



**TAXI LICENSING AND APPEALS  
COMMITTEE  
14 March 2012**

# ITEM 5

Report of the Strategic Director of  
Neighbourhoods

## **CRIMINAL RECORDS CHECKS FOR PRIVATE HIRE AND HACKNEY DRIVERS**

### **SUMMARY**

- 1.1 In March 2011, the Licensing Team were made aware that it was illegal for Enhanced Criminal Record Bureau checks to be required for Private Hire and Hackney Carriage Drivers.
- 1.2 Since April 2011, only standard Criminal Record Bureau checks have been required by Derby City Council's Licensing Team.
- 1.3 Following representations from a number of organisations, the Government have announced that Council's will be able to require Enhanced Criminal Record Bureau checks for all Private Hire and Hackney Carriage Drivers.
- 1.4 The changes will be made by the implementation of secondary legislation as soon as practicable.

### **RECOMMENDATION**

- 2.1 To note the information in the report.

### **REASONS FOR RECOMMENDATION**

- 3.1 To update members of the changes to the requirement for Criminal Record Bureau checks on all Private Hire and Hackney Carriage Drivers.

### **SUPPORTING INFORMATION**

- 4.1 The Parliamentary Under Secretary of State for Equalities and Criminal Information (Lynne Featherstone) clarified on 18 January 2012 that Council's will be given the entitlement to request Enhanced Criminal Record Bureau checks on all Hackney Carriage and Private Hire drivers

- 4.2 Additionally Licensing Authorities will be able to check whether any applicant is barred from work with children or vulnerable adults under the Safeguarding Vulnerable Groups Act 2006.
- 4.3 The decision on whether to grant a licence will remain a matter for the local authority.
- 4.4 These proposals will ensure that Licensing Authorities have all the information they need to make informed decisions before the granting of a licence.
- 4.5 The changes are part of a radical overhaul of the vetting and barring and criminal records regime intended to scale back to common sense levels, whilst ensuring adequate protections are in place where they are needed most.
- 4.6 The change clarifies the law and regulates practice which has grown up over many years in the taxi sector.
- 4.7 Although it has been confirmed that changes will be made by secondary legislation as soon as practicable, no definite timescales have been announced. Until such time, Members should note that the Council remains constrained to only being able to require standard disclosure for exiting licence holders and new applicants.

<b>OTHER OPTIONS CONSIDERED</b>
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- 5.1 Not applicable

**This report has been approved by the following officers:**

<b>Legal officer</b>	Olu Idowu
<b>Financial officer</b>	-
<b>Human Resources officer</b>	-
<b>Service Director(s)</b>	-
<b>Other(s)</b>	-

<b>For more information contact:</b>	Michael Kay 01332 641940 e-mail michael.kay@derby.gov.uk
<b>Background papers:</b>	None

**List of appendices:**

Appendix 1 – Implications

<b>IMPLICATIONS</b>
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**Financial**

1.1 None directly arising from this report.

**Legal**

2.1 As set out in the report.

**Personnel**

3.1 None.

**Equalities Impact**

4.1 The proposed changes will apply equally to all groups within the community and no particular group(s) will be disadvantaged.

**Health and Safety**

5.1 None.

**Carbon commitment**

6.1 None.

**Value for money**

7.1 None.

**Corporate objectives and priorities for change**

8.1 The proposal supports the corporate priorities to ensure the people in Derby will enjoy **good quality services that meet local needs** and **being safe and feeling safe**.