| **COMMITTEE:** LICENSING AND REGULATORY | **REF LR/16/17** |
| **DATE:** 2 MARCH 2017 | **SUBJECT:** REVIEW OF TRAINING REQUIREMENTS FOR NEW AND EXISTING HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE DRIVERS |
| **AUTHOR:** LICENSING & SYSTEMS OFFICER – HACKNEY CARRIAGE AND PRIVATE HIRE |

**Short description of report content and the decision requested:**

This report gives details of proposed changes to the requirements required for new and existing applicants and to give specific consideration for the introduction of mandatory training on CSE (Child Sexual Exploitation), dementia and disability awareness for those seeking to obtain or renew their Hackney/Private Hire Driver Licence.

*This report has been prepared by Adam Robinson, Licensing & Systems Officer – Hackney Carriage and Private Hire, Tel: 01473 432063 – Email: adam.robinson@ipswich.gov.uk*

<table>
<thead>
<tr>
<th>This report was prepared after consultation with:</th>
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<tr>
<td>Florence Clement Harry – Legal Services</td>
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*The following policies form a context to this report: (all relevant policies must also be referred to in the body of the report)*

| Building a Better Ipswich |

*This report is not a key decision included in the Forward Plan*
LIST OF BACKGROUND PAPERS AS REQUIRED BY LAW
(papers relied on to write the report but which are not published and do not contain exempt information –)

OTHER HELPFUL PAPERS
(papers which the report author considers might be helpful – this might include published material)

3. 
1. Introduction

1.1 When considering applications for hackney carriage and private hire vehicle driver’s licences, the Council must be satisfied that the applicant is a fit and proper person to be granted a licence. No definition is offered of this term, and the Council’s discretion is accordingly wide-ranging.

1.2 This report gives details of a proposed training course for new and existing drivers and the Committee is requested to consider introducing this training as a mandatory requirement.

2. Background

2.1 In recent years there has been greater awareness about the issue of Child Sexual Exploitation (CSE). High profile media coverage of specific cases in the North of England has highlighted failures within social services and other public sector bodies. These failures often allowed the abuse of vulnerable children to carry on without being detected or acted upon.

2.2 In the wake of such incidents and as a result of the attention that grooming and other forms of exploitation is now receiving, the Government has put an additional focus on combating CSE. Professor Alexis Jay’s Independent Inquiry into Child Sexual Exploitation in Rotherham was commissioned by Rotherham Metropolitan Borough Council in October 2013 and published on 26th August 2014. This covered the periods 1997-2009 and 2009-2013, and looked at how Rotherham Borough Council’s Children's Services dealt with child sexual exploitation cases. On 10th September 2014, the Government appointed Louise Casey to carry out a Report of Inspection of Rotherham Borough Council specifically in relation to its functions on governance, children and young people, and taxi and private hire licensing. The Government responded to these reports in March 2015 with publication of the document Tackling Child Sexual Exploitation.

2.3 One area of concern identified within Louise Casey’s Report of Inspection was whether Rotherham Borough Council had made sufficient efforts to ensure that only ‘fit and proper’ persons were permitted to hold a taxi or private hire licence. Professor Jay described the prominent role of taxi drivers in facilitating or engaging in CSE as a ‘common thread’ across England, while inspectors have raised concerns that the licensing and enforcement side of taxi and private hire regulation are often unable or uninterested in getting to grips with the issue and using their powers to good effect.

2.4 Those with a responsibility for confronting and tackling CSE therefore need to be aware of the potential role that taxis can play in facilitating 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 priorities when determining policy, setting standards and determining enforcement of issues related to taxi and private hire licensing. Taxi drivers fall under the scope of Section 59(A) of the Sexual Offences Act 2003, which makes it an offence to intentionally arrange or facilitate the travel of a person within the UK for the purposes of sexual exploitation; or believes that another person is likely to abuse the passenger during or after the journey. This means that if a driver transports a child knowing or believing that the child will be sexually exploited, that driver will commit the offence of
human trafficking and could face a maximum sentence of 14 years imprisonment.

2.5 It is also important that those with responsibility for overseeing the taxi and private hire licensing functions of local authorities are aware of the challenges that those operating within the trade may face when asked to transport children or vulnerable young adults. There is therefore a responsibility, shared between the Council, taxi operators, and individual drivers to ensure that licensed drivers are aware of the warning signs that could indicate when a passenger is at risk of trafficking or CSE, 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.

