

# Report to Regulatory Panel

Agenda  
Item:

**A.1**

Meeting Date: 2<sup>nd</sup> August 2017  
Portfolio: Finance, Governance and Resources  
Key Decision: Not Applicable:  
Within Policy and Budget Framework NO  
Public / Private Public

Title: SAFEGUARDING AND HACKNEY CARRIAGE/PRIVATE HIRE LICENSING  
Report of: Director of Governance  
Report Number: GD.45/17

## Purpose/Summary

Carlisle 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 to share this commitment.

The report looks at the issue of safeguarding and Child Sexual Exploitation (CSE) and this report asks Members to consider making amendments to the driver licence criteria to include mandatory safeguarding training and additional background checks on drivers who spend over 3 months in a foreign Country.

## Recommendation

That the Panel approve the recommendations detailed within the report regarding mandatory safeguarding training for licenced drivers and the criteria for requesting a Certificate of Good Conduct.

## Tracking

Executive:	n/a
Overview and Scrutiny:	n/a
Council:	n/a

## 1. INTRODUCTION

- 1.1. Safeguarding means protecting people's health, wellbeing and human rights, and enabling them to live free from harm, abuse and neglect.
- 1.2. The Jay Report into historic child sexual exploitation in Rotherham identified that more than 1,400 children were abused in Rotherham from 1997-2013. The report highlighted significant concerns regarding safeguarding controls for Taxi and Private Hire Licensing and Alexis Jay stated that:

*“One of the common threads running through child sexual exploitation across England has been the prominent role of taxi drivers in being directly linked to children who were abused.”*

- 1.3. The subsequent Casey Report (February 2015) into Rotherham Council identified an area of concern as to whether the Authority had made sufficient efforts to ensure that only “*fit and proper*” persons were permitted to hold a taxi or private hire licence.
- 1.4. Those with a responsibility for confronting and tackling CSE therefore need to be aware of the potential role that taxis can play in facilitation of abuse, ensure that only those who are fit and proper hold a licence, and that there are robust procedures in place for dealing with complaints. Public safety must be the first and most important priority when determining policy, setting standards and determining enforcement of issues related to taxi and private hire licensing.
- 1.5. There is therefore a responsibility, shared between the Council, operators, proprietors and individual drivers to ensure that licensed drivers are aware of the warning signs that could indicate when a passenger is at risk, and that training is available or has been undertaken to assist those in the taxi trade to deal with such scenarios and report them to the relevant authorities.

## 2. CURRENT DRIVER APPLICATION PROCEDURE

- 2.1. In order to be granted a Hackney Carriage or Private Hire Driver's Licence applicants are required to prove that they are a “fit and proper person”. The Local Government (Miscellaneous Provisions) Act 1976 Sections 51 (1a) and 59 (1a) provides that a district council shall not grant a licence unless they are satisfied that the applicant is a fit and proper person to hold and driver's licence. The Act does not specify the criteria to be used by the Licensing Authority.
- 2.2. Before being licensed with Carlisle City Council an applicant has to fulfil the following criteria:
  - An **Enhanced Disclosure and Barring Service Check (DBS)** which is the highest level of criminal record check. An enhanced check searches the applicant's criminal history for convictions, cautions, warnings and reprimands and also checks

the list of individuals who are barred from working with children and/or vulnerable adults. This check is undertaken every three years once the applicant obtains their licence.

- Provide a **statutory declaration** completed and signed in front of a solicitor, which discloses any spent or unspent convictions, cautions, reprimands and final warnings including driving offences. This is required annually thereafter.
- A check on the applicants **Driving Licence** with the Driver and Vehicle Licensing Agency (DVLA) to ensure that they are hold a current valid licence and also a check of convictions and endorsements.
- A **DVLA Group 2 medical examination** undertaken by their own doctor.
- Attend a **Disability Awareness** session facilitated by Licensing Officers and pass a short written test at the end of the session.
- A **Right to Licence** check is undertaken under the Immigration Act 2016 which checks the applicant has the right to work in the UK.
- Pass a **Local Knowledge Test**, a verbal test including the knowledge of streets, routes and public buildings in Carlisle and the surrounding rural area. The test also includes the understanding of the terms and conditions attached to a driver's Hackney Carriage or Private Hire licence and that they have a basic knowledge of handling cash transactions and understanding of the various tariffs. The verbal test also tests the applicants communication skills and their ability to speak the English language.
- Pass a **practical Driving Test** with an approved provider and a **practical Wheelchair Test** if the driver wishes to drive a Wheelchair Accessible Vehicle.

