

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. In addition to the existing requirements, 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 728 (circa 85%) of Doncaster's licensed drivers have already, voluntarily, attended a safeguarding awareness session organised by Doncaster Council.
4. A recent consultation exercise was undertaken to seek views on the proposals set out in Appendix 1. The results of the consultation are detailed in Appendix 2.

RECOMMENDATIONS

5. It is recommended that the Hackney Carriage and Private Hire Licensing Policy be amended as per Appendix 1.
6. Unless otherwise stated, the date of implementation of this policy shall be 1st January 2017.

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER

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

BACKGROUND

8. 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, as part of a multi-agency initiative to protect the safety of the travelling public.
9. 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.
10. 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.
11. The training 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 750 delegates have attended one of the 22 awareness raising sessions. Circa 85% (728) of the taxi drivers currently licensed by Doncaster Council have already voluntarily attended one of the sessions.
13. All our licensed drivers and operators 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 or operator licence before a licence is granted and a mandatory requirement of all existing licence holders i.e. everyone licensed to operate a private business, drive a private hire vehicle and or a hackney carriage vehicle.
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.

15. On the 28th June 2016 the Licensing Committee resolved that:
 1. The 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;
 2. The Business Safety and Licensing Manager be tasked to report back to the Committee in respect of the outcome of that consultation and make final recommendations to the Committee.
16. The details of the consultation exercise are outlined in sections 32 to 34 of this report and the results are detailed in Appendix 2.
17. Analysis of the consultation responses shows significant support for each of the proposals set out in Appendix 1.

OPTIONS CONSIDERED AND REASON FOR RECOMMENDED OPTION

18. 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 drivers/operators (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, private hire vehicle or operate a private hire business.
19. The benefits of all taxi drivers/operators 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. These recognized benefits can only be enhanced by also requiring private hire operators to undertake the training.
20. 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 well over three quarters of our licensed drivers have recognized the value of the training and supported it by attending voluntarily, the recommended option is for safeguarding awareness training to become a mandatory requirement of all licensed drivers and operators.

IMPACT ON THE COUNCIL'S KEY OUTCOMES

21.

	Outcomes	Implications
	<p>All people in Doncaster benefit from a thriving and resilient economy.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Creating Jobs and Housing</i> • <i>Mayoral Priority: Be a strong voice for our veterans</i> • <i>Mayoral Priority: Protecting Doncaster's vital services</i> 	<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> <ul style="list-style-type: none"> • <i>Mayoral Priority: Safeguarding our Communities</i> • <i>Mayoral Priority: Bringing down the cost of living</i> 	<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 in Doncaster benefit from a high quality built and natural environment.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Creating Jobs and Housing</i> • <i>Mayoral Priority: Safeguarding our Communities</i> • <i>Mayoral Priority: Bringing down the cost of living</i> 	<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>All families thrive.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Protecting Doncaster's vital services</i> 	<p>None</p>
	<p>Council services are modern and value for money.</p>	<p>Functions are delegated in the interests of speed, efficiency and cost effectiveness wherever possible.</p>
	<p>Working with our partners we will provide strong leadership and governance</p>	<p>None</p>

RISKS AND ASSUMPTIONS

22. 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

23. 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.
24. 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.
25. 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. Effective consultation has taken place and opportunity has been made for existing licence holders to make representations.
26. 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

27. Costs associated with delivering the Safeguard Awareness Training to existing licence holders are currently being met by funding available through the approved training provider, Sheffield Futures. Going forward, the training of new licence applicants will be delivered by the CSE team of the Doncaster Children's Services Trust.
28. The licensing service 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

29. Not applicable

TECHNOLOGY IMPLICATIONS

30. Not applicable

EQUALITY IMPLICATIONS

31. 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

32. A public consultation, on the proposals set out in Appendix 1, ran from 12th October up to 15th November 2016. The consultation was conducted online with the facility for anyone that was unable to respond electronically to take part at the Civic Office.
33. The consultation was published on the Council's website and promoted via pop-ups and social media. In addition, the following were consulted directly:
- Age UK
 - All of Doncaster Council's ward councillors
 - Barnsley, Rotherham and Sheffield licensing authorities
 - Doncaster Chamber
 - Doncaster Childrens Service Trust
 - Doncaster Council's pupil transport team
 - Doncaster Safeguarding Children's Board
 - Doncaster Women's Centre
 - Federation of small businesses
 - Known representatives of the taxi trade
 - National Private Hire Association
 - Parish Councils
 - Personal letter sent to all Doncaster private hire operators (70)
 - Personal letter sent to all Doncaster hackney carriage and private hire drivers (856)
 - The Local Authority Designated Officer (LADO)
 - South Yorkshire Police

- The office of the Police and Crime Commissioner
34. 84% of the consultation responses were from people directly involved in the Doncaster taxi trade as a licensed driver, licensed private hire operator and/or the proprietor of a licensed vehicle. The results of the consultation are detailed in Appendix 2.

