

DATE: 7<sup>th</sup> February 2023  
MY REF: Licensing & Regulatory Committee  
YOUR REF:  
CONTACT: Democratic Services  
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**To Members of the Licensing & Regulatory Committee**

Cllr. Stuart Coar (Chairman)  
Cllr. Chris Frost (Vice-Chairman)

Cllr. Shabbir Aslam  
Cllr. Lee Breckon JP  
Cllr. Roy Denney  
Cllr. Janet Forey

Cllr. Deanne Freer  
Cllr. Trevor Matthews  
Cllr. Christine Merrill  
Cllr. Phil Moitt

Cllr. Michael O'Hare  
Cllr. Bev Welsh

Dear Councillor,

A meeting of the **LICENSING & REGULATORY COMMITTEE** will be held in the Council Chamber - Council Offices, Narborough on **WEDNESDAY, 15 FEBRUARY 2023** at **5.30 p.m.** for the transaction of the following business and your attendance is requested.

Yours faithfully



**Louisa Horton**  
**Monitoring Officer**



## **AGENDA**

1. Apologies for Absence

2. Disclosures of Interests from Members

To receive disclosures of interests from Members (i.e. the existence and the nature of those interests in respect of items on this agenda).

3. Minutes (Pages 3 - 6)

To approve and sign the minutes of the meeting held on 28<sup>th</sup> February 2022 (enclosed).

4. Third-party DBS Provider Required (Pages 7 - 12)

To consider the report of the Licensing Team Leader (enclosed).

5. Private Hire Licensing - Introduction of a restricted Private Hire Driver licence (Pages 13 - 18)

To consider the report of the Licensing Team Leader (enclosed).

## **LICENSING & REGULATORY COMMITTEE**

Minutes of a meeting held at the Council Offices, Narborough

**MONDAY, 28 FEBRUARY 2022**

### **Present:-**

Cllr. Shabbir Aslam  
Cllr. Nick Brown

Cllr. Janet Forey  
Cllr. Trevor Matthews

Cllr. Michael O'Hare  
Cllr. Bev Welsh

### **Substitutes:-**

Cllr. Cheryl Cashmore (in place of Cllr. Roy Denney)  
Cllr. David Findlay (in place of Cllr. Chris Frost )

### **Officers present:-**

Caroline Harbour	- Environmental Health, Housing & Community Services Group Manager
Matt Pickering	- Licensing Team Leader
Sandeep Tiensa	- Senior Democratic Services & Scrutiny Officer
Nicole Cramp	- Democratic & Scrutiny Services Officer
Katie Saunders	- Democratic & Scrutiny Services Officer

### **Apologies:-**

Cllr. Stuart Coar, Cllr. Chris Frost, Cllr. David Clements and Cllr. Roy Denney

### **256. ELECTION OF CHAIRMAN**

In the absence of the Chairman and Vice-Chairman the Democratic & Scrutiny Services Officer invited nominations from the Committee Members for the election of Chairman for this meeting only.

That Cllr. David Findlay be elected Chairman of the Licensing & Regulatory Committee for this meeting only.

### **257. DISCLOSURES OF INTERESTS FROM MEMBERS**

No disclosures were received.

### **258. MINUTES**

The minutes of the meeting held on 7 February 2022, as circulated, were approved as a correct record.

**259. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - POLICY AND CONDITION UPDATES**

Considered – Report of the Environmental Services Manager, presented by the Licensing Team Leader.

Cllr. David Findlay questioned if the policy regarding the age of vehicles applied to hybrid vehicles.

The Licensing Team Leader advised that the policy was designed to encourage greener younger vehicles into the fleet. Vehicles up to 10 years old be licensed. Blaby District Councils fleet will have all euro 6 type engines by September 2025.

Cllr. David Findlay questioned whether the same policy applied to electric vehicles.

The Environmental Health, Housing & Community Services Group Manager made members aware that the advice is always changing on electric vehicles and advised that the Licensing team work hard to ensure that our information is kept as up to with government practice guidance.

The Licensing Team Leader advised that it has been incentivised for electric vehicles to join the fleet by now offering a 50% discount on the licensing fee and a 25% discount on the license fee with a ultra-low emission vehicle.

The Licensing Team Leader proposed an amendment to the policy under the vehicle conditions section. Under both Hackney Carriage and Private Hire vehicles.