- 2.3. The information obtained through the application process detailed above will be used to determine whether an individual is "fit and proper" to hold a City Council licence. The disclosure of criminal records or other relevant information will not necessarily disbar a person from obtaining or holding a licence.
- 2.4. The Council has adopted the Department of Transport Circular 2/92 and Home Office Circular 13/92 which gives guidance on the relevance of convictions based on the criteria used by the Metropolitan police. The applicant will be referred to the Regulatory Panel if Officers have concerns on the fitness and propriety of an applicant.
- 2.5. However it is noted that the DBS can only access criminal records held on the Police National Computer, although there are some information sharing agreements with other countries, it is not always possible for them to access overseas criminal records or other relevant information as part of the disclosure process.

- 2.6. A Certificate of Good Conduct can be obtained from the relevant foreign embassy which details whether or not the applicant has a criminal record in the country which they have previously resided. A certificate has been obtained in the past for applicants who are relatively new to the UK but there has been no formal policy or a policy for those licensed drivers who may spend substantial time outside the UK whilst licenced.
- 2.7. Once licenced, holders must inform the Council of any convictions, sentences or penalties within 7 days of receiving a decision.

### **3. PROPOSED ACTIONS**

- 3.1. In order to ensure that safeguarding issues are adequately addressed within the hackney carriage/private hire licensing regime, a driver will need to be aware of what to do if they have safeguarding concerns.
- 3.2. 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 on safeguarding within the compulsory Knowledge Test.
  - 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.
  - Redcar and Cleveland Borough Council have an e-learning programme provided by Barnardo and all existing drivers must complete the programme by June 2018 and new drivers prior to application.
- 3.3. An information leaflet has been produced by the Cumbria Licensing Managers group which provides licence holders with the contact details and process that they need to follow if they have safeguarding concerns. The booklet will be given to every driver, vehicle proprietor and operator and the cost of the publication is being met from the

Carlisle and Eden Community Safety Partnership (CSP). A draft of the leaflet is attached at Appendix 1 for information.

- 3.4. It is also proposed that a Safeguarding Training Session is developed and delivered to all licensed drivers. The development of the training will be in partnership with Cumbria Police and the Cumbria Licensing Managers Group is arranging Awareness Training for all Licensing Officers and relevant staff. Each authority will then develop a training package for their drivers and deliver the training.
- 3.5. The requirement for drivers to attend a Safeguarding Training Session will become a mandatory condition of their licence. Existing drivers will have 12 months to complete the training from the date of the first session. New drivers will be required to attend a session prior to making a formal application.
- 3.6. Failure to do so will result in a requirement to attend the Regulatory Panel where Members will consider whether or not the applicant meets the criteria of the Councils "Fit and Proper person" test.
- 3.7. This proposal is similar to the successful implementation of mandatory Disability Awareness Training whereby existing drivers all attended a 2 hour session within a 12 month period and sessions are now provided on a bi-monthly basis for new applicants in order for them to attend a session prior to application.
- 3.8. Training will also be made available for all Regulatory Panel Members and Substitute Members and all Officers involved in the taxi licensing regime.
- 3.9. It is proposed that the Council adopt a condition requiring that all applicants (new and renewal) who have lived outside the UK for three months or more within the last 5 years must provide a Certificate of Good Conduct from either their own Embassy or the Embassies of the Countries where they have been resident.
- 3.10. It is also proposed that a comprehensive taxi and private hire licensing policy is developed by Officers, which will be placed before Members later this civic year.

#### **4. LEGAL COMMENTS**

- 4.1. Under the Local Government (Miscellaneous Provisions) Act 1976, Licensing Authorities may attach conditions to private hire driver's licences, vehicle and operator licences. A person who is aggrieved by the amended licence conditions has the option to appeal them to the local Magistrates Court, under section 47 of the 1976 Act.

#### **5. RECOMMENDATIONS**

- 5.1. To introduce mandatory Safeguarding Training for all licensed Hackney Carriage Drivers and Private Hire Drivers. Existing drivers will have 12 months to attend the training and new applicants will be required to attend prior to completing their

application. Any licensed driver who fails to attend the training within the specified period will be referred to the Regulatory Panel to Members to consider whether or not the applicant meets the criteria of the Councils fit and proper person test.

- 5.2. To approve the insertion of paragraph 25 of the Hackney Carriage Drivers Codes of Practice:

The driver shall attend a City Council Safeguarding Training Session upon initial application or within 12 months of the scheme being implemented for existing drivers.

- 5.3. To approve the insertion of paragraph 11 of the Private Hire Driver Terms and Conditions:

The driver shall attend a City Council Safeguarding Training Session upon initial application or within 12 months of the scheme being implemented for existing drivers.

- 5.4. To approve a condition to state that all applicants who have lived outside the UK for a period of 3 months or more within the last 5 years must provide a Certificate of Good Conduct from either their own Embassy or the Embassies of the Countries where there have been resident. The certificate must be produced with a translation and bear the official seal of the Embassy.

