

CAMBRIDGE CITY COUNCIL

REPORT OF: Yvonne O'Donnell
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TO: Licensing Committee

21 March 2016

WARDS: All

**SAFEGUARDING TRAINING FOR HACKNEY CARRIAGE, PRIVATE HIRE,
DUAL DRIVERS, PROPRIETORS AND OPERATORS**

1 INTRODUCTION

- 1.1 Cambridge City Council is committed to safeguarding and promoting the welfare of children, young people and adults at risk. We take our responsibilities seriously and expect all of our licensed drivers, proprietors and operators to share this commitment.
- 1.2 Safeguarding is the process of protecting children and adults at risk from harm, preventing impairment to their health and development, which includes keeping them safe from neglect, and physical, emotional and sexual abuse.
- 1.3 The Council has the responsibility of licensing both the hackney carriage and private hire trades in order to protect the public. The procedures that exist, and the process for obtaining a licence, are therefore targeted at various aspects to ensure that the Council can be satisfied that an individual is 'fit and proper' to hold a licence. This includes, for vehicles, a Mechanical Fitness Test and for drivers a Knowledge Test, Practical Driving Test, Medical Assessment and Disclosure & Barring Service (DBS) Check.
- 1.4 The safeguarding of children, young people and adults at risk is vital and the Council wants to strengthen safeguarding practice and raise awareness and standards within taxi licensing. Licensed trades are the critical 'eyes and ears' of the community and often come into contact with people who may be vulnerable.

- 1.5 The Council is seeking to increase safeguarding awareness and give the taxi trade the information and skills to recognise their responsibilities and what do to if they have any concerns about the safety or welfare of an individual.
- 1.6 Addressing safeguarding issues, in particular the issue of Child Sexual Exploitation (CSE) has become a priority and a matter of great importance for the community and public authorities. This report seeks the approval of Members to introduce mandatory safeguarding training for all licensed hackney carriage, private hire and dual drivers, proprietors and operators.

2. RECOMMENDATIONS

It is recommended that:

- 2.1 Members agree to the introduction of mandatory safeguarding training for all new and existing hackney carriage, private hire and dual drivers, proprietors and operators with effect from 1 November 2016.
- 2.2 Members agree to a change in policy to include the requirement that all new hackney carriage, private hire and dual driver, proprietor and operator applicants attend mandatory safeguarding training before submitting an application.
- 2.3 Members agree that a programme be developed to ensure that all existing licensed drivers, proprietors and operators undertake the training (free of charge) within 12 months so that all licence holders will be trained by 1 November 2017.
- 2.4 Members agree that mandatory safeguarding update training is undertaken three yearly by all licence holders to ensure understanding of processes and to keep updated on any changes.
- 2.5 Members agree to amend the taxi policy at parts 2, 3 and 4 of the policy in accordance with 2.1, 2.2, 2.3 and 2.4 above.

3. BACKGROUND

- 3.1 The publication of the Jay Report into Child Sexual Exploitation (CSE) in Rotherham (1997 – 2013) highlighted significant concerns regarding safeguarding controls for Taxi and Private Hire Licensing in Rotherham.

The subsequent Casey Report (February 2015) into Rotherham Council exposed poorly managed cases of CSE in Rotherham and has been a watershed on how society deals with the identification and processing of CSE incidents.

- 3.2 Both the Jay and Casey reports indicated that licensed vehicles played a prominent role in the issues in Rotherham and, given the issues raised in the report, it seemed prudent that Cambridge City Council review the current arrangements within Taxi Licensing to ensure that controls and procedures regarding safeguarding are robust.
- 3.3 In addition to this, changes to the Care Act 2015 introduced a general duty on local authorities to promote an individual's wellbeing and has put adult safeguarding on a legal footing.
- 3.4 All new and renewal driver applicants are subject to a Disclosure & Barring Service (DBS) Enhanced Disclosure upon initial application and every three years thereafter.
- 3.5 If a new or renewal driver applicant has lived out of the UK for a period of 6 months or more within the last 5 years they must provide a Certificate of Good Conduct from either their own Embassy or the Embassies of the Countries where they have been resident. (The certificate must be produced with a translation and bear the official seal of the embassy).
- 3.6 All Private Hire Operators, who are not also licensed as drivers with the City Council, must provide a Basic DBS Disclosure upon application and upon renewal thereafter.
- 3.7 Under the Rehabilitation of Offenders Act (Exceptions) (Amendments) Order 2002, there are listed exceptions in recognition of certain activities for which a fuller disclosure of a person's criminal record history is relevant. Inclusions on the Exceptions Order are made following careful consideration of the risks associated with a particular job or activity. DBS guidance indicates inclusions being "for taxi driver and private hire vehicle licensing purposes". Therefore Cambridge City Council requires this of drivers, proprietors and operators to accept that the Council will seek a fuller disclosure of their police record and our application forms appropriately reflect this. Such disclosure may include ancillary notes and comments maintained on the police record as well as details of any matters which did not proceed to prosecution.