2.6 It has also been requested that new and existing drivers undertake training for dementia and disability awareness. Currently there is funding to undertake this training for free from Skills UK Ltd however this funding runs out in December 2017. The course which would be provided by Skills UK Ltd would include CSE safeguarding, Disability awareness, Dementia awareness and due to additional ‘hoops’ that are required for incorporation as part of the current funding requirements additional elements included are induction, English and Maths, British Values, Personal Safety and Extremism awareness. This training course delivery time will be 2 days.

2.7 On-going from this Skills UK Ltd could continue to provide the Safeguarding, Disability Awareness and Dementia training for drivers at a cost of approximately £100 per driver. The delivery time for this course would be 1 full day due to the fact that the additional training which is part of the funding requirements would not be needed.

3. Policy Context

3.1 The taxi and private hire trades are the only parts of the public transport system that are operational 24 hours a day, 365 days a year. It is therefore very important that the Council regularly reviews its conditions of licence to ensure they are effective and fit for purpose.

4. Consultations

4.1 There were no consultations carried out in relation to the report.

5. Risk Management

<table>
<thead>
<tr>
<th>Risk Description</th>
<th>Consequence of risk</th>
<th>Risk Controls</th>
<th>Probability of risk occurring taking account of controls (scale A-F)</th>
<th>Impact of risk, if it occurred taking account of actions (scale 1 – catastrophic; 4 – negligible)</th>
<th>Actions to mitigate risk</th>
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<tbody>
<tr>
<td>Council's requirements for a person to be fit and New applicants or Existing drivers could potentially miss a safeguarding risk</td>
<td>Ensure that all drivers and operators are fit and proper</td>
<td>E</td>
<td>3</td>
<td>Regular review of requirements for new and</td>
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6 Environmental Impact Assessment

6.1 There are no environmental impacts associated with this policy review.

7. Equalities and Diversity Implications

7.1 Under the general equality duty as set out in the Equality Act 2010, public authorities are required to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation as well as advancing equality of opportunity and fostering good relations between people who share a protected characteristic and those who do not.

7.2 The protected grounds covered by the equality duty are: age, disability, sex, gender reassignment, pregnancy and maternity, race, religion or belief, and sexual orientation. The equality duty also covers marriage and civil partnership, but only in respect of eliminating unlawful discrimination.

7.3 The law requires that this duty to have due regard be demonstrated in decision making processes. Assessing the potential impact on equality of proposed changes to policies, procedures and practices is one of the key ways in which public authorities can demonstrate that they have had due regard to the aims of the equality duty."

7.4 An Equality Impact Screening was undertaken to assess if this report could result in less favorable treatment of some groups, and how this could be mitigated. No negative impact on the equalities groups was foreseen however introduction of this training could create a positive impact on some groups of people who use Hackney Carriage and Private Hire Vehicles.

8. Financial Considerations

8.1 There are no financial implications for the Council arising out of this report.

9. Legal Considerations

8.1 Hackney Carriage and Private Hire Licensing is a function of the District Council. The statutory powers are contained within the Town Police Clauses Act 1847 and Part II of the Local Government (Miscellaneous Provisions) Act 1976.

8.2 The Council is required to issue a hackney carriage or private hire vehicle driver’s licence provided it is satisfied that the applicant is fit and proper to hold such a licence.

8.3 Each Local Authority can determine the criteria by which it can ‘measure’ if an applicant is fit and proper to hold a licence.
10 Performance Monitoring

9.1 If approved, the Guide for Applicants for Hackney Carriage and Private Hire Vehicle Driver's Licences will be amended and the revised requirements implemented for any new and existing applicants applying for a licence.

10 Conclusions

10.1 The proposed introduction of safeguarding, dementia and disability awareness training could help protect vulnerable people from sexual exploitation, domestic violence and hate crime. The dementia and disability training would give drivers an awareness of different circumstances they may face as a licensed driver.

10.2 The Committee is asked to consider whether to introduce mandatory or voluntary training on Child Sexual Exploitation Safeguarding, Dementia and Disability awareness for all new applicants for a taxi or private hire licence and for those seeking to renew their licence.

11 Recommendations:

11.1 That the Committee introduces mandatory training on Child Sexual Exploitation Safeguarding, Dementia and Disability awareness for all new applicants for a taxi or private hire licence and for all existing drivers.

11.2 Any new applicant who has not completed the mandatory training will not be granted a licence until they do so.

11.3 Any existing applicant who has not completed the training by 1st January 2018 will be reported to the Hackney Carriage and Private Hire Sub-Committee.

11.4 That the Head of Housing and Community Services be authorised to approve such training providers if he is satisfied that they can provide the required training to a similar standard of Skills UK Ltd.