BACKGROUND PAPERS

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

36. Item 6 - Licensing Committee 28th June 2016

<http://doncaster.moderngov.co.uk/ieListDocuments.aspx?CId=137&MIId=2449&Ver=4>

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Appendix 1

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.

New applicants must have undertaken recognised safeguarding training within the previous 12 months. (See Note 1)

Licence holders must undertake recognised refresher training at least once every 36 months. Applications for renewal will only be considered where the applicant can show they have attended a recognised safeguarding training session within 36 months of the date of expiry of their current licence. (See Note 1)

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.

New applicants must have undertaken recognised safeguarding training within the previous 12 months. (See Note 1)

Licence holders must undertake recognised refresher training at least once every 36 months. Applications for renewal will only be considered where the applicant can show they have attended a recognised safeguarding training session within 36 months of the date of expiry of their current licence. (See Note 1)

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 to all existing licence holders with effect from 31st March 2017.

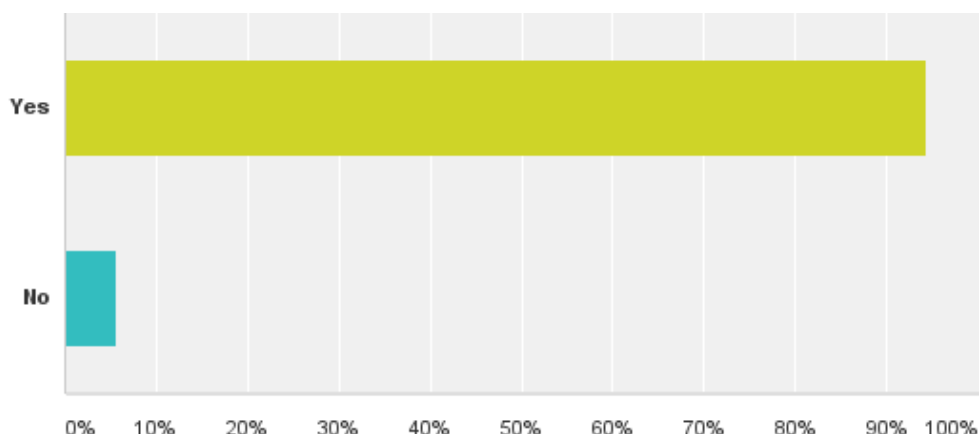
The Policy will be revised to the effect that any licence holder who has not attended a safeguarding awareness session by 31st March 2017 will no longer be considered fit and proper and their licence will be suspended or their renewal refused until they have done so.

Note 1: The highlighted sections are proposed further additions to the policy that have arisen out of the consultation exercise.

Results of the consultation

Q1: Should the Policy be amended to require all new applicants for a hackney carriage or private hire driver's licence to attend a safeguarding awareness session before being granted a licence?

Answered: 107 Skipped: 17



Answer Choices	Responses
Yes	94.39% 101
No	5.61% 6
Total	107

Comments made by those respondents that answered No to Q1.