The policy's currently state that 110 brake horsepower is deemed acceptable and believes this should be changed to 120 brake horsepower which is equivalent to 90kw motor output.

Members were supportive of the amendment to the policy.

The Licensing Team Leader proposed an additional amendment, that mandatory Safeguarding training is expanded to the operators. Operators are responsible for dispatching the vehicles to users, therefore they should also undertake safeguarding training as part of the Private Hire Operator Conditions.

In light of the above, the Licensing Team Leader proposed an amendment to the previously agreed Private Hire Operator Conditions of Licence and Hackney Carriage and Private Hire Licensing Policy 2022 - 2027 in consultation with the relevant Group Manager.

Members were supportive of the amendment to the above policies.

## DECISIONS

1. That the consultation responses be noted and relevant/appropriate alterations be considered.
2. That the updated policies and conditions, including the amendments proposed by the Licensing Team Leader be approved and that they take effect from 1st April 2022.
3. \*That delegated authority be given to the Environmental Health, Housing & Community Services Group Manager, in consultation with the Housing, Community & Environmental Service Portfolio Holder and the Chairman of Licensing and Regulatory Committee to make minor amendments to these policies thereafter.

\*For the purpose of this section, any minor amendment is an amendment not defined as substantial in section 11.2 of the Hackney Carriage and Private Hire Licensing Policy 2022 – 2027.

### Reasons:

1. It is appropriate that members of the Licensing and Regulatory Committee review the updated policies and conditions prior to their approval and agreement.
2. This is to ensure that any last minute amendments can be incorporated into the final versions in advance of them taking effect on 1st April 2022.

**THE MEETING CONCLUDED AT 5.53 P.M.**

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## Blaby District Council

### Licensing & Regulatory Committee

**Date of Meeting** 15 February 2023  
**Title of Report** **Licensing – Third-party DBS Provider Required**  
**Report Author** Licensing Team Leader

#### 1. What is this report about?

- 1.1 This report focuses on the requirement for a third-party provider to conduct Disclosure and Barring Service (DBS) checks on behalf of applicants, namely new and existing Hackney Carriage and Private Hire Drivers and Private Hire Operators as the Council move away from its position as an Umbrella Body for counter signing DBS applications.
- 1.2 As a result of processing fewer than 1000 checks per year, the Council are unable to subscribe to the DBS electronic checking service and therefore must process all checks manually. This means that the checks are resource heavy, especially for services like Licensing. Therefore, on 30<sup>th</sup> August 2022, the Council's Senior Leadership Team (SLT) agreed that the Council would no longer continue as an Umbrella Body due to the time and cost implications involved and would instruct its various departments to seek alternative providers.
- 1.3 In doing so, many benefits will be realised both for the Licensing department and the customers/applicants served. This report will highlight these benefits including the continued transformation and improvement of the "customer journey" – an ongoing programme of works supported by the Council's Transformation Team designed to streamline and improve an applicant's experience and interaction with Licensing.

#### 2. Recommendation(s)

- 2.1 Agree to the Licensing department identifying and procuring a third-party DBS provider to conduct DBS checks on behalf of new and existing applicants.
- 2.2 Agree that the third-party DBS provider can begin undertaking checks as soon as reasonably practicable.
- 2.3 Delegate authority to the Group Manager of Environmental Health, Housing & Community Services, in conjunction with the Portfolio Holder and the Chairman of Licensing and Regulatory Committee or its equivalent Policy Committee, to update the existing Hackney Carriage and Private Hire Licensing Policy 2022 – 2027, and other subsequent Policies or Conditions of Licence to reflect this change.

### **3. Reason for Decision(s) Recommended**

- 3.1 It is appropriate that members of the Licensing and Regulatory Committee understand that it is necessary to procure a third-party DBS provider as soon as practicable, whilst recognising that there are many additional benefits that can be had by doing so for both the Licensing department, Council in general, and the applicant.

### **4. Matters to consider**

#### **4.1 Background**

Since 2016 Blaby District Council has been a Disclosure and Barring Umbrella Body Service. This means that the Council can act on behalf of the Disclosure and Barring Service (DBS) to process all criminal record applications for businesses, private, and public organisations.

Blaby District Council processes checks for relevant directly employed staff, licensing applicants (Hackney Carriage and Private Hire Drivers and Private Hire Operators), and for some external bodies.

