that the initial certificate was blank and there is no new information.
  - ii. *This DBS certificate remains current as no further information has been identified since its issue* - This means that the initial certificate revealed information but there is no new information.
  - iii. *This DBS certificate is no longer current. Please apply for a new DBS check to get the most up-to-date information* – New information has come to light since the initial certificate was issued and a new DBS will need to be applied for.
  - iv. *The details entered do not match those held on our system. Please check and try again* – The individual has not subscribed to the Update Service or the DBS certificate has been removed from the Update Service.

- 2.6 If the change to mandatory subscription to the DBS Update Service is made then Taxi Licensing Policies will be amended to reflect this. The details of which are set out below:

<i>Current policy</i>	<i>Proposed Policy</i>
All applicants for a driver's licence will be required to have an enhanced Disclosure and Barring Service ("DBS") check at the time of the first application for a licence and thereafter at 3 yearly intervals	<p>An enhanced DBS shall be undertaken upon application (either new or renewal) and all licensed drivers will at that point be required to subscribe to the DBS Update Service within the specified timescale of receiving their DBS Certificate.</p> <p>Periodically, officers of the Council will undertake an online check of the DBS Update Service in order to check the applicant's current status.</p> <p>Depending on what is revealed from the online status check, the Council may require an additional DBS check to be undertaken.</p>

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All licensed drivers will be required to renew their subscription to the DBS Update Service on an annual basis, before their current subscription ends, should they wish to continue to hold an Uttlesford Council issued driver's licence.

Where an individual fails to maintain and/ or renew their subscription before it ends; they will be required to apply for a new Enhanced DBS Check and register for the Update Service again.

Licensed drivers will need to retain their DBS Certificate once they have subscribed as this will need to be provided to the officer undertaking the online check.

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- 2.7 In conclusion, it is considered that the proposals are necessary in order to contribute to the Council's Safeguarding responsibilities, along with the statutory licensing obligations. The time frame for moving all existing licensed drivers to the DBS Update Service is a three year cycle, due to the logistical set up of licence renewals. Members are recommended to consider the information within this report and approve the consultation document

The consultation is open to the licensed trade, partner agencies and the public from the X and the closing date for submitting consultation responses is X.

All feedback is encouraged and the results of the consultation exercise will be Presented to Members at Licensing Committee X and will form part of a revised Hackney Carriage and Private Hire Licensing Policy.

Any comments that you forward to the Licensing Authority should clearly state your name and any organisation or persons you may represent.

Send your response:

By email to [licensing@uttlesford.gov.uk](mailto:licensing@uttlesford.gov.uk) please include the words 'DBS Update Service Consultation' in the subject field;

Contact Member: Councillor Patrick Lavelle – Chair of Licensing Committee

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