



URGENT BUSINESS

Licensing Regulatory Committee

Thursday, 31 March 2011

The following report is an item of urgent business to be considered at the meeting. It is enclosed, as follows:

Agenda Item Number	Page	Title	Reason for Late Report	Officer Responsible For Late Report
17	1 - 3	Changes to the Level of CRB Checks for Hackney Carriage and Private Hire Drivers	New Government Guidance	Licensing Manager

LICENSING REGULATORY COMMITTEE

Changes to the level of CRB checks for Hackney Carriage and Private Hire Drivers

31 March 2011

Report of Licensing Manager

PURPOSE OF REPORT

To inform members of the change in the level of CRB checks for hackney carriage and private hire drivers from an enhanced check to a standard check following new Government Guidelines.

This report is public.

RECOMMENDATIONS

That the Committee endorse the change to standard CRB checks, and that the licensing requirements for applicants be amended accordingly.

1.0 Report

1.1 Members will be aware it has been the practice for many years to require all new applicants for a private hire or hackney carriage licence to have an enhanced CRB check on application, and a further one a year after the licence has been issued, followed by further checks every 3 years. This has always been done in accordance with the Department For Transport guidelines, and has been a practice followed by most local authority licensing departments.

1.2 In March 2011 the CRB published a newsletter stating that it would be "illegal" to request an enhanced check for the sole purpose of issuing a licence to a Taxi or Private Hire Vehicle driver.

1.3 They have backed up this statement by outlining the legislative framework as detailed below:-

"The Rehabilitation of Offenders Act 1974(ROA)(Exceptions)Order 1975 lists the types of occupations, professions and positions for which you are legally entitled to request a Standard CRB check. Taxi Drivers' Licences are included in this list and therefore clearly entitled to a Standard level of check.

The Police Act 1997 sets out a list of employments which are entitled to an Enhanced CRB check. As it currently stands, the issuing of a licence in respect of either a Taxi or Private Hire Vehicle driver is not listed. This means that it would be illegal to request an Enhanced CRB check for the sole purpose of issuing a licence to a Taxi or Private Hire Vehicle driver.

Taxi and Private Hire drivers are not a specified position in the Safeguarding Vulnerable Groups Act 2006, however in certain circumstances some drivers will be carrying out regulated activity but only when they transport children or vulnerable adults to and from a regulated activity AND it is organised by the providers of the regulated activity or an organisation working on their behalf, e.g. Local Authority school contract or NHS contract.

It is not regulated activity if a child/vulnerable adult hires a taxi in the street or by telephone privately.”

- 1.4 This effectively means that taxi drivers are not caught by the need for an enhanced check for children or vulnerable adults who they transport via an ordinary booking. An enhanced check would only be required if the driver is going to have regular contact through a school contract etc.
- 1.5 The County Council deal with school contracts and they carry out their own enhanced checks.
- 1.6 Both standard and enhanced checks provide information about spent convictions. The only information that is not included in a standard CRB check that would be included in an enhanced CRB check is police intelligence. Whilst this has proven extremely useful in the past, this practice is going to be abolished. One advantage of a standard CRB check is that the results will come back quicker than an enhanced check.
- 1.7 Following the advice from the CRB, licensing officers have only been requesting a standard CRB check for Hackney Carriage and Private Hire drivers.

2.0 Conclusion

- 2.1 In summary following latest Government guidelines which state that it would be “illegal” to carry out an enhanced CRB check for the sole purpose of issuing a licence to a Taxi or Private Hire Vehicle driver, the licensing officers have only been requesting a standard check for this purpose. The Committee is asked to endorse this approach. The information supplied to applicants will be amended accordingly.

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

The proposed change does not have the potential to cause negative impact or discriminate against different groups in the community based on age, disability, gender, race/ethnicity, religion or religious belief (faith), sexual orientation, or rural isolation.

FINANCIAL IMPLICATIONS

There are no cost implications arising from this report. The cost for the CRB check is paid by the applicant.

LEGAL IMPLICATIONS

Failure to comply with the new CRB advice could leave licensing officers open to legal challenge.

BACKGROUND PAPERS

None.

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