Because the Council process fewer than 1000 checks a year, it is unable to subscribe to the DBS electronic checking service and therefore must process all checks manually. This means that the checks are resource heavy, especially for departments like Licensing who process them more frequently.

In a report presented to the Council's Senior Leadership Team on 30<sup>th</sup> August 2022, it was identified that there was a considerable amount of cost, as well as time, associated to manually undertaking DBS checks. Consequently, it was agreed that the Council should look to outsource DBS checks, identifiably to a third-party provider who could process applications electronically, and specifically to a provider who would own all aspects of the application and administration processes – including (and importantly) digital identity verification.

Consequently, because Licensing are one of the main departments processing many DBS checks annually, primarily for new and existing Hackney Carriage and Private Hire Drivers and Private Hire Operators, it is important for the benefit of upholding business continuity, that a third-party provider is sourced quickly and effectively.

There are a number of benefits that have been identified with a third-party provider undertaking DBS checks on behalf of the Council, and these are listed below:

- Most DBS providers undertaking checks in relation to new and existing Drivers and Operators will use an electronic portal which enables:
  - Electronic applicant registration
  - Online document upload and online document + ID verification
  - Online payment, including both DBS and administration costs
  - Provider will handle any issues encountered with verification



- Same day counter signatory + submission to DBS
  - Average of 2 weeks for return of DBS certificates
  - Provider will “flag” any issues to the applicant + Council
  - Encourage and remind applicants to register for the DBS Online Update Service (mandatory policy requirement)
  - Provide Licensing with an online dashboard to see progress and status of DBS checks
  - Provider will regularly check for new “flags” once DBS Certificate issued, at least fortnightly over the course of the next three years the DBS is valid
- The DBS provider handles all aspects of the application and administration processes, including (and importantly) digital identity verification
  - Applicants can apply from anywhere at any time to suit them
  - No need for applicants to visit the Council offices to apply manually for a DBS certificate
  - Huge amount of time and cost saved by Officers and the Licensing department in general not having to manually handle or process applications, or resolve complex or incomplete or incorrect applications
  - The Licensing department will not need to rely on HR Officer to counter sign application forms
  - Continues to improve the “customer journey” and experience with the Licensing department as processes become less resource intensive and become increasingly efficient for all parties
  - Supports the Council’s carbon reduction priorities as there will be less occasions when applicants are driving to the Council Offices

Although it is recognised within the Council’s own Hackney Carriage and Private Hire Licensing Policy 2022-2027 that any substantial changes or updates will only be implemented after further consultation with the trade and the public; substantial being defined as having a significant financial or procedural impact on the trade or public, it is recognised and accepted that any additional costs to an applicant are of greater value when offset against the time and resources they employ personally to manually apply for a DBS application with the Council.

Initial feedback from members of the trade during general conversation has supported this proposal.

#### 4.2 Proposal(s)

Agree to the Licensing department identifying and procuring a third-party DBS provider to conduct DBS checks on behalf of new and existing applicants.

Agree that the third-party DBS provider can begin undertaking checks as soon as reasonably practicable.

Delegate authority to the Group Manager of Environmental Health, Housing & Community Services, in conjunction with the Portfolio Holder and the Chairman of Licensing and Regulatory Committee or its equivalent Policy Committee, to update the existing Hackney Carriage and Private Hire Licensing Policy 2022 – 2027, and other subsequent Policies or Conditions of Licence to reflect this change.

## 5. What will it cost and are there opportunities for savings?

- 5.1 The basic cost for a DBS certificate is £38.00. Applicants pay this to the Council and in turn the Council pay this to the DBS service. Within the application fee for a driver application for example, the Council will recover £12.84 in administration and processing costs, however this is a nominal fee in comparison to the actual time and resource required to complete a manual application process, sometimes including multiple visits by an applicant to the Council offices to verify personal documentation, rectify errors made on application forms, or to provide missing information. Thereafter, emailing and calling applicants to provide original DBS certificates to Officers, reminders to register for the DBS Online Update Service, as well as undertaking regular online checks are significantly more than the fees charged. Some DBS providers will invoice the Council costs to continue undertaking checks of the Online Update Service in year two and year three of a certificate, however it is common for Council's to pass the charges onto the applicants.