- 3.8 Hackney Carriage, Private Hire and Dual drivers are required to disclose any 'spent' or 'unspent' convictions, cautions, reprimands and final warnings which appear on the DBS certificate. Existing drivers are required to do so within 7 days.
- 3.9 Hackney Carriage and Private Hire Proprietors are required to disclose any 'spent' or 'unspent' convictions, cautions, reprimands and final warnings which they may have. Existing proprietors are required to do so within 7 days.
- 3.10 Private Hire Operators are required to disclose any 'spent' or 'unspent' convictions, cautions, reprimands and final warnings which they may have. Existing drivers are required to do so within 7 days.
- 3.11 This information, along with the application process will be used to determine whether an individual is 'fit and proper' to hold a City Council licence. The disclosure of a criminal record or other relevant information will not necessarily disbar a person from obtaining or holding a City Council licence unless the Council considers the nature of the information to render an individual unfit.
- 3.12 All Licence holders must inform the Council of any changes in circumstances such as pending court cases, cautions and convictions as soon possible but not more than 7 days after any such change.
- 3.13 In addition to the above, there is a good link between the Police and the Licensing Authority and where appropriate, information is exchanged between parties to alert the Licensing Authority to the Police view that it may not be in the public interest to licence/ continue to licence an individual.
- 3.14 Each application is considered upon its own merits. However, a person who is found to have (at the time of application for the grant or renewal of a licence or during the period of a licence being valid) conviction(s) of a type which fall within the Council's 'Taxi Drivers- Grounds for Disbarment' Policy, will not normally be granted a licence unless there are exceptional circumstances. An existing licence holder may have their licence revoked. If an individual falls within the grounds for disbarment the licence holder or applicant will be referred to the Council's Licensing Sub Committee for a hearing.
- 3.15 Taxi drivers spend their time travelling around the City and are in a unique position to see and report anything they feel concerned about, whether it is a child in the wrong company or an adult who seems vulnerable.

The Council appreciates that to be able to do this, taxi drivers need to be able to spot the signs and know how to report concerns.

3.16 Many Local authorities have reviewed their policies to ensure that they can make best use of the powers they have to protect the public.

Examples include:

- Hackney Carriages and Private Hire Vehicles and Private Hire Operators licensed by Gateshead Council must undertake compulsory safeguarding training.
- Oxford City Council have taken a practical approach by introducing guidance on safeguarding given to drivers along with (for new drivers) questions within the compulsory Knowledge Test on safeguarding.
- Scarborough Borough Council renewed their Licensing Policy and introduced mandatory safeguarding training for drivers wishing to obtain or renew their licences.
- Peterborough City Council have changed their driver licence conditions and have made completion of a safeguarding course a requirement for all new drivers, prior to submitting an application.
- Mansfield District Council have implemented mandatory safeguarding training for all new drivers within one year of their licence being granted and existing drivers are required to attend a one off safeguarding training session.

3.17 The Council recognise that safeguarding is a subject that needs to be sensitively handled, however the sensitivity around the subject should not mean that the issue is not discussed or that training is not provided. It is anticipated that the key areas which the training will cover are:

- Keeping yourself safe
- Reporting incidents/ concerns
- Whistleblowing
- Safeguarding children
- Safeguarding vulnerable adults

4. CONSULTATION

4.1 From 1 to 21 February 2016, consultation took place with the Taxi Trade to seek views, suggestions and obtain personal comment on the issues that may arise for drivers working with vulnerable passengers in order to assist the Council in planning, developing and delivering a safeguarding

training programme. The consultation document can be found in Appendix A.

4.2 No responses were received.

4.3 Officers are currently looking at how information on safeguarding can be delivered and what the key issues are for the taxi trade. A draft training overview is detailed in Appendix B.

5. CONCLUSIONS

5.1 The Licensing Committee and the Licensing & Enforcement Team have a responsibility to ensure that the policies and procedures which are in place are robust enough to ensure that only fit and proper persons hold a licence and that the Council supports the licensed hackney carriage and private hire trade in identifying warning signs of abuse where it does exist and that procedures are in place to raise concerns.

5.2 It is expected that the introduction of formal mandatory safeguarding training within taxi licensing will assist in meeting the above objectives and will provide additional safety for the public along with reassurance for the taxi trade.

6. IMPLICATIONS

(a) **Financial Implications**

Should Members agree that mandatory training be introduced; the costs of such training will need to be explored together with the responsibility for payment of such costs. It is intended that the training will be funded through a new charge to be included within the licensing fees.

(b) **Staffing Implications**

Some amount of officer time has been taken and will still be required to design, develop and fully implement the training programme. It is expected that this will be met by existing resources.

(c) **Equal Opportunities Implications**

Hackney Carriage and Private Hire Vehicles are used frequently by a wide variety of individuals. There is no indication of an adverse impact on any of the protected characteristics however a full Equality Impact Assessment will be carried out once the format and content of training is developed.

(d) **Environmental Implications**

Nil.

(e) **Procurement**

Nil.

(f) **Consultation and communication**

There has been formal consultation on safeguarding within taxi licensing through the Taxi Trade Forum and with the trade.

(g) **Community Safety**

Ensuring that both licence holders and the public are protected as far as practicably possible is fundamental following cases in other authorities. The inclusion of the training will not completely remove risks but will certainly heighten the awareness which, in turn, will help reduce any potential risks.

In not adopting the change in policy, the public and the trade could be placed at greater risk.

APPENDICES

Appendix A: Consultation Document

Appendix B: Draft Training Overview

BACKGROUND PAPERS: The following are the background papers that were used in the preparation of this report:

Independent Inquiry into Child Sexual Exploitation in Rotherham (1997 – 2013), Alexis Jay OBE.

Report of Inspection of Rotherham Metropolitan Borough Council (February 2015), Louise Casey.

Cambridge City Council Hackney Carriage & Private Hire Licensing Policy

To inspect these documents contact Victoria Jameson on extension 7863.

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