



SHEFFIELD CITY COUNCIL LICENSING COMMITTEE

Report of: Chief Licensing Officer

Date: 12th December 2013

Subject: Private Hire and Hackney Carriage Licensing

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Summary: Report – Driver Renewal and New Applicants
Criminal Records Checking

Category of Report: OPEN

Report of the Chief Licensing Officer and Head of Licensing to the Licensing Committee on 12th December 2013

Driver and Applicant – Criminal Records Checking

1. Purpose

- 1.1 To inform the Licensing Committee of the Council's changes to the Disclosure and Barring Service – Certification and how that will affect Taxi and Private Hire licensing.

2. Reason for referral

- 2.1 Sheffield City Council, through human resources and schools currently has a licence as a registered body with the Disclosure and Barring Service.
- 2.2 From April 2014 the Council will no longer hold a licence and will not have registered body status.
- 2.3 This paper is to set out what changes this will have on the way we carry out background checks on current drivers and new applicants and giving options available to the service.

3. Background

- 3.1 As a registered body the Council has a number of areas that have persons responsible for signing applications. These are sent to the Disclosure and Barring Service. These persons are known as counter signatories. Licensing we have 2 counter signatories.
- 3.2 Discussions have taken place within Sheffield City Council through HR the Schools service and other user about the service and costs. Most services have now decided to use capita for all their applications to the DBS. The Licensing service is now the only service which remains under the City Councils licence.
- 3.3 The Licensing service does not undertake enough checks per year to apply to be a registered body on its own. So we have no choice currently but to change the way that we run checks on applicants.

4. Options DBS Checks - The New Systems

- 4.1 There are two options open to the Licensing Service if they move over to Capita systems.
- 4.2 The Systems are both classed as Ebulk systems and all are based on an online only application process and service.
- 4.3 There will not be a paper based service available from the date of inception of one of the new procedures.

5 Option 1 – Move to Ebulk Only

- 5.1 This would mean that the licensing service retain the responsibility for completion of DBS and ID checking but Capita HR Connect would complete the counter signatory, checking and correct submission role.

The licensing service would still have their per application cost which is a charge set by DBS and currently stands at £44 each, this is paid currently by the applicant

Capita HR Connect have stated that there would be an additional cost levied at £4 per application this would be charged to the Licensing Service.

5.2 Option 1 Processes

- 5.3 Applicants would make an online DBS application.
- 5.4 Applicants would attend the licensing service, with all relevant documents and the £44 fee. The Documents would be checked.
- 5.5 Licensing Officer would go online and progress the application to counter signatory stage.
- 5.6 Capita HR Connect would check details online and counter sign the application.
- 5.7 If there is information on the certificate then the applicant would receive their certificate to their home address and would have to present that certificate to the licensing service to progress their application.
- 5.8 If the check is a clear with no convictions or information on the certificate then this can be checked on line by the Licensing Service and the application can be progressed at that stage.

6 Option 2 – Full Service Provision

- 6.1 Capita HR Connect fully managed DBS processing service – this would effectively take the process away from Licensing completely.
- 6.2 Capita HR Connect would confirm renewal requirements; arrange appointments at offices away from the licensing service currently Derwent House. They would complete the ID verification exercises, submit/countersign/check DBS and confirm outcomes.
- 6.3 The Licensing service would still have the per application cost which is a charge set by DBS and currently stands at £44 each application. There is an additional levy to licensing on this service of £6.10 per application.
- ### **6.4 Option 2 Processes**
- 6.5 Applicants would attend a Capita Office to make the application. Document checks would be done at this time and capita would follow the whole process.
- 6.6 Once the applicant received their certificate, they would then make their application to the licensing service for their licence.

7 Other Options.

7.1 There are a couple of more drastic options available to the committee in these procedures. These options would mean moving away from best practice and the majority of all guidelines of taxi and private hire driver licensing.

8. Option 3

8.1 The Council could refrain from checking applicants to an enhanced level of check, and they could then ask the drivers to source and apply for their own check. This is currently the system used for Personal Licenses issued under the Licensing Act 2003; applicants apply to disclosure Scotland for these checks.

9. Option 4

9.1 The Council could refrain from checking the background of applicants at all. There is no legal requirement on the Council to check criminal history of an applicant.

10. The Legal Situation

10.1 There is no legal requirement for a Council to ask for a background check when issuing a private hire or hackney carriages drivers licence.

10.2 The only legal requirement for an Authority is that they; in respect of private hire drivers, is covered in Local Government (Miscellaneous Provisions) Act 1976 section 51. Hackney Carriage Drivers are covered under Section 59 which both state;-

Shall not grant a licence -

“unless they are satisfied that they are fit and proper to hold such a drivers licence” or

“ to any person who has for at least twelve months been authorised to drive a motor car, or is not at the date of application for a drivers licence so authorised”

10.3 As part of the application procedure Local Authorities have the power to require applicants to submit information under Local Government (Miscellaneous Provisions) Act 1976 section 57.

This is the section that allows the council currently to ask for background information on applicants.

10.4 Government guidelines on best practice have suggested that in this area regular enhanced checks would be considered reasonable. Checks made every three years seemed to be what the majority of Councils currently undertake.

11. Financial Implications

11.1 There are financial implications to the Council on any changes to process if either option 1 or 2 are introduced.

- 11.2 Current costs of applications are £44 this fee is set by the Disclosure and Barring Service and the Council has no control on when how much prices increases occur. Currently all of the cost is borne by the applicant.
- 11.3 As stated above option 1 would increase the amount paid by the Licensing Service by £4 per application (currently) this again is not a council cost and we may have little or no control over price increases in the future.
- 11.4 Option 2 would increase the amount paid by the Licensing Service by £6.10 per application (currently) this again is not a council cost and we may have little or no control over price increases in the future.
- 11.5 Both options based on this year's figures of 905 applications made (Jan – Oct) the financial burden on the licensing service would be £3620.00 on option 1 and £5520.10 on option 2. Currently if the procedure changes the extra expense of the system changes will be borne by the current licensing budget out of current fee's charged.
- 11.6 The overall figures for this year are slightly higher than normal as it has been three years since we introduced the 3 year checks for applicants which mean the next 18 months there will be a significant peak in the numbers.
- 11.7 There would be a financial commitment on the Licensing Service to provide computer terminals within the reception area of the licensing service to allow applicants access to the online service.

The costs of these terminals are not known at this time.

12. Options

- 12.1 Option 1 as detailed in section 5.
- 12.2 Option 2 as detailed in section 6.
- 12.3 Options 3 - Withdraw the need for an enhanced check and asking the applicants to provide their own check, as detailed in section 7.
- 12.4 Option 4 - Change the applicant checking procedure, withdrawing the background check on an applicant's history, as detailed in section 8.

13. Officer Recommendations

- 13.1 Officers do not usually make recommendations on Policy reports. On this occasion it is the recommendation of the Officers that if we have to change the system then option 1 of the choices is the one that officers see would have the least disruption and be the easier of two options to implement and manage.
- 13.2 Officers would not recommend that the Council consider option 4.

Stephen Lonnia
Chief Licensing Officer and Head of Licensing
Dec 2013

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