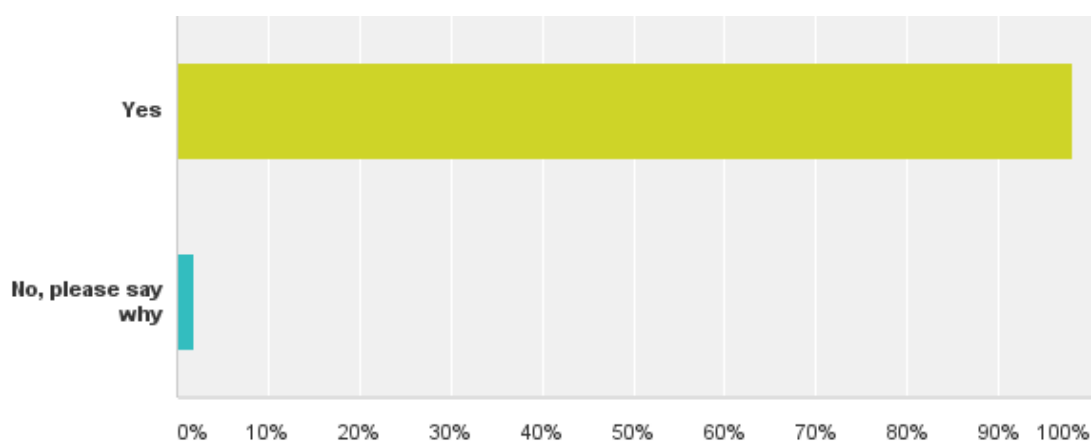
1. All drivers are classed as fit and proper as having enhanced police checks carried out...anyone who sees something that just doesn't feel right would report to police! It is handy having the CSE helpline number in office to free the police lines, but anyone who seen or felt suspicious would report for child safety, whether said child was 5 or 15.
2. Certifications and qualifications over and above the minimum requirements for any particular trade are at best arbitrary. Any member of the public who has met the requirements of becoming a licensed taxi driver under the regulations imposed by a particular local authority, must be accepted as a fit and proper person to conduct the trade of driving taxi for hire. Imposing any requirements over and beyond the already set criteria would mean two things: Firstly, it is a reflection on the inadequacy of the minimum criteria set by the concerned local authority. And secondly it undermines the values of a free Society whereby all citizens are deemed to have the minimum standards of

becoming responsible citizens and fully conformant with the standards of safeguarding within their occupations and trades.

3. Many firms are short staffed and the length of time it takes to get a badge is long enough, if the session could be done in the same period as it takes to get a badge then yes otherwise no but must take the first available session after getting a badge.
4. No comment
5. No comment
6. No comment

Q2: Should the Policy be amended to require all new applicants for a private hire operator's licence to attend a safeguarding awareness session and demonstrate a commitment to cascade this knowledge to all staff directly involved with the day to day operation of the business before being granted a licence?

Answered: 107 Skipped: 17



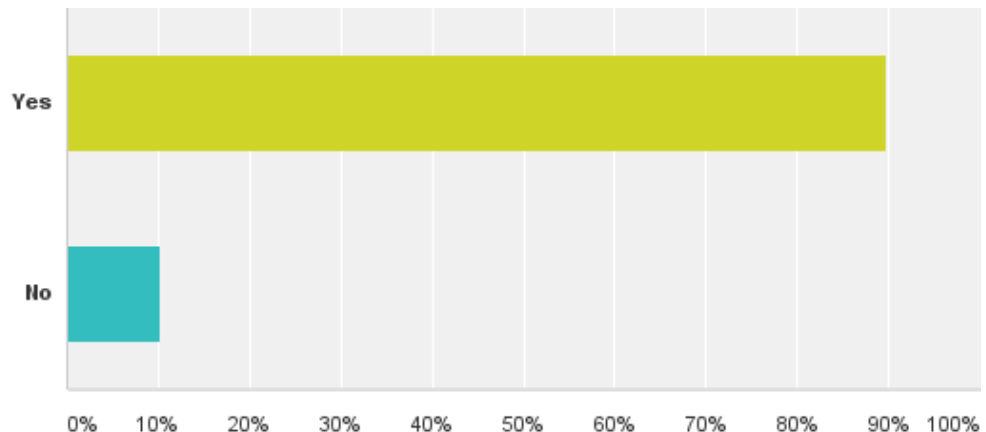
Answer Choices	Responses	
Yes	98.13%	105
No	1.87%	2
Total		107

Comments made by those respondents that answered No to Q2.

1. No comment.
2. No comment.

Q3: Should the Policy be amended to require all existing licensed hackney carriage and private hire drivers, who have not already attended one of the Council's safeguarding awareness sessions, to attend a safeguarding awareness session by 31st March 2017 or have their licence suspended or their renewal refused until they have done so?

