

**Subject:** Criminal Record Checks as required for Hackney Carriage/ Private Hire Licensing      **Status:** For Publication

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**Report to:** Licensing Committee      **Date:** 29<sup>th</sup> August 2006

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**Section Head:** Head of Legal & Democratic Services      **Report Author:** Susan Chadwick, Licensing Manager

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**Portfolio Holder:** Leader of the Council

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**Key Decision:** NO

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## **1. PURPOSE OF REPORT**

- 1.1 To advise members of the current Private Hire and Hackney Carriage licensing regime with regard to criminal record checks on applicants wishing to obtain a drivers licence as an element of the “fit and proper person” test.
- 1.2 To request that members consider the addition of a second organisation to provide criminal record checks.

## **2. RECOMMENDATION**

- 2.1 It is recommended that the Committee resolve to adopt the introduction of a second organization to provide choice to applicants in obtaining the necessary criminal record checks whilst ensuring that high standards of safety are maintained.

## **3. BACKGROUND**

- 3.1 The current requirements to complete an application to become a licensed Hackney Carriage or Private Hire Driver require that the applicant has a current criminal record check which is done through the CRB. The same process in terms of criminal record checks applies where a licence is to be renewed. This requirement forms part of the “fit and proper person” test.
- 3.2 Arrangements which had been in place for a number of years whereby the Police supplied details of criminal records were replaced in April 2002 and became the responsibility of the CRB, an executive agency of the Home Office.

- 3.3 Severe delays are being experienced in the processing of these checks and in some cases applicants are waiting up to 12 weeks for the return of the criminal record check from the CRB, which has a significant impact on the trade.
- 3.4 It is not safe to issue new licences without any prior knowledge of the applicant's criminal record and in these cases, a licence cannot be issued or determined by the Committee until the criminal record check has been returned and the delays experienced from the CRB result in applicants experiencing severe delays in receiving a decision on their application.
- 3.5 The Council has also received undue delay in resolving account enquiries with the CRB and the Licensing Manager has written to the CRB in an attempt to clarify their position on the delays currently being experienced with disclosures and the general service level to this Authority.
- 3.6 Regrettably we are informed that the CRB will investigate the matters raised and reply once concluded. This course of action was advised a month after the sending of the original letter regarding the delays.
- 3.7 With the implementation of the Gambling Act 2005 in June of 2007 and further applications by the Gambling Commission for criminal record checks, we can reasonably anticipate that the processing of such applications will result in an increased workload for the CRB and thus, further delays in the processing of all applications.
- 3.8 With this in mind, it is recommended that the Committee consider whether they would wish to use the services of the Scottish Criminal Records Office (hereafter referred to as SCRO) alongside the services of the CRB so that applicants may have a choice and use the services of the organization which appear to be processing applications quicker at the time.
- 3.9 The SCRO is currently used in the licensing regime for Personal Licence applications under the Licensing Act 2003. Applicants request a basic disclosure direct from SCRO and ensure that they forward it with their application for a Personal Licence. To date, the Licensing Unit has found the service to be quick and cost effective for applicants. The Licensing Act 2003 requires that a criminal record check is done and applicants therefore have a choice of using the services of the CRB or SCRO.
- 3.10 SCRO have now introduced enhanced criminal record checks and these will cost £20 (current price) compared with the CRB cost of £36. Whilst cost is not the driving factor in this process, it is provided to inform members of the options available and potential savings to customers.
- 3.11 The application process for an enhanced criminal record check with SCRO will work in the same manner as the process for the CRB. Rossendale Borough Council will become a registered body with SCRO and applicants will be required to produce identification, complete the application form and submit the required fee in order to apply for an enhanced disclosure.

- 3.12 The cost to the Licensing Unit to become a registered body will be £150. Members are reminded that customers pay for their application for a criminal record check.
- 3.13 The database which is used by the CRB and SCRO for the purposes of criminal record checks is a national one and therefore, the geographical location of SCRO does not affect the quality or accuracy of the information returned on the disclosure. Thus, there are no risks that information held for individuals residing in England may be overlooked as all the information is held at a national level with no regard to the geographical area.
- 3.14 Without compromising public safety, our own high standards and the “fit and proper person” test, we will be able to afford applicants a choice of Criminal Record Offices to use for the purposes of applications and may go some way in alleviating the delays currently experienced.

**4. CORPORATE PRIORITIES**

- 4.1 The matters discussed in this report are linked to and support the following corporate priorities:

Customer Services and Community Safety. Quality services for local people and confident communities. Hackney Carriage and Private Hire drivers are relied upon by the traveling public to be persons of honesty and reliability.

**5. RISK ASSESSMENT IMPLICATIONS**

- 5.1 There is a risk of vicarious liability should the Council licence an unfit driver whilst working in that capacity.
- 5.2 The Authority must act in a transparent and open manner.

**6. CONSULTATION CARRIED OUT**

- 6.1 None.

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Background Papers	
Document	Place of Inspection
None	