Whilst it is difficult to quantify the level saving available to the Council, it is expected that if the DBS provider selected handles all aspects of the application and administration processes, including (and importantly) digital identity verification, the resources saved in terms of time and cost to the Council will be significant. These resources can then be employed to further support other priorities such as improving the overall “customer journey” as part of Licensing's commitment to transforming and streamlining its procedures.

	Current year	2023/24
<b>Revenue</b>	Met within existing budgets	Met within proposed budgets
<b>Capital</b>	None	None

## 6. What are the risks and how can they be reduced?

### 6.1

Current Risk	Actions to reduce the risks
Because the Council process fewer than 1000 checks a year, it is unable to subscribe to the DBS electronic checking service and therefore must process all checks manually. This means that the checks are resource heavy, especially for departments like	Outsource to a third-party DBS Provider who will handle all aspects of the DBS application process

Licensing who process them more frequently	
The Hackney Carriage and Private Hire Trade may not like additional costs associated to the application and continued checks of a DBS	The additional cost to an applicant will be offset against the time and resources they employ personally to manually apply for a DBS application with the Council. Having access to a provider online where applications can be made at any time, from anywhere, at the convenience of the applicant will be of significant benefit.
The Hackney Carriage and Private Hire Trade may request further consultation prior to any further decisions being made.	<p>The Council has decided that as a result of the circumstances highlighted in this report, further consultation is not required. The changes and costs associated to the procedure changes are not considered significant – or more specifically, are not considered significantly detrimental to the applicants.</p> <p>The outsourcing of DBS checks is considered significantly beneficial to applicants and the Council alike.</p>

## **7. Other options considered**

7.1 To continue to process DBS applications manually.

## **8. Other significant issues**

8.1 In preparing this report, the author has considered issues related to Human Rights, Legal Matters, Human Resources, Equalities, Public Health Inequalities, and Climate Local and there are no areas of concern.

## **9. Appendix**

9.1 None

## **10. Background paper(s)**

Hackney Carriage and Private Hire Licensing Policy 2022 – 2027

**11. Report author's contact details**

Matt Pickering                      Licensing Team Leader  
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## Blaby District Council

### Licensing & Regulatory Committee

<b>Date of Meeting</b>	15 February 2023
<b>Title of Report</b>	<b>Private Hire Licensing – Introduction of a restricted Private Hire Driver licence</b>
<b>Report Author</b>	Licensing Team Leader

#### 1. What is this report about?

- 1.1 This report focuses on the introduction of a new type of Private Hire Driver (PHD) licence, identifiable as a restricted PHD licence issued to drivers undertaking home-to-school transportation journeys only, whilst contracted to the Local Education Authority (LEA) Leicestershire County Council (LCC).

Many LEA's are struggling to fulfil their home-to-school transportation obligations and this includes LCC. Therefore introducing this type of licence could help to attract more drivers into the trade, supporting the LEA to deliver this valuable service.

- 1.2 This licence type has been proposed to LCC as the local LEA who are in full support of the Council introducing this. Additionally, existing Private Hire Operators licensed both within and outside of the district have approached the Council about their desire to see this type of licence introduced.
- 1.3 Should the Committee agree to introduce this licence, applicants for this type of PHD licence will not be required to undertake a Council Knowledge Test, however all other requirements placed upon them to demonstrate that they are "Fit and Proper Persons" to hold a licence remains consistent with the Council's existing policies and conditions.

#### 2. Recommendation(s)

- |     |   |
|-----|---|
| 2.1 | Agree the introduction of restricted Private Hire Driver licences as an option – available for the purposes of LEA approved home-to-school transportation only.   |
| 2.2 | Agree that this Licence type is available from 1 <sup>st</sup> April 2023.  |
| 2.3 | Delegate authority to the Group Manager of Environmental Health, Housing & Community Services, in conjunction with the Portfolio Holder and the Chairman of Licensing and Regulatory Committee or its equivalent Policy Committee, to make minor amendments to the existing Hackney Carriage and Private Hire Licensing Policy 2022 – 2027, and Conditions of Licence if amendments are deemed necessary. |

For the purpose of this section, any minor amendment is an amendment not defined as substantial in section 11.2 of the Hackney Carriage and Private Hire Licensing Policy 2022 – 2027.

### **3. Reason for Decision(s) Recommended**

- 3.1 It is appropriate that members of the Licensing and Regulatory Committee understand why the option of a restricted PHD licence has many benefits, including to support the LEA with their school transportation obligations.

