

**TO THE CHAIR AND MEMBERS OF THE
LICENSING COMMITTEE**

**Hackney Carriage and Private Hire Licensing Policy
Hackney carriage driver, private hire driver and private hire operator
licensing – Safeguarding Awareness Training**

EXECUTIVE SUMMARY

1. The Doncaster Council Hackney Carriage and Private Hire Licensing Policy (HC & PH Licensing Policy) includes details of the driver standards and conditions and the pre-requisite requirements before a licence will be granted.
2. It is proposed to make changes to the Policy, in particular enhancements to the suitability test for licensed drivers and operators to require all drivers and operators to undertake safeguarding awareness training. New applicants and existing licence holders would need to provide evidence of having undertaken safeguarding awareness training, delivered by an approved provider, before being considered fit and proper.
3. At the time of writing this report 624 (circa 75%) of Doncaster's licensed drivers have already, voluntarily, attended a safeguarding awareness session organised by Doncaster Council.

RECOMMENDATIONS

4. That Committee authorises the Assistant Director - Environment, to go out to consultation, with licensed drivers, private hire operators and interested parties e.g. safeguarding organisations, on the on the basis of the proposals set out in Appendix 1.
5. That the Business Safety & Licensing Manager be tasked to report back to the Committee with the outcome of that consultation, and make final recommendations to the Committee.

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER

6. By implementing the recommendation of this report, the Doncaster Council Hackney Carriage and Private Hire Licensing will remain up to date and fit for purpose. The safety of the travelling public of Doncaster

will not be compromised by the recommendations of this report.

BACKGROUND

7. Since October 2015 Doncaster taxi drivers have been offered, on a voluntary attendance basis, safeguarding training arranged by the Council's Business Safety and Licensing team, in a joint quest to protect the safety of the travelling public.
8. The decision to introduce the training was made following the publication of the Jay report into child sexual exploitation in Rotherham and the subsequent Casey report into Rotherham Council's exercise of its functions on governance, children and young people, and taxi and private hire licensing.
9. Both the Jay and Casey reports indicated that licensed vehicles played a prominent role in the issues in Rotherham and as result there has been a significant impact on public confidence in taxi and private hire drivers.
10. The training is being delivered by Sheffield Futures, an independent charitable organisation forming part of a national working group that has delivered CSE/safeguarding training to drivers licensed across South Yorkshire.
11. It covers the following key areas:
 - Understanding the need to protect vulnerable adults, young people and children.
 - Identifying possible victims of abuse and exploitation by understanding indicators of risk.
 - Identifying sources of advice and pathways for reporting concerns.
 - Understanding their roles and responsibilities in relation to personal safety and security.
12. To date over 650 delegates have attended one of the 16 awareness raising sessions. 73% (624) of the taxi drivers currently licensed by Doncaster Council have already voluntarily attended one of the sessions.
13. All our licensed drivers need to command the highest level of confidence before they transport passengers – especially those who may be considered vulnerable. It is, therefore, considered appropriate to make attendance at one of the Council's safeguarding awareness raising sessions a pre-requisite requirement of all new applicants for a taxi driver's licence before a licence is granted and a mandatory requirement of all existing licence holders i.e. everyone licensed to drive private hire vehicle and or a hackney carriage.

14. The HC & PH Licensing Policy (the Policy) was adopted by Council on 19th January 2012. It is within the remit of the Licensing Committee to determine policies that are relevant to the Council's functions under Part 3 of the Constitution which relate to those licensing and registration functions unless the policy must be determined by Full Council. The Policy was last revised by the Licensing Committee on the 17th March 2016

OPTIONS CONSIDERED AND REASON FOR RECOMMENDED OPTION

15. The options are to do nothing and continue to offer safeguarding awareness training on a voluntary basis to those new applicants and existing licence holders that recognize its value or look to make it policy for all taxi drivers (new and existing) to have undertaken the training before they can be considered 'fit and proper' to hold or continue to hold a licence to drive a hackney carriage or private hire vehicle.
16. The benefits of all taxi drivers undertaking safeguarding training with a view to them being the 'eyes and ears' of the community is widely acknowledged. It is widely recognized best practice to require taxi drivers to attend safeguarding awareness training and by looking to make this policy for Doncaster licence holders we would ensure that our standards are comparable with a significant number of other Councils.
17. Having a policy that is clear and up to date in terms of the law and best practice is the keystone to an effective taxi licensing regime. For the above reasons, coupled with the fact that almost three quarters of our licensed drivers have recognized the value of the training and supported it by attending voluntarily, the recommended option is to consult with a view to this becoming a mandatory requirement of all licensed drivers and operators.