Answered: 107 Skipped: 17



Answer Choices	Responses
Yes	89.72% 96
No	10.28% 11
Total	107

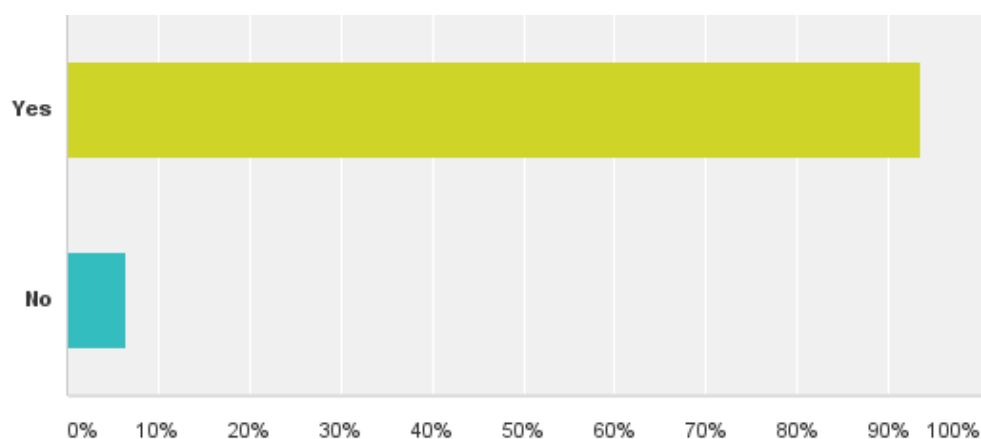
Comments made by those respondents that answered No to Q3.

1. I'm not sure but should be
2. So long as operator has been on the course then they should explain about safe guarding and give the phone number for CSE to every drive so they can use in private...but to be honest I went on the course and it was to me just basic common sense, although I would have phoned police as I didn't know about CSE but other than that it was 2 hours of someone explaining common sense.
3. If you have been doing the job for a while you should know what it entails. An update on things may be better placed optional.
4. Suspending the licence is an unnecessary action as it is not easy to get a taxi badge for some and for some is the main source of income to help run the household. I believe drivers should be spoken with who do not attend the course in first instance and should be explained why this is necessary and how they and their family and friends can be safe by in this day and age with the help of this course.

5. Not fair
6. Because I think every taxi driver is old and sensible enough to understand what's happening in his or her cab. Stopping someone from making his or her living for the sake of giving him or her some awareness is not fair with him/ her or with his or her family.
7. Certifications and qualifications over and above the minimum requirements for any particular trade are at best arbitrary. Any member of the public who has met the requirements of becoming a licensed taxi driver under the regulations imposed by a particular local authority, must be accepted as a fit and proper person to conduct the trade of driving taxi for hire. Imposing any requirements over and beyond the already set criteria would mean two things: Firstly, it is a reflection on the inadequacy of the minimum criteria set by the concerned local authority. And secondly it undermines the values of a free Society whereby all citizens are deemed to have the minimum standards of becoming responsible citizens and fully conformant with the standards of safeguarding within their occupations and trades.
8. They have done it already
9. If made mandatory yes. If not your taking their right to work away.
- 10.No comment
- 11.No comment

Q4: Should the Policy be amended to require all existing licensed private hire operators, who have not already attended one of the Council's safeguarding awareness sessions, to attend a safeguarding awareness session by 31st March 2017 and demonstrate a commitment to cascade this knowledge to all staff directly involved with the day to day operation of the business or have their licence suspended or their renewal refused until they have done so?

Answered: 107 Skipped: 17



Answer Choices	Responses	
Yes	93.46%	100
No	6.54%	7
Total		107

Comments made by those respondents that answered No to Q4.

1. If your operating owners are more than an individual owner then as long as 1 of them have been that should suffice.
2. If you have been doing the job for a while you should know what it entails. An update on things may be better placed optional.
3. Not fair
4. There is enough track record of the existing private hire operators to reflect that overall a good standard of service has been delivered by them.
5. If made mandatory yes. If not your taking their right to work away.
6. No comment
7. No comment

Selection of general comments

1. I do agree that all Hackney and Private Hire drivers should undertake safeguarding awareness training. However I would like to point out that, I do believe that the Hackney and Private Hire drivers in Doncaster are of a respectable and responsible drivers and a credit to the town, and overall provide a good public service and should not be put under too much pressure by Doncaster Council due to what have happen in Rotherham.
2. I've already done it and i think it's important with all school runs..!
3. All drivers need to attend
4. If the above is implemented which I fully agree with would this training be a one off or required to attend yearly when you wish to renew?
5. Public safety to be paramount...more inspections and routine stops enforced.
6. I have come across several instances in the past which I think are unacceptable in regards to safeguarding. I believe that most of these could easily have been avoided if all staff and drivers were aware of what could be an issue regarding a young or vulnerable person.
7. Consider a 3 year refresher requirement to coincide with renewal