- 5.5. To approve the insertion of paragraph 13(b) of the Hackney Carriage Drivers Codes of Practice:

The driver shall produce a Certificate of Good Conduct from either their own Embassy or the Embassies of the Countries where there have been resident for 3 months or more within the last 5 years.

- 5.6. To approve the insertion of paragraph 17(b) of the Private Hire Driver Terms and Conditions:

The driver shall produce a Certificate of Good Conduct from either their own Embassy or the Embassies of the Countries where there have been resident for 3 months or more within the last 5 years.

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**Appendices**                      **1. Draft leaflet**  
**attached to report:**

**Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:**

**CORPORATE IMPLICATIONS/RISKS:**

**Governance – Included within report**

# CHILD SEXUAL EXPLOITATION

Guide for Hackney Carriage and Private Hire Drivers and Operators

Draw a line through  
**CHILD SEXUAL  
EXPLOITATION**

"he tells me he loves  
me but it's our secret,  
I'm not to tell anyone"

Say Something if  
you See Something



101, 999 in an emergency or the free 24-hour anonymous phone  
and text service "Say Something" helpline 116 000



cumbriapolice



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#CSECumbria

www.cumbria.police.uk



Handbook funded by the County Community Safety Partnerships

## What is Child Sexual Exploitation (CSE)?

Sexual exploitation of children and young people under 18 involves exploitative situations, contexts and relationships where young people (or a third person or persons) receive 'something' (eg food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money) as a result of them performing, and/or another or others performing on them, sexual activities. Child sexual exploitation can occur through the use of technology without the child's immediate recognition, for example being persuaded to post sexual images on the internet or mobile phones without immediate payment or gain.

In all cases, those exploiting the child or young person have power over them by virtue of their age, gender, intellect, physical strength and/or economic or other resources. Violence, coercion and intimidation are common, involvement in exploitative relationships being characterised in the main by the child or young person's limited availability of choice resulting from their social, economic and/or emotional vulnerability.

## How this booklet can help your business:

We believe that Cumbrian businesses can play a key role in preventing CSE and human trafficking, which puts children and your business at risk. This booklet aims to raise awareness specifically with the taxi trade of the signs to look out for and actions to take to help ensure that businesses are not vulnerable to being associated with this type of crime. Drivers specifically can form a crucial part of the fight against these issues and be the eyes and ears of the community, providing potentially important information to authorities.

There are a number of criminal offences associated with CSE and human trafficking resulting in damaging consequences including a possibility of prosecution, action being taken in relation to licensing and reputational/financial damage. By working together we can play a positive role in protecting children and businesses in our community. You have the power to help prevent CSE and trafficking.



## Signs to look out for

- Dropping off and picking up young people from hotels, B&Bs and house parties
- Picking up young people from other cars
- Young people who look distressed or intimidated
- Observing suspicious activities in hot-spot areas
- Young people under the influence of drugs and/or alcohol
- Attempts by young people to avoid paying favours in return for sexual favours
- Regular passengers travelling to and from locations taking young people with them
- Taking young people to hospital/A&E, who are not accompanied by parents
- Young people with injuries such as bruising or blood stains

This is not an exhaustive list, and if you have any suspicions regarding CSE you should take action.

## What to do

- Make notes about the information you know
- Anyone with concerns about child sexual exploitation can contact:
  - Cumbria Police on 101
  - In an emergency always dial 999
  - Call Crimestoppers anonymously on 0800 555 111
  - Cumbria Safeguarding Hub on 0333 240 1727
  - Call the 24-hour anonymous phone and text service "Say Something" helpline 116 000

## Information to share

- Names
- Description of people
- Car registration numbers, makes and models of vehicles
- Description of concerning activity

## Guidance for operators employing Hackney Carriage and Private Hire Drivers

This booklet aims to promote good safeguarding practices in the taxi trade in Cumbria when providing services to vulnerable and young people. Vulnerability can be caused by a number of factors including physical and mental ability, mental illness, drug use and alcohol. Adults and children can both be classed as vulnerable as a result of these factors.

At the point of booking, a vulnerable passenger risk assessment should be undertaken and recorded in writing. This should inform your operating policy in relation to the protection of passengers and drivers.

All drivers should be trained in line with the policies adopted by the district council in which they are licenced.

Drivers should record the start and end time of each shift.

Drivers should be required to produce their photo-identification to the carer, young or vulnerable passenger at the point of collection.

Drivers should remain professional at all times and should not:

- Touch any passenger unnecessarily or inappropriately
- Make offensive or inappropriate comments
- Attempt to misuse personal details observed via the business about their passengers.

Records should be maintained of any complaints and subsequent action against a driver.

A record should be kept of any journey that involved a vulnerable or young person who is not accompanied by a carer. If a driver is concerned about the safety, welfare or behaviour of a passenger they are encouraged to report this to the Police or appropriate body.

