

Hackney Carriage, Private Hire, Dual Driver, Proprietor & Operator – Safeguarding Children & Adults



Introduction and Background

Safeguarding is the process of protecting children and adults at risk of harm, preventing impairment to their health and development, which includes keeping them safe from neglect, physical, emotional and sexual abuse.

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.

Taxi drivers spend their time travelling around our 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. We appreciate to be able to do this taxi drivers need to be able to spot the signs and know how to report concerns and they need to be supported by their managers.

Cambridge City 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 driver's licence, are therefore targeted at various aspects to ensure that the Council can be satisfied an individual is 'fit and proper' to hold a licence.

We have rigorous procedures and checks in place for all to adhere to. As the Licensing Authority we have a duty to ensure that all licence holders are 'fit and proper'.

The Independent Inquiry into Child Sexual Exploitation in Rotherham (1997-2013) highlighted significant concerns regarding safeguarding controls for Taxi and Private Hire Licensing. As a result of the issues raised in the report, Cambridge City Council is reviewing the current arrangements within Licensing to ensure controls and procedures regarding safeguarding are robust.

Furthermore, changes to the Care Act in 2015 introduced a general duty on local authorities to promote an individual's wellbeing and has put adult safeguarding on a legal footing.

Current Process within Licensing

All new and renewal driver applicants are subject to a Disclosure & Barring Service (DBS) Enhanced Disclosure upon initial application and every three years thereafter.

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).

All Private Hire Operators, who are not a licensed driver with the City Council, must provide a Basic Disclosure upon application and upon renewal thereafter.

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 and our application forms appropriately reflect this.

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.

Hackney Carriage and Private Hire Proprietors are required to disclose any 'spent' or 'unspent' convictions, cautions, reprimands and final warnings which they may have.

Private Hire Operators are required to disclose any 'spent' or 'unspent' convictions, cautions, reprimands and final warnings which they may have.

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.

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.

Whilst each application is considered upon its own merit, 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) convictions within the Council's 'Taxi Drivers- Grounds for Disbarment' Policy, will not normally be granted a licence, and in the case of an existing licence holder, may have their licence revoked. If an individual falls within the grounds for disbarment the application will be referred for consideration by Cambridge City Council's Licensing Committee.

Research

The importance of the role of licensing in safeguarding children, young people and adults at risk has been highlighted by recent events in Rotherham, Rochdale and Oxford. Many Local Authorities are reviewing their policies to ensure 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.

Changes

Safeguarding of children, young people and adults at risk is 'everyone's business' and Cambridge City Council wants to strengthen Safeguarding Practice and raise awareness and standards in this high profile area. Licensed trades are the critical 'eyes and ears' of the community and often come into contact with people who may be vulnerable.

The City Council want to increase safeguarding awareness across the board and give the taxi trade information and skills to know their responsibilities and what to do if they have any concerns about the safety or welfare of an individual.

Consultation

Cambridge City Council is conducting a brief consultation to look at the issues that may arise for drivers working with vulnerable passengers and to plan, develop and deliver a Safeguarding Training Programme.

We would welcome your comments and in particular we would ask you to consider the following:

- What are the issues or concerns which may arise when working with/ transporting children or adults at risk?
- Do you know how to deal with any issues or concerns?
- Have you previously undertaken any safeguarding training? If yes, what did it include?
- Would training, information or awareness on safeguarding be helpful for you?
- Should safeguarding training be compulsory or voluntary? Why?
- How could training be delivered, and in what format, to meet your needs?
- How can the important area of safeguarding be shared with the taxi trade?
- Please provide any further comments or information

The consultation is open to the public and the closing date for submitting consultation responses is **21 February 2016**.

Any comments that you forward to the Licensing Authority should clearly state your name and any organisation or persons you may be responding on behalf of. It would be helpful if you could give a brief description of any specific interest you have in Safeguarding matters (for example you may be involved in children's groups or with adults at risk in some capacity).

Send your response:

- By email to licensing@cambridge.gov.uk please include the words 'Safeguarding Consultation' in the subject field; or
- In writing to Licensing & Enforcement, Environmental Health Service, Cambridge City Council, and PO Box 700, Cambridge, CB1 0JH.