



LICENSING COMMITTEE

Monday 20 January 2020

TAXI AND PRIVATE HIRE MATTERS: MINOR AMENDMENTS TO CONDITIONS AND POLICY – PENALTY POINTS SCHEME AND DISCLOSURE AND BARRING SERVICE UPDATE

EXECUTIVE SUMMARY

The Licensing Committee is asked to agree minor amendments to the Council's licensing conditions and policy to prohibit vaping in vehicles and to require new applicants and existing licensed drivers to sign up to the Disclosure and Barring Service (DBS) update service.

Is the report Open or Exempt?	Open

Wards Affected:	All
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Cabinet Member:	Councillor Mary Rudd – Cabinet Member with responsibility for Community Health
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Supporting Officer:	Christopher Bing Legal and Licensing Services Manager 01394 444408 chris.bing@eastsoffolk.gov.uk
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1 INTRODUCTION

- 1.1 The existing penalty point procedure is linked with vehicle and drivers' conditions and allows Officers to impose a sanction for non-compliance. The scheme requires updating to allow sanctions for failure to prohibit vaping in a licensed vehicle
- 1.2 The Licensing Committee will need to consider a proposal to introduce a mandatory requirement for new applicants and existing licensed drivers to sign up to the Disclosure and Barring Service update service.

2 PENALTY POINTS SCHEME

- 2.1 The licensing authority's current penalty point scheme for licensed hackney carriage and private hire driver (**pages 38 to page 39 of Appendix A to this report**) is an effective way of regulating drivers, encouraging compliance by penalising non-compliance with licensing conditions and policies. The advantages are: -
 - Licensees have clear guidelines about the consequences of non-compliance;
 - Minor matters can be dealt with by Officers saving unnecessary and time-consuming referrals to the Licensing Sub-Committee;
 - Minimal subjective judgement required by Officers in applying the penalty points.
- 2.2 The existing scheme requires updating to include a section on vaping in licensed vehicles. There is currently a condition which states:

'The use of e-cigarettes to 'vape' is prohibited in any vehicle licensed by East Suffolk Council – this condition relates to both drivers and Passengers' (**page 9 of Appendix A to this report**).

However, there is currently no penalty for failure to meet this condition.

- 2.3 It is proposed that three penalty points are imposed where there is an instance of vaping in a licensed vehicle.

3. DISCLOSURE AND BARRING SERVICE (DBS) UPDATE

- 3.1 An enhanced DBS check is required as part of the process of determining whether a new applicant is, or an existing licensed driver continues to be, a fit and proper person to hold a hackney carriage/private hire drivers' licence. This is required on initial application and then every three years thereafter.
- 3.2 In 2013 the Disclosure and Barring Service introduced a DBS update service. This allows individuals to reuse an existing DBS certificate if they apply for similar roles in the same workforce. It saves the individual time and money.
- 3.3 The update service is an online subscription which allows someone to keep their standard or enhanced DBS certificate up to date and allows employers to check a certificate online. Employers can get a result straight away with no cost so long as they have the applicant's consent.
- 3.4 The cost to an applicant to join the update service is £13 per year and registration lasts for one year. The £13 would normally be taken automatically each year from the initial card used for payment. The applicant is given a code which will be given to the Licensing Team to allow instant access to the DBS record.
- 3.5 The current cost of a DBS check is £40 (reduced from £44 in October 2019). A DBS check is currently undertaken by completing a form, face to face, at an appointment with an Officer of the Council. The applicant has to provide documents such as passport, birth

certificate, driving licence, proof of address and national insurance number each time they complete a form. 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 to the Council as part of their new or renewal application.

- 3.6 If drivers sign up to the update service, it is not necessary to complete the form and produce documents to the Licensing Team. Some licensed drivers are already subscribed to the update service and this works well for them and for the Council in undertaking relevant checks and in processing their licence application.
- 3.7 It is recommended that all licensed drivers be required to subscribe to the DBS update service. The time frame for moving all existing licensed drivers to the DBS update service is a Three-year cycle, due to licence renewals being every three years. All new applicants will be required to sign up to the service once they have received their initial DBS certificate.
- 3.8 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 a driver's licence with East Suffolk Council. Where an individual fails to maintain and/ or renew their subscription before it ends, they will be required to apply for a new DBS Check and register for the update service again.
- 3.9 Every three years, Officers of the Council will undertake an online check of the DBS update service in order to check the applicant's current status. Depending on what is revealed from the online status check, the Council may require an additional DBS check to be undertaken.

4. HOW DOES THIS RELATE TO THE EAST SUFFOLK BUSINESS PLAN?

- 4.1 Licensing plays an important role in the building of a strong, sustainable, and dynamic local economy and in ensuring East Suffolk remains a safe place for our communities.

5. REASON FOR RECOMMENDATION

- 5.1 The licensing authority needs to keep its hackney carriage and private hire licensing policy and conditions under review and up to date to reflect changes in technology and behaviours, protect the travelling public and, where possible, deliver efficiency savings.

RECOMMENDATIONS

1. That the amendment of the Council's existing penalty point scheme to provide for a sanction of three penalty points on a driver's professional licence for vaping, or failing to prohibit vaping, in a licensed vehicle be approved;
2. That the amendment of the application criteria for drivers to make it a mandatory requirement for new applicants and existing licensed drivers to sign up to the Disclosure and Barring Service (DBS) update service be approved.

APPENDICES

Appendix A

Hackney Carriage & Private Hire Licensing – Guidance and Policy Conditions (April 2019)

BACKGROUND PAPERS		
Date	Type	Available From
	None applicable	