

Licensing of Hackney Carriage and Private Hire Vehicle Drivers - Criminal Record Checks

Portfolio:	Community
Ward(s) Affected:	All

Purpose

To consider allowing Officers the discretion to permit licensed drivers to continue driving whilst awaiting the result of a repeat Disclosure Barring (formerly CRB) check

Background

1. Members will recall that this matter was last before the Licensing Committee on 3 June 2009 when it was resolved that drivers should wait no longer than 8 weeks for the result of a Criminal Records Bureau check.
2. Licensed drivers are required by conditions and the provisions of the Local Government (Miscellaneous Provisions) Act 1976 to notify the Council of any conviction they receive.
3. Licensed drivers are also subject to a driver's record check with the Driver and Vehicle Licence Agency (DVLA) every 3 years. However, the current mandate in operation with each driver allows Officers to make subsequent enquires to be placed with the DVLA at any stage from the date of the most recent mandate without further involvement of the driver.

Current Position

4. Surrey Police now have a duty to inform Councils of any conviction involving persons of persons who have a 'Notifiable Occupation'. Such occupations include Hackney Carriage Drivers and Private Hire Drivers. This system allows officers to make proactive enquiries in to the nature and circumstances of a conviction should the driver neglect to notify the Council of the event.
5. Currently, if a driver's renewal of a hackney carriage or private hire licence is held up whilst awaiting the result of a DBS check, as they will not be the holder of licence in the interim he would not be legally obliged to notify the Council of any conviction he may receive in the interim.
6. Officers are of the view that the procedures in place as above are adequate to protect the safety of the travelling public who use hackney carriages and private hire vehicles. Further, that the current policy of a driver being unable to work for up to 8 weeks whilst waiting for the result of a repeat Disclosure Barring Service check ('CRB') to be an unnecessary burden upon the legitimate professional driver.

Recommendation

7. It is proposed to amend the standard condition for licensed hackney carriage and private hire drivers and allow Officers the discretion to permit licensed drivers to continue driving whilst awaiting the result of a repeat Disclosure Barring Service (formerly CRB) check.

Agenda Item 5

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Background Papers:

None

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