

Title of Report:	Guidance Notes on the Relevance of Criminal Records in Respect of Applicants for a Licence to drive a Hackney Carriage or Private Hire Vehicle	Item 4
Report to be considered by:	Licensing Committee	

Purpose of Report:

To propose a review of the criminal records guidance to officers used in the determining of fitness of an applicant, to drive a taxi.

Recommended Action:

To approve the revised standards as set out in the report for consultation

List of other options considered:

None

Key background documentation:

- Existing guidance
- Corporate Policy on Criminal Records Bureau Searches as agreed by the Executive on 11 November 2004

Contact Officer Details	
Name:	Brian Leahy
Job Title:	Senior Licensing Officer
Tel. No.:	01635 519209
E-mail Address:	bleahy@westberks.gov.uk

Supporting Information

1. Background

- 1.1 Driver's of taxis are in a position of responsibility and trust and have the duty, once licensed, to convey a wide range of passengers, from children, persons at risk, the elderly and infirm and the vulnerable, as well as able bodied persons. It is therefore imperative that licences are not granted to persons who have demonstrated through criminal misdemeanour, their unfitness to be placed in a position of such trust.
- 1.2 In view of the above, in February 1993 members of the then Hackney Carriage Sub Committee, approved a document produced by the DOT which gave advice and guidance to Licensing Officers when considering the relevance of criminal convictions for applicants, applying for taxi driver's licences.
- 1.3 At the time that the above guidance was adopted, the document made reference to the applicant being required to complete a Request for a Police Check prior to having the application considered. The Police Check has now been superseded by the Criminal Records Disclosure which is issued by the Criminal Records Bureau ("CRB") (an Executive Agency of the Home Office).
- 1.4 The check carried out in respect of taxi drivers is referred to as 'enhanced disclosure' as the Report from the CRB will show any convictions in the name of the applicant regardless of whether they are 'current' or 'spent'.
- 1.5 The guidance notes help to ensure a consistent and transparent decision making process, which is in accordance with the Enforcement Concordat and the Public Protection Enforcement Policy. The guidance will assist licensing officers when considering what impact (if any) convictions that are revealed on a CRB Report should have on a persons suitability to be a licensed by the Council as a taxi driver. The guidance will also inform an applicant for a licence of the standards that the Council applies.
- 1.6 Although the guidance adopted in 1993 has been crucial in ensuring that all persons licensed to drive taxis are 'fit and proper persons' to do so, that guidance has become outdated and therefore requires updating and enhancing to adequately reflect changes in legislation and procedure.
- 1.7 The fact that the above guidance needed to be updated was recognised by the Council's Executive, when it adopted the Corporate CRB Policy on the 11 November 2004. A copy of the Report to the Executive and the Corporate Policy on CRB Checks are attached at Appendix 4(b).
- 1.8 In view of the above, officers have prepared revised draft guidelines to be applied to applicants for taxi driver's licences, and these are attached at Appendix 4(c).

2. Recommendation

- 2.1 Members are requested to consider the revised draft guidelines, and to approve these for consultation with the trade and other interested parties.
- 2.2 Officers would hope to have a final version, taking account of the consultation responses, for Members' consideration and formal approval in September 2005.

Appendices

Appendix 4(a) - Guidance Notes on the Relevance of Criminal Records in Respect of Applicants for a Licence to Drive a Hackney Carriage or Private Hire Vehicle, as approved by the Hackney Carriage Sub Committee – 22 February 1993.

Appendix 4(b) - Report to Executive dated 11 November 2004 and Corporate CRB Policy

Appendix 4(c) - Guidance Notes on the Relevance of Criminal Records in Respect of Applicants for a Licence to Drive a Hackney Carriage or Private Hire Vehicle – Revised 6th June 2005.

Implications

Policy:	Adoption of the proposed document will assist in securing compliance with the Enforcement Concordat and the Public Protection Enforcement Policy. The guidance will also complement the Corporate CRB Policy in respect of applicants for a taxi driver's licence.
Legal:	The guidance will reflect the changes brought about by the introduction of the Criminal Records Bureau and legislation generally. A consistent approach and written policy will also assist the Council in defending any legal challenges.
Equalities:	The Corporate CRB Policy is in accordance with the Council's Equalities Policy. Further, the Enforcement Concordat and Enforcement Policy (referred to above), require consistency and fairness by the Council when undertaking licensing functions.
Risk Management:	A written policy, widely available, will ensure that the Council's position is clear, fair and less vulnerable to challenge.

Consultation Responses

Local Stakeholders:	N/A
Officers Consulted:	Licensing Team, Legal Services Team.
Trade Union:	None