### **4. Matters to consider**

#### **4.1 Background**

Blaby District Council as the Licensing Authority are responsible for licensing Hackney Carriage and Private Hire drivers.

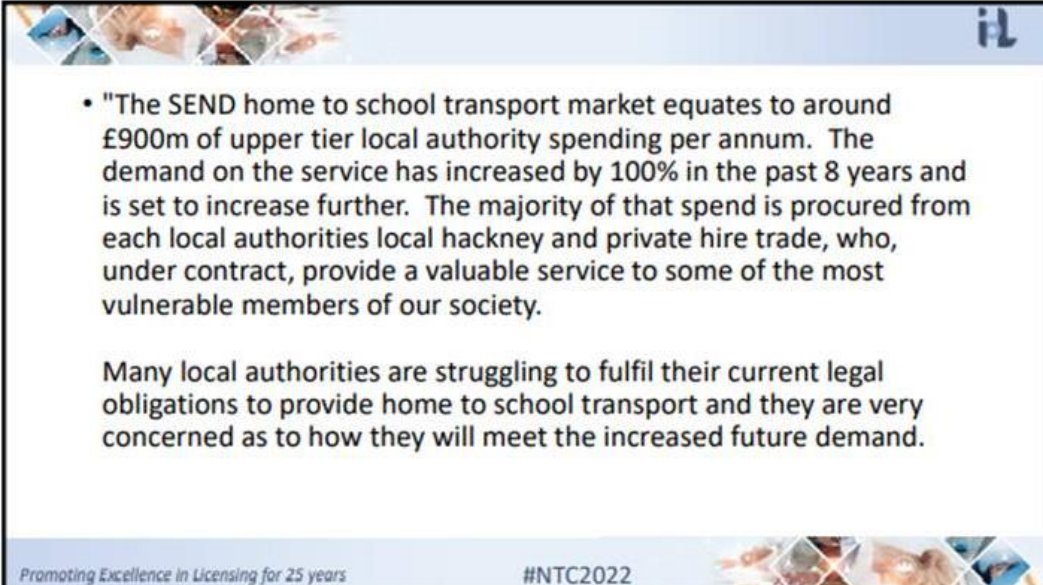
Once an applicant is deemed “Fit and Proper”, applicants can choose to hold one of three types of driver licence:

- Hackney Carriage Driver Licence (HCD)
- Private Hire Driver Licence (PHD)
- Dual (Hackney Carriage + Private Hire) Driver Licence (DUAL)

However, the Council has recognised that a fourth option could be made available to applicants:

- Private Hire Driver Licence: Home-to-School Transportation Only (LCC approved contracts)

Recent communications via the Institute of Licensing identified the issues arising regarding the increase in demand for home-to-school transport coupled with a decline in the number of licensed drivers being available:




**IL**

- "The SEND home to school transport market equates to around £900m of upper tier local authority spending per annum. The demand on the service has increased by 100% in the past 8 years and is set to increase further. The majority of that spend is procured from each local authorities local hackney and private hire trade, who, under contract, provide a valuable service to some of the most vulnerable members of our society.

Many local authorities are struggling to fulfil their current legal obligations to provide home to school transport and they are very concerned as to how they will meet the increased future demand.

Promoting Excellence in Licensing for 25 years #NTC2022




- It is recognised that thousands of licensed drivers have left the UK's hackney & private hire trade in the past few years and these numbers are unlikely to increase back to where they were previously.

We are calling on local licensing authorities to seriously consider the introduction of restricted drivers licences, or school only drivers licenses. This is just one way that licensing bodies could assist in attracting drivers to this type of work and assisting to deliver this valuable service. We would also ask that licensing teams are appropriately resourced, to ensure that those drivers who need to remain hackney carriage and or private hire can be issued a license in good time"

Jason Salter - ATCO Chair

Promoting Excellence in Licensing for 25 years #NTC2022



After speaking with representatives at LCC about the issues highlighted above, their response was as follows:

*"Locally, Leicestershire County Council has seen a 45% growth in demand for home-to-school transport over the last five years; this is expected to continue to increase by approximately 6% each year based on current trends.*

*Over 50% of the current demand is met by the external taxi market and there is genuine recognition of the need to work more closely with the market to support sustainable delivery of services.*

*Like many authorities, Leicestershire has experienced a significant decline in the number of licensed drivers; this has led in some cases to providers handing back contracts due to lack of availability.*

*As part of the Assisted Transport Transformation Programme, Leicestershire County Council is looking at a number of opportunities to review how it's home-to-school services operate and deliver services."*

Consequently, LCC have positively supported the proposal to introduce a restricted PHD licence.

