



<b>Name of Committee:</b>	<b>LICENSING</b>
<b>Meeting Date:</b>	<b>28 June 2011</b>
<b>Directorate:</b>	<b>Public Protection</b>
<b>Corporate Manager:</b>	<b>Steve Elsey</b>
<b>Agenda Status:</b>	<b>Private part of Agenda</b>

<b>Report Title</b>	<b>Review of Criminal Record Bureau checks for Hackney/Private Hire Drivers.</b>
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### **1. Recommendations**

That the Committee consider and determine the report and confirm that Criminal Record Bureau checks should be carried out as recommended by the Department for Transport and Criminal Records Bureau and become a Condition of being granted a Hackney/Private Hire licence.

### **2. Summary**

In February 2010 the Department for Transport (DfT) released new guidelines for Local Authorities when determining whether, or not, a licence to drive Hackney/Private Hire vehicles should be granted and recommended conditions relating to drivers and vehicles. Within those guidelines is a reference to Criminal Record Bureau checks and the recommendation that checks should be carried out on first application and every three years thereafter.

This procedure was introduced by the Licensing Department when Police Checks were discontinued and has continued to the present day. It has not been included as a condition in the Condition Booklet.

### **3. Report Background**

A criminal record check is an important safety measure particularly for those working closely with children and the vulnerable. Traditionally drivers are checked on first application and every three years thereafter, this authority has always insisted on an enhanced check for all drivers. Drivers can be subject to a Standard Disclosure or to an Enhanced Disclosure, both disclosures give details of spent or unspent convictions, cautions, reprimands and final warnings.

Following further guidance from both the Department for Transport and the Criminal Record Bureau the intention is to reduce the level of check from the Enhanced Check to a Standard Check. Although this attracts a reduced fee that fee is paid directly to The Criminal Records Bureau, the Council administration fee would not be affected.

Although an Enhanced Disclosure may also include any other information held in police records that is considered relevant by the police, for example, details of minor offences, non-conviction information on the Police National Computer such as Fixed Penalty Notices and, in some cases, allegations, the Council are not able to react to that information.

The Council adopted the Home Office Guidelines with regard to the relevance of convictions and as such has followed the recommended period, for persons with convictions, set out in those guidelines, before considering an application.

The option is always available to the Licensing Committee to revert to an Enhanced Check should the current consultation result in a change in the Guidance.

### **3A. Any Relevant Policies**

Northampton Borough Council's Guidelines relating to the relevance of Convictions.  
Northampton Borough Council Private Hire Licensing Conditions and Guidelines.  
Northampton Borough Council Hackney Carriage, Byelaws, Conditions, Relevant Legislation & Guidelines.

### **4. Options and Evaluation of Options**

To adopt as a Condition the guideline relating to Criminal Record Bureau checks as set out in the latest guidance issued by the Department for Transport and the Criminal Records Bureau. To reduce the level of check from the Enhanced check to a Standard check.

### **5. Resource Implications (including Financial Implications)**

None.

### **6. Consultees (Internal and External)**

<b>Internal</b>	Legal Department
<b>External</b>	Department for Transport (Guide for Hackney/Private Hire). Criminal record Bureau. (Guidelines with regard to Enhanced Checks).

### **7. Compliance Issues**

#### **Finance Comments**

None.

#### **Legal Comments**

<b>Crime and Disorder Issues</b>
Ensure the safety of the public.
<b>Equality Impact Assessments</b>
None. This procedure would apply to any applicant for a Hackney/Private Hire Licence.
<b>Human Rights Act Implication</b>
N/A

<b>Title</b>	<b>Description</b>	<b>Source</b>
Home Office Guidelines	Relevance of Convictions	Mr P Bayliss
Department for Transport	Taxi and Private Hire Vehicle Licensing Best Practice Guidance	Mr P Bayliss

<b>Name</b>	<b>Signature</b>	<b>Date</b>	<b>Ext.</b>
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<b>Director</b>	Julie Seddon		

**Other compliance issues**

**8. Background Papers**