

LICENSING REGULATORY COMMITTEE

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

7 June 2012

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 a standard check to an enhanced check following new Government Guidelines.

This report is public.

RECOMMENDATIONS

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

1.0 Report

- 1.1 Members will be aware that prior to March 2011, it had 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 meant that taxi drivers were 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 was going to have regular contact through a school contract etc.
- 1.5 Following pressure from Licensing Officer Groups the Government has now issued new guidelines which state that hackney carriage and private hire drivers should be subject to an enhanced level CRB check.
- 1.6 Following the latest advice from the CRB, licensing officers have been requesting an enhanced CRB check for Hackney Carriage and Private Hire drivers,

2.0 Conclusion

- 2.1 In summary following latest Government guidelines which stated that enhanced level CRB checks may be carried out for the purpose of issuing a licence to a Taxi or Private Hire Vehicle driver, the licensing officers have been requesting an enhanced 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

The legal implications are included in the report

BACKGROUND PAPERS

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