

Committee: LICENSING

Agenda Item

Date: March 10, 2010

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Title: CRB CHECKS

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Item for information

Summary

1. This report has been prepared at the request of the Chairman to remind members of its policy with regard to CRB checks and to inform members of a recent change in operational practice with regard to the same.

Recommendations

2. That members note the contents of this report.

Background Papers

3. None.

Impact

- 4.

Communication/Consultation	None.
Community Safety	The council has a duty to ensure that only fit and proper persons are licensed to carry passengers.
Equalities	None.
Finance	A CRB check costs £36. In the event that a check is required sooner than 3 years from the date of the last check, the additional cost to the driver is £1 per month.
Health and Safety	None.
Human Rights	None.
Legal implications	The Local Government (Miscellaneous Provisions) Act 1976 provides that a council shall not grant a licence unless it is satisfied that the applicant is a fit and proper person. Without CRB checks the

	council cannot be so satisfied.
Sustainability	None.
Ward-specific impacts	None.
Workforce/Workplace	None.

Situation

5. This council in common with all others insists upon CRB checks prior to the issue of a driver's licence. The Government's guidance on best practice for taxis and private hire vehicles states that "a criminal record check is an important safety measure and ... it would seem best practice for Criminal Records Bureau disclosures to be sought when a licence is first applied for and then every three years, even if a licence is renewed annually."
6. It has long been the practice of this council to follow such guidance.
7. Some time ago this council had a practice of starting licences on two dates only, namely the 1 March and the 1 September. Whenever a licence was first applied for it was backdated on grant to one of those dates.
8. That practice has been changed and licences are now backdated to commence on the first day of the month in which they are applied for. This change came about for two reasons. Firstly it was of benefit to the trade because a driver applying for a licence in, say, July would pay a full year's licence fee for a licence which only had eight months duration. It was also of benefit operationally as it is helping to smooth out the 'hot spots' in a year for dealing with renewals of licences.
9. The fact that licences are backdated means that when a driver comes to renew his licence for the third time the CRB check carried out when he first applied maybe slightly less than 3 years old. To renew the licence on the third anniversary without requiring a new CRB check is contrary to the council's policy and the Government guidance on best practice.
10. It has only recently come to my attention that we were operating a practice of renewing licence on the third anniversary but only requiring the CRB check to be carried out once the previous one was 3 years old. That, in my view, is not appropriate because it can lead to the need to revoke licences where a driver does not provide the appropriate check (as indeed happened last year when a licence was revoked by the committee in those circumstances). It also increases the risk that unsuitable people may be driving. I therefore took an operational decision that in future CRB checks will be required on each third renewal of a licence. This decision is consistent with both council policy and Government guidance and best practice.

Risk Analysis

11.

Risk	Likelihood	Impact	Mitigating actions
Drivers licences are renewed at 3 year intervals without requiring an immediate CRB check	1, the practice now adopted prevents this.	4, although under the conditions of licence drivers are required to report convictions to the council there is significant evidence that this is not always done with regard to motoring convictions and there is a real concern that if the same attitude is taken with regard to other criminal convictions that this could lead to unsuitable persons being licensed which could result in harm to the public.	No further actions are required in the light of the operational decision taken.

- 1 = Little or no risk or impact
- 2 = Some risk or impact – action may be necessary.
- 3 = Significant risk or impact – action required
- 4 = Near certainty of risk occurring, catastrophic effect or failure of project.