#### What is a restricted Private Hire Driver Licence?

A restricted PHD licence is a licence issued by the Council for the sole purpose of a driver undertaking home-to-school transportation, which has been specifically contracted to them by LCC as the LEA.

The restriction imposes a condition that only this type of private hire work can be undertaken, no other wider private hire work can be undertaken.

As a result, an applicant will not be required to undertake a Council Knowledge Test as part of the application process as this would not be deemed necessary. However, applicants would still be required to meet all other requirements placed upon them in order to demonstrate that they are “Fit and Proper Persons” to hold a licence, remaining consistent with the Councils existing policies and conditions.

Removing unnecessary requirements will have the benefit of speeding up the application process for applicants whilst also making the process cheaper.

The Council has also been approached by existing Private Hire Operators licensed both within and outside of the district about their desire to see this type of licence introduced.

#### Have other Council’s introduced restricted licences?

There are many other Councils across the country who have introduced restricted PHD licences for these same purposes.

In the research leading to this report, Licensing colleagues at Southampton City Council and Oldham Council were consulted – these same colleagues presented on this topic at the Institute of Licensing National Conference in November 2022 calling for more Councils to introduce this type of licence given the benefits and value they can offer.

Leading legal professionals such as James Button, Principal Solicitor at James Button & Co Solicitors also support and endorse the introduction of restricted PHD licences. Mr Button led the presentation at the Institute of Licensing National Conference.

#### Proposal(s)

- 4.2 For the Committee to agree the introduction of restricted Private Hire Driver licences as an option – available for the purposes of LEA approved home-to-school transportation only.

For the Committee to agree that this Licence type is available from 1<sup>st</sup> April 2023.

To delegate authority to the Group Manager of Environmental Health, Housing & Community Services, in conjunction with the Portfolio Holder and the Chairman of Licensing and Regulatory Committee or its equivalent Policy Committee, to make minor amendments to the existing Hackney Carriage and Private Hire Licensing Policy 2022 – 2027, and Conditions of Licence if amendments are deemed necessary.

For the purpose of this section, any minor amendment is an amendment not defined as substantial in section 11.2 of the Hackney Carriage and Private Hire Licensing Policy 2022 – 2027.



## 5. What will it cost and are there opportunities for savings?

- 5.1 There are no significant changes to the cost of introducing this licence type to either the applicant or the Council. The fee for applying for a PHD licence and for the Council to administer is £125.00. A normal PHD licence would require a Knowledge Test at an additional cost of £40.00, but as mentioned before, this test is not necessary for a restricted PHD licence. There is likely to be a new colour of badge printed for a restricted PHD licence, but again this cost is factored into the £125.00 upon issue.

	<b>Current year</b>	<b>2023/24</b>
<b>Revenue</b>	Met within existing budgets	Met within proposed budgets
<b>Capital</b>	None	None

## 6. What are the risks and how can they be reduced?

6.1

Current Risk	Actions to reduce the risks
Current risk to LCC as the LEA not being able to meet the demands for their home-to-school obligations as a result of increase in demand and driver shortages within the Taxi/PH industry	Introducing a restricted PHD licence may help to increase the number of drivers licensed to undertake this specific type of work
Applicants applying for restricted PHD licences to navigate/avoid the requirements of a Council Knowledge Test	<p>All applicants applying for a restricted PHD licence will need to demonstrate that they have approved contracts with the LEA in place prior to grant of a licence. A Private Hire Operator can also provide this evidence on behalf of a specific applicant.</p> <p>Any driver or operator found to be driving / operating outside of the restricted licence conditions will be in breach of their licence. Appropriate enforcement action will be taken including the immediate suspension or revocation of a licence.</p>
Drivers issued with a restricted licence who then undertaking other private hire work.	<p>Any driver found to be breaching the condition of their licence in relation to home-to-school transport is at risk of having their licence immediately suspended or revoked.</p> <p>Should a driver wish to undertake other private hire work after being</p>

