

The LPHCA has campaigned for criminal record checks for many years. We have also been consistent in saying that check must be appropriate for the job the driver does. Enhanced checks only produce subjective information and the associated delays and costs cause more harm than good. Here is our letter to **The CRB**.

Mark Cowan, Esq.
Criminal Records and Security Industry Unit
The Home Office
85 Buckingham Gate
London
W1E 6PD



25th April 2003

Dear Mr Cowan,

Thank you for giving **The LPHCA** the opportunity to respond to the **Government's Consultation Paper** on the reform of the disclosure process.

As our member's drivers in the **London Private Hire Car Association** are about to become subject to what we consider to be currently an onerous and inefficient system, we are pleased to put forward our thoughts and hopefully some constructive comments.

We have been involved in London right throughout the driver licensing process which we campaigned long and hard for. We have consistently advocated Criminal Record checking for Private Hire Drivers in London as part of the Licensing process, however we have been equally consistent in saying that we require a Criminal Record Checking process that was as Real Time as possible to enable drivers to be engaged quickly. In addition we have stated that the level of checking should be appropriate to the job that Private Hire Drivers do.

Throughout our representations to **The Public Carriage Office (The PCO)**, **Transport for London (TfL)** and **The Department for Transport (DfT)**, we have consistently made it clear that an electronic based system would seem both logical and feasible in today's world.

We are heartened that the **Independent Review Team (IRT)** has suggested that it would be better for all parties if relevant information reached **The CRB** more quickly and more accurately, and this would happen if applications were made electronically. Furthermore the **Government** comment that it has recognised for some time that the creation of an electronic channel would yield efficiency, cost, and quality benefits for all parties to the process is exactly as we anticipated.

The news that **The CRB** will be introducing such a channel as soon as is practicable, with a pilot project starting later this year, is welcomed and I would like to suggest that such a trial could be carried out in conjunction with the 'about to start process' of Private Hire Driver Licensing in London by **The Public Carriage Office**.

The LPHCA having attended **CRB** meetings / workshops and had considerable dialogue with **The CRB**, would be delighted to give input and work closely with **The PCO / Transport for London** if you consider this proposal viable.

With our position as a stakeholder whose members are about to be dramatically affected by the performance of the disclosure process, we have a vested interest in working with and commenting on the process.

We are pleased that the consultation process has recognised the importance of determining the appropriate level of Disclosure required as an important issue.

The LPHCA, like others, has questioned the value of The Enhanced Check for Private Hire Drivers and **CRB** personnel we have spoken to, clearly share the same view.

The consultation document astutely points out the small number of cases in which relevant further information is revealed by the additional checks. We are therefore pleased it has suggested that new arrangements be made to enable **The CRB** to set priorities for determining, in accordance with Government guidelines, which applications get Enhanced and which get Standard Disclosures.

We are also pleased that the **Government** agrees with the spirit of this recommendation but believes that the criteria for determining such matters should be set by **Ministers**, in consultation with relevant stakeholders, on the basis of risk assessment.

We also feel that the proposal that **Government Ministers**, rather than local authorities or licensing authorities determining the appropriate levels of disclosure, is very sensible. Having established the criteria, we also support the proposal that **The CRB** should then have appropriate powers to ensure that they are observed.

In London we are about to be regulated and be subjected to Enhanced Disclosures, which we believe, will compromise Public Safety. We feel the number of drivers able to enter the industry in future, will struggle to meet demand, playing into the hands of what is already a considerable problem, illegal street touts.

This is an example of unnecessary, overkill, where the tiny and subjective amount of information gleaned by the protracted, enhanced record checking process, adds little or no value to the licensing process. We have asked **TfL** to monitor closely driver levels in London which we believe will plummet as a result of the decision to opt for Enhanced checks that has caused chaos, unemployment and lack of supply elsewhere.

In answer to the question: - What should the criteria be for Standard and Enhanced Disclosures? We believe the standard disclosure is appropriate for the Private Hire Industry Drivers as bookings are not made on the street, but must be booked through an office. Journeys undertaken are therefore monitored and tracked, with the driver allocated under the strict control and systems of their office.

Surprisingly, one subject not covered in the consultation was portability of disclosure. This subject is close to our minds at present as **The CRB** clearly indicated that portability between jobs was possible and desirable.

We have heard that this has caused difficulties in our industry where Licensing Authorities have not put in place systems to deal with those already subjected to a current disclosure. Perhaps this would be easier to manage when the electronic model is live and something that could be beta-tested whilst the trial is being carried out.

We are pleased **the Government** is recognising current difficulties and hope that our input is of help.

Yours sincerely

Steve Wright MBE (Chairman) The Licensed Private Hire Car Association