

REGULATORY PANEL

WEDNESDAY 2 AUGUST 2017 AT 2.00PM

PRESENT: Councillor Bell (Chairman), Councillors Bainbridge, Mrs Birks, Bowman S, Layden, Morton, Mrs Parsons, Sidgwick T, Stothard, Tinnion, Ms Williams and Wilson.

OFFICERS: Principal Lawyer
Licensing Manager

RP.29/17 APOLOGIES FOR ABSENCE

No apologies for absence were submitted.

RP.30/17 DECLARATION OF INTEREST

There were no declarations of interest affecting the business to be transacted at the meeting.

RP.31/17 PUBLIC AND PRESS

It was agreed that the items of business in Part A be dealt with in public and the items of business in Part B be dealt with when the public and press were excluded.

RP.32/17 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meetings held on 26 April 2017 and 24 May 2017 which had been approved by Council on 11 July 2017 be signed by the Chairman.

RP.33/17 SAFEGUARDING AND HACKNEY CARRIAGE/PRIVATE HIRE LICENSING

The Licensing Manager submitted report GD.45/17 which looked at the issue of safeguarding and Child Sexual Exploitation (CSE) and mandatory training for licenced drivers.

The Licensing Manager played a short, very powerful video which had been produced by Barnardo's entitled Nightwatch: Empowering the Night Time Economy to Tackle Child Sexual Exploitation.

The Licensing Manager reported that Safeguarding meant protecting people's health, wellbeing and human rights, and enabling them to live free from harm, abuse and neglect. She highlighted the Rotherham Child Exploitation scandal which had identified taxi drivers as being involved in both grooming and transportation of children and a subsequent report had identified an area of concern as to whether the Authority had made sufficient efforts to ensure only 'fit and proper' persons were permitted to hold a taxi or private hire licence.

There was therefore a responsibility, shared between the Council, operators, proprietors and individual drivers to ensure that licensed drivers were aware of the warning signs that could indicate when a passenger was at risk, and that training was available or had been undertaken to assist those in the taxi trade to deal with such scenarios and report them to the relevant authorities.

The Licensing Manager drew attention to section 2 of the report which detailed the robust application procedure and checks that the City Council had in place to determine whether an applicant is a fit and proper person to hold a taxi or private hire licence. With regard to the Enhanced Disclosure and Barring Service Check (DBS) the Licensing Manager informed the

Panel that the check could only access criminal records held on the Police National Computer, although there were some information sharing agreements with other countries, it was not always possible for them to access overseas criminal records or other relevant information as part of the disclosure process.

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

The Licensing Manager stated that in order to ensure that safeguarding issues were adequately addressed within the hackney carriage/private hire licensing regime; a driver would need to be aware of what to do if they had safeguarding concerns. Many Local Authorities had reviewed their policies to ensure that they could make the best use of the powers they had to protect the public and there were some examples in the report.

An information leaflet had been produced by the Cumbria Licensing Managers group which provided licence holders with the contact details and process that they needed to follow if they had safeguarding concerns. The booklet would be given to every driver, vehicle proprietor and operator and the cost of the publication would be met from the Carlisle and Eden Community Safety Partnership (CSP). A draft of the leaflet had been attached at Appendix 1 of the report.

It was also proposed that a Safeguarding Training Session be developed and delivered to all licensed drivers. The development of the training would be in partnership with Cumbria Police and the Cumbria Licensing Managers Group was arranging Awareness Training for all Licensing Officers and relevant staff. Each authority would then develop a training package for their drivers and deliver the training. The requirement for drivers to attend a Safeguarding Training Session would become a mandatory condition of their licence. Existing drivers would have 12 months to complete the training from the date of the first session. New drivers would be required to attend a session prior to making a formal application. Failure to do so would result in a requirement to attend the Regulatory Panel where Members would consider whether or not the applicant met the criteria of the Councils "Fit and Proper person" test. Training would also be made available for all Regulatory Panel Members and Substitute Members and all Officers involved in the taxi licensing regime.

The Licensing Manager proposed that the Council adopt a condition requiring that all applicants (new and renewal) who had 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. She added that that a comprehensive taxi and private hire licensing policy was being developed by Officers, which would be placed before Members later in the civic year.

Members discussed the report and the proposals in some detail. In response to questions the Licensing Manager clarified the following information:

- The licensing system produced monthly reminders for licensing staff two months before a DBS expired. Officers then contacted the driver and asked them to return a form for verification which the licensing officers then sent away. Should a driver not return the form and begin the renewal process for their DBS their licence could be suspended.

- The mandatory CSE training would be in a similar format to the Disability Awareness training in that drivers would attend a session at the Civic Centre which would end in a test to ensure that they understood the information given at the session.
- If a driver would not attend the mandatory training then they would come before the Panel to determine if that individual met the fit and proper criteria.
- The training was mandatory and would be part of the driver's conditions. If the Panel suspended or revoked a licence then the driver could appeal to the Magistrates Court. The Principal Lawyer added that drivers understood what the Council expected of them and that training was part of their licence conditions.
- Should a driver fail the test they would be asked to re-sit the training session and the test. Should a driver continue to fail then the licensing officers would try to determine the reason for the failure to understand the information.
- All existing 325 drivers would be expected to attend a 2 hour session within a 12 month period and sessions would be provided on a bi-monthly basis for new applicants in order for them to attend a session prior to application.
- The condition which required applicants who had lived outside of the UK for three months or more would include to those who had been on extended trips out of the UK.
- Part of the reason for having face to face training was to ensure that those drivers who had English as a second language understood what was expected of them and understood what they should do if they had concerns.
- Information on protection for drivers who had reported an incident anonymously would be incorporated into the training so drivers felt confident in reporting matters.

RESOLVED – The Regulatory Panel agreed

- That mandatory Safeguarding Training be introduced 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 failed to attend the training within the specified period will be referred to the Regulatory Panel for Members to consider whether or not the applicant meets the criteria of the Councils fit and proper person test.
- That the following conditions be included in the Hackney Carriage Drivers Codes of Practice:

Paragraph 25

"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."

Paragraph 13(b)

"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"

- That the following conditions be included in the Private Hire Driver Terms and Conditions:

Paragraph 11

"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."

Paragraph 17(b)

“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.”

- That a condition be added to the Hackney Carriage Drivers Codes of Practice and the Private Hire Driver Terms and Conditions stating that 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.

(The meeting ended at 2.38pm)