IMPACT ON THE COUNCIL'S KEY PRIORITIES

18.

| | Outcomes | Implications |
|--|--|--|
| | <p>All people in Doncaster benefit from a thriving and resilient economy.</p> <ul style="list-style-type: none"> • Mayoral Priority: Creating Jobs and Housing • Mayoral Priority: Be a strong voice for our veterans • Mayoral Priority: Protecting Doncaster's vital services | <p>The Policy ensures that licensing decisions can be made fairly and in a timely manner with the overriding aim of protecting the public.</p> |
| | <p>People live safe, healthy, active and independent lives.</p> | <p>The Policy ensures that licensing decisions can be made fairly and in</p> |

| | | |
|--|---|---|
| | <ul style="list-style-type: none"> • Mayoral Priority: Safeguarding our Communities • Mayoral Priority: Bringing down the cost of living | a timely manner with the overriding aim of protecting the public. |
| | <p>People in Doncaster benefit from a high quality built and natural environment.</p> <ul style="list-style-type: none"> • Mayoral Priority: Creating Jobs and Housing • Mayoral Priority: Safeguarding our Communities • Mayoral Priority: Bringing down the cost of living | The Policy ensures that licensing decisions can be made fairly and in a timely manner with the overriding aim of protecting the public. |
| | <p>All families thrive.</p> <ul style="list-style-type: none"> • Mayoral Priority: Protecting Doncaster's vital services | None |
| | Council services are modern and value for money. | Functions are delegated in the interests of speed, efficiency and cost effectiveness wherever possible. |
| | Working with our partners we will provide strong leadership and governance | None |

RISKS AND ASSUMPTIONS

20. It is accepted good practice that a Licensing Authority adopts a statement of licensing policy in respect of taxi licensing. By not having a Policy decisions of the Licensing Authority are more open to challenge.

LEGAL IMPLICATIONS

21. Sections 51(1), 55(1) and 59(1) of the Local Government (Miscellaneous Provisions) Act 1976 provides that a district council shall not grant a licence to drive private hire or hackney carriage vehicles or to operate private hire vehicles unless they are satisfied that the applicant is a fit and proper person to hold such a licence.
22. Sections 51, 55 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 provide a right of appeal to the magistrates' court to a person aggrieved by the refusal of a district council to grant a licence on the ground that they are not a fit and proper person to hold such a licence.
23. To lessen the risk of judicial challenge effective consultation should occur. If the effect of the new policy is to tighten up on the existing

regulatory regime, then if this is to apply in respect of existing licence holders, those licence holders need to understand that this will be the effect of the policy and they must be given the opportunity to make representations.

24. It is considered lawful to review existing licensees as a result of a clearly worded and implemented policy. There is a lawful foundation that lies at the heart of the proposal – public safety. If the policy wording is not clear then a licence holder may advance an argument that they have a legitimate expectation to enjoy the use of the licence unless there is a material change. That material change may come in the form of a new policy inviting greater expectations. It would not be approached as a retrospective application of a new policy to existing licensees as such, but rather an immediate application of a regime that has public safety at the heart of its concerns.

FINANCIAL IMPLICATIONS

25. Costs of the Safeguard Awareness Training are currently being met by funding available through the approved training provider, Sheffield Futures. There are no additional costs to the Authority. If the current funding arrangement alters then a reassessment of available resources must be made.
26. The Council does incur some support costs associated with the training. Cost associated with the applications and their determinations is met from the fees paid to the Council by applicants for Taxi Licences under the relevant legislation.

HUMAN RESOURCES IMPLICATIONS

27. Not applicable

TECHNOLOGY IMPLICATIONS

28. Not applicable

EQUALITY IMPLICATIONS

29. Decision makers must consider the Council's duties under the Public Sector Equality Duty at s149 of the Equality Act 2010. The duty requires the Council, when exercising its functions, to have 'due regard' to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the act, and to advance equality of opportunity and foster good relations between those who share a 'protected characteristic' and those who do not share that protected characteristic. There are no specific equality implications arising from this report. However, any activities arising from this report will need to be the subject of separate 'due regard' assessments.

CONSULTATION

30. It is proposed to undertake a 4 week consultation with licensed drivers, private hire operators and interested parties e.g. safeguarding organisations on the basis of the proposals set out in Appendix 1.

BACKGROUND PAPERS

31. Doncaster Council's Hackney Carriage and Private Hire Licensing Policy.

REPORT AUTHOR & CONTRIBUTORS

Paul Williams, Business Safety & Licensing Manager
Tel: (01302) 737837
E: mail: pj.williams@doncaster.gov.uk

Marie-Clare Churchman, Senior Legal Officer
Telephone: 01302 736722
Email: marie-clare.churchman@doncaster.gov.uk

Tracy Edlin, Senior Finance Officer
Telephone: 01302 737418
Email: tracy.edlin@doncaster.gov.uk

Peter Dale
Director of Regeneration and Environment

Appendix A

It is proposed that the Hackney Carriage and Private Hire Licensing Policy be amended as follows:

1. Section 3 of the Policy (Hackney Carriage and/or Private Hire Driver Licence – New and Renewal applications) be amended to include the following statement:

In order for the Council to establish whether an applicant is fit and proper the applicant must provide evidence of:

- Attending a safeguarding awareness session approved by Doncaster Council.

2. Section 5.0 of the Policy (Private Hire Operators Licence) be amended to include the following statement:

In order for an operator to prove that they are fit and proper they must provide evidence that they:

- Have attended a safeguarding awareness session approved by Doncaster Council and demonstrated a commitment to cascade this knowledge to all staff directly involved with the day to day operation of the business in particular those involved in taking bookings and dispatching vehicles and drivers.

Application to existing licence holders

In addition to the above applying to all new applicants with immediate effect from the date of implementation, it is also proposed that the Policy be applied immediately applied to all existing licence holders with effect from 31st March 2017.

The Policy will be revised to the effect that any licence holder who has not attended a safeguarding awareness session by 31st March 2017 will no longer be considered fit and proper and their licence will be suspended or their renewal refused until they have done so.