

 <b>Licensing and Regulatory Committee</b> <b>December 2014</b>		<b>Agenda Item No. 9</b>
<b>Title</b>	Amendment to the Hackney Carriage Private Hire Drivers renewal licence application process.	
<b>For further information about this report please contact</b>	Marianne Rolfe, Regulatory Manager Tel:01926 456320 Email: marianne.rolfe@warwickdc.gov.uk	
<b>Wards of the District directly affected</b>		
<b>Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?</b>	Yes/No If yes state why	
<b>Date and meeting when issue was last considered and relevant minute number</b>		
<b>Background Papers</b>		

<b>Contrary to the policy framework:</b>	Yes/No
<b>Contrary to the budgetary framework:</b>	Yes/No
<b>Key Decision?</b>	Yes/No
<b>Included within the Forward Plan? (If yes include reference number)</b>	Yes/No
<b>Equality Impact Assessment Undertaken</b>	Yes/No (If No state why below)

<b>Officer/Councillor Approval</b>		
<b>Officer Approval</b>	<b>Date</b>	<b>Name</b>
Chief Executive/Deputy Chief Executive		
Head of Service		Richard Hall
CMT		
Section 151 Officer		
Monitoring Officer		
Finance		
Portfolio Holder(s)		Michael Coker
<b>Consultation &amp; Community Engagement</b>		
Insert details of any consultation undertaken or proposed to be undertaken with regard to this report.		
<b>Final Decision?</b>	Yes/No	
<b>Suggested next steps (if not final decision please set out below)</b>		
This is a report for the information and awareness of the committee. Although recommendation to support the change in application process requires a decision.		

## 1. **Summary**

- 1.1 That the renewal application process for Hackney Carriage and Private Hire Drivers is to be altered to require the drivers to provide their DBS (CRB) certificate upon renewal application and that the licence is not renewed until the certificate is provided.

## 2. **Recommendation**

- 2.1 That the committee agree the immediate change to the process for renewing Hackney Carriage and Private Hire Driver licences, to ensure that all renewing drivers provide their DBS certificate with their application for renewal and that their licence is not renewed until the certificate is provided to Officers.
- 2.2 That the committee take a tough line with drivers who fail, have failed or refuse to provide their DBS upon renewal since Disclosure Scotland changed their procedure.
- 2.3 That the committee are aware that due to the current application process there are a number of drivers whose licences have renewed who are failing to provide a copy of their DBR certificate to officers since their licence renewal despite officer attempts to obtain a copy.

## 3. **Reasons for the Recommendation**

- 3.1 The current application process allows a driver to renew his licence while he awaits his DBS certificate. The DBS certificate is posted by Disclosure Scotland to the applicant and a copy is no longer sent to the body applying for the certificate. This procedural change at Disclosure Scotland occurred in April 2013.
- 3.2 As these certificates are no longer directly provided to the council, officers must contact the relicensed drivers for them to provide their DBS certificate.
- 3.4 There is small percentage of drivers who have not provided their DBS certificates to the council following renewal of their licences. Officers are able to track the DBS process and are aware of the date on which the DBS has been dispatched to the applicant. From this date officers begin contacting the drivers to provide this certificate to them.
- 3.5 Continuing to operate in this manner exposes the public to risk and could raise issues with safeguarding responsibilities as the drivers whilst assessed as fit and proper under their previous expired licence may no longer be fit and proper at renewal application. I.e. obtained a conviction contrary to the policy of Warwick District Council.
- 3.6 Officers have the delegated authority to make this application process change and therefore would like the committee to agree that it is a correct and necessary change.

#### 4. **Policy Framework**

4.1 **Fit for the Future** – Ensuring that the BDS certificate is seen prior to the renewal of a drivers licence ensures that there is a clear expectation on the applicants and ensures the safety of the public be them residents, visitors of workers within Warwick district council. This process change will allow the council to demonstrate their safeguarding responsibilities.

4.2 **Impact Assessments** – The actions described within this report will ensure that the safety of the public is maintained and that all of the drivers are properly assessed as being fit and proper.

#### 5. **Budgetary Framework**

5.1 No impact.

#### 6. **Risks**

6.1 Failing to change the applicant process for the renewing applicants exposes the council to challenge should an incident occur which included a driver whose DBS certificate had not been seen in the renewal process.

6.2 The Officers spend a great deal of time and resources contacting the drivers who fail to provide or refuse to provide their DBS certificate. These drivers are subjected to graduated compliance activities and should they not comply will be sent before the committee to explain themselves.

#### 7. **Alternative Option(s) considered**

7.1 That the applicant process remains unchanged and the drivers continue to provide their DBS certificate after they have been renewed.

#### 8. **Background**

8.1 The application process for being a Hackney carriage private hire driver requires a DBS to be provided in order to assist the council in determining whether a person is a 'fit and proper person' to hold such a licence. After a period of three years the licence requires renewal and a new DBS is required. DBS does come to council but the individual.

8.2 Officers send licence renewal reminders to drivers whose licences are expiring three months before the expiry of the licence. This reminder advises the drivers what is required of them, the cost of the new licence and the required forms for completion. These include:

- DBS application & guidance
- Mandate to permission to check their driving licence with DLVA
- Application for renewal
- Medical form
- Reminder that drivers must return their DBS certificate to the Licensing Team.

- 8.2 Upon receipt of the application forms, Officers check to ensure the correct fee has been paid; the forms have been filled out correctly and are all present. Officers carefully check the DBS form as any mistake will result in the DBS application being returned unprocessed.
- 8.3 Officers routinely need to request drivers to return to the offices to complete missing sections of the form or to complete a new one due to the presence of mistakes.
- 8.4 The officers will send off the DBS application to Disclosure Scotland and in the meantime the officer processes the renewal application awaiting the return of the DVLA response to the mandate check. Once this is received the driver is reissued with a new licence.
- 8.5 Officers track the progress of Disclosure Scotland and the specific DBS application through a secure online tracking service. Once the tracking service shows that the DBS has been dispatched, officers contact the drivers to provide a copy of the certificate when they receive it.
- 8.6 Officers continue to graduate the compliance activity in order to obtain the DBS certificates. A small percentage of drivers however continue to fail to present their DBS certificates to the council. These drivers will be sent to the Licensing and Regulatory Committee to explain their failings.
- 8.7 It would be more effective and provide better protection to the public if the drivers were no longer renewed without officers having sight of the DBS certificate at renewal.
- 8.8 The drivers have a three month warning to the expiry of their licence with all of the required forms, which is sufficient time to obtain a medical certificate and return the forms to the council in good time for the DBS to be sent to Disclosure Scotland and returned before their licence expired.
- 8.9 The application process was established in this format as originally the DBS certificates were sent to the body requesting the DBS. The length of time this took could be considerable. However the procedures within Disclosure Scotland have changed speeding up the process and returning the Certificate directly to the persons to whom it belongs.
- 8.10 Officers are reviewing the DBS process to identify if there continues to be more efficient method of obtaining the DBS results. I.e. online third party DBS checking providers.
- 8.11 All of our Neighbouring Authorities process their Hackney Carriage and Private Hire Driver renewal applications in different ways. As examples:
- North Warwickshire will not renew a driver's licence without sight of the DBS certificate first.
  - Coventry currently uses the same procedure as Warwick District Council. If the driver fails to present the DBS in a prescribed time he is

suspended following officer consultation with the Chair of the Committee. From 2015 Coventry will begin to use a third party online DBS checking service.

- 8.12 This matter was discussed at the Driver and Operators Forum on the 1<sup>st</sup> December 2014 and the forum agreed that the procedure must be changed.