

**South Lakeland District Council**  
**Licensing Regulatory Committee**  
**8 November 2016**  
**Disclosure Barring Service Fee Change**

|                       |  |
|-----------------------|--|
| <b>PORTFOLIO:</b>     | <b>Councillor Sue Sanderson - Council Organisation and People Portfolio Holder</b> |
| <b>REPORT FROM:</b>   | <b>Simon Rowley – Assistant Director Neighbourhood Services</b>                    |
| <b>REPORT AUTHOR:</b> | <b>Hardeep Burnley – Principal Food, Licensing and Safety Officer</b>              |
| <b>WARDS:</b>         | <b>N/A</b>   |
| <b>KEY DECISION:</b>  | <b>N/A</b>   |

**1.0 EXPECTED OUTCOME**

- 1.1 To inform members of the change in fee for the Disclosure and Barring Service. For the fee to be approved and incorporated to the existing fees and charges.

**2.0 RECOMMENDATION**

- 2.1 It is recommended that the committee:-

- (1) Note the contents of the report; and
- (2) Incorporate the fee to the existing fees and charges structure.

**3.0 BACKGROUND AND PROPOSALS**

- 3.1 South Lakeland District Council (SLDC) are no longer authorised signatories to approve applications made to the Disclosure and Barring Service. A decision was made by the service to withdraw SLDC as an authorised signatory as we did not meet the annual quota for applications. This decision was appealed however the decision to withdraw application was upheld. This service has now transferred to Cumbria County Council. As a consequence the charge for such an application is now £50.00 (previously £44.00). It must be noted that this is the fee charged by Cumbria County Council and has been transferred to persons making applications to SLDC.
- 3.2 Before SLDC consider an application for the grant of a hackney carriage or private hire drivers' licence, the applicant must provide an Enhanced DBS certificate of criminal convictions. Previously the licensing authority was an approved DBS body, however this approval has been transferred to the County Council.

3.3 Currently applicants pay SLDC a sum of £44.00 and County charge the Licensing team £50.00, which is currently not recovered. This system came into effect on the 12<sup>th</sup> August 2016. It is therefore recommended that the SLDC fee increased to £50.00 to recover full costs.

#### **4.0 CONSULTATION**

4.1 There has been informal consultation with Hackney carriage drivers, Private Hire drivers and Private Hire Operators informing them of the change in fee and the change in application of DBS process.

#### **5.0 ALTERNATIVE OPTIONS**

5.1 Not to approve the fee and therefore not to conduct basic checks which is against the currently policy and existing legislative framework. Should the fee not be approved this will lead to reduction in income for work undertaken and insufficient to cover costs of operating the licensing service.

#### **6.0 LINKS TO COUNCIL PRIORITIES**

6.1 Licensing legislation imposes a duty on the district council to administer and enforce the legislation.

6.2 The legislation also links into the Council priority of Health and Wellbeing as the Licensing function ensures the welfare and safety of our communities are being maintained.

#### **7.0 IMPLICATIONS**

##### **7.1 Financial and Resources**

7.1.1 There will be no additional financial resources required to implement the proposal as fees will not be altered and resources will be aligned to focus on public safety.

##### **7.2 Human Resources**

7.2.1 There are no issues in respect of human resources, as licensing fees will be realigned to accommodate any staffing issues.

##### **7.3 Legal**

7.3.1 Section 70 of the Local Government (Miscellaneous Provisions) Act 1976 provides that a District Council may charge such fees for the grant of vehicle and operators' licence as may be sufficient to cover in whole or in part the reasonable cost of carrying out inspections of hackney carriage stands, and any reasonable administrative or other costs in connection with the control and supervision of hackney carriages and private hire vehicles. Therefore the hackney carriage and private hire licensing function should be self-financing, and operate at nil cost to the Council taxpayer.

7.3.2 The council should ensure compliance with the provision of Services Regulations 2009 and that any charges are made on a cost recovery basis.

## 7.4 Health, Social, Economic and Environmental

### 7.4.1

|  |   |  |
|--|---|--|
| Have you completed and Health, Social, Economic and Environmental Impact Assessment? | Yes <input type="checkbox"/>  | No <input checked="" type="checkbox"/> |
| If yes, please confirm that it is attached to the report in the appendices.          | Yes <input type="checkbox"/>  | No <input checked="" type="checkbox"/> |
| If you have not completed an Impact Assessment, please explain your reasons.         | The overall impact of the proposal is neutral as appropriate fees will be set on a cost recovery basis which will allow a fair fee to be set and sustain economic growth. |  |

## 7.5 Equality and Diversity

### 7.5.1

|  |   |  |
|--|---|--|
| Have you completed an Equality Impact Analysis?                              | Yes <input type="checkbox"/>  | No <input checked="" type="checkbox"/> |
| If yes, please confirm that it is attached to the report in the appendices.  | Yes <input type="checkbox"/>  | No <input checked="" type="checkbox"/> |
| If you have not completed an Impact Assessment, please explain your reasons. | The overall impact of the proposal is neutral as appropriate fees will be set on a cost recovery basis which will allow a fair fee to be set and sustain economic growth. |  |

## 7.6 Risk

| Risk                     | Consequence  | Controls required  |
|--------------------------|--|--|
| Failure to increase fees | Reduced income for work undertaken and insufficient to cover costs of operating the licensing service. | To bring this fee in line with the fee incurred by Cumbria County Council. |

## CONTACT OFFICERS

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**BACKGROUND DOCUMENTS AVAILABLE – none**

## TRACKING INFORMATION

| <b>Assistant Director</b>              | <b>Portfolio Holder</b> | <b>Solicitor to the Council</b> | <b>SMT</b>                       | <b>Scrutiny Committee</b>                      |
|--|-------------------------|---------------------------------|----------------------------------|--|
| 11/10/2016                             | n/a                     | 11/10/2016                      | n/a                              | n/a  |
| <b>Executive (Cabinet)</b>             | <b>Committee</b>        | <b>Council</b>                  | <b>Section 151 Officer</b>       | <b>Monitoring Officer</b>                      |
| n/a                                    | 08/11/2016              | n/a                             | 11/10/2016                       | 11/10/2016                                     |
| <b>Human Resource Services Manager</b> | <b>Leader</b>           | <b>Ward Councillor(s)</b>       | <b>Public Protection Manager</b> | <b>Use these boxes for additional tracking</b> |
| 11/10/2016                             | n/a                     | n/a                             | 10/10/2016                       |  |