



PRCC.12 15/16

Prosperous Communities
Committee

22 July 2015

Subject: Recommendation from Licensing & Regulatory Committee to Prosperous Communities Committee regarding changes to Policy for Taxi Drivers Re Safeguarding & Low Risk Driver Training Scheme

Report by:

Mark Sturgess
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Contact Officer:

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Purpose / Summary:

- 1) To inform the Members of the Prosperous Communities Committee of proposals to amend policy. This will affect the taxi driver application process and will require the Committee to approve and adopt the recommendations from Licensing & Regulatory Committee meetings held on 09 June 2015 and 09 December 2014.

RECOMMENDATION(S):

That Members accept the recommendations from the Licensing & Regulatory Committee meetings held on 09 June 2015 and 09 December 2014 and approve the changes to the Taxi Policy which are set out below with immediate effect. Members are therefore requested to approve the following changes:

- a) All new drivers on initial application and all existing drivers upon renewal will be expected to sign up to and abide by the Safeguarding Code of Conduct

b) All new drivers on initial application and all existing drivers upon renewal be expected to complete the required Safeguarding Awareness training module as a pre-requisite to making their application (once developed for the taxi trade).

- (i) all new taxi / private hire driver applications with 6 live points or more will be required to submit a Low Risk Driving Assessment from the Lincolnshire Road Safety Partnership as part of their application; and**
- (ii) any existing taxi / private hire driver currently licensed by WLDC who has accrued 6 points or more on their driving licence will receive a warning and be required to take part in the Taxi Driver Information Programme and provide the relevant certificate to Officers accordingly. The matter may be referred to the relevant committee, if deemed appropriate?**

IMPLICATIONS

Legal: See section 9 of the L & R report of 09 June 2015 attached as Appendix 1
See section 6 of the L & R report of 09 December 2014 attached as Appendix 2

Financial : FIN/22/16 from L & R report of 09 June 2015 attached as Appendix 1
FIN/100/15 from L & R report of 09 December 2014 attached as Appendix 2
None as a result of this report

Staffing : None as a result of this report

Equality and Diversity including Human Rights :

Equality Impact Assessments are attached as appendices within both reports.

Risks: See relevant section of the L & R report of 09 June 2015 attached as Appendix 1

See relevant section of the L & R report of 09 December 2014 attached as Appendix 2

Climate Related Risks and Opportunities : N/A

Title and Location of any Background Papers used in the preparation of this report:
Independent Inquiry into Child Sexual Exploitation in Rotherham 1997 – 2013 Report of Rotherham Metropolitan Council carried out by Louise Casey CB Both of the above documents can be viewed online.

Call in and Urgency:

Is the decision one which Rule 14 of the Scrutiny Procedure Rules apply?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
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Key Decision:

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
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The Safeguarding matter was considered by Members of the Licensing & Regulatory Committee on 09 June 2015 and the arising minute(s) are set out below with the recommendations listed at (a) and (b).

ITEM 12 BELOW IS AN EXTRACT FROM THE MINUTES OF THE LICENSING AND REGULATORY COMMITTEE MEETING HELD ON 09 JUNE 2015.

12 PRESENTATION: - BACKGROUND AND CONTEXT TO SAFEGUARDING IN THE TAXI TRADE AND PROPOSED AMENDMENTS TO TAXI DRIVER POLICY RE: SAFEGUARDING AND CODE OF CONDUCT (LR.09 15/16)

Consideration was given to a report which sought to inform Members of the Committee of detailed proposals to amend Policy which would affect the taxi driver application process with regard to safeguarding and the introduction of a code of conduct.

The report also sought to inform members about the key findings in relation to licensing regarding the Rotherham inquiry and the comparative situation here within West Lindsey.

With regard to the latter, the Committee received a short presentation from the Licensing Team Manger in respect of Child Sexual Exploitation (CSE) in Rotherham.

Officers outlined the nature of CSE and Members were advised that

- It was a grooming process and form of child abuse
- Victims were treated like adults and given gifts and attention from older men
- Perpetrators gained the victim’s trust and made them believe they were in a relationship/in love

- This had a powerful effect for girls craving love and attention e.g. from deprived backgrounds/growing up in care
- Drugs, alcohol and sex may then be introduced
- Victims would be forced to have sex with their abuser and even other men
- Threats, violence and coercion could follow
- This could result in victims becoming dependent on drugs/alcohol, afraid of their abuser, isolated from family and scared they wouldn't be believed if they made a complaint

The effects and consequences to victims were outlined to the Committee, these being: -

- Victims suffer from suicidal feelings and often self-harm
- Many become pregnant and will contract STIs
- Some may have to deal with abortions or suffering a miscarriage
- Many go on to enter violent and abusive relationships

The effects and consequences to the community were outlined to the Committee, these being: -

- 1,400 young peoples' lives were seriously damaged
- Councillors and senior officers were forced to resign
- Long term impact on public opinion of Authorities and feelings in the community
- Serious damage to Council reputation.

The Key Findings of the Casey Report were shared with Members.

- This was a council in denial about serious and on-going safeguarding failures
- It had an archaic culture of sexism, bullying and discomfort around race
- Failed to address past weaknesses, in particular in Children's Social Care
- It had weak and ineffective arrangements for taxi licensing which left the public at risk
- It had ineffective leadership and management, including political leadership
- There was no shared vision, a partial management team and ineffective liaisons with partners
- There was a culture of covering up uncomfortable truths, silencing whistle-blowers and paying off staff rather than dealing with difficult issues.

The Key Findings relative to Taxi Licensing were also shared with the Committee and the following points were noted

- The team was divided into two sub teams (policy and enforcement) and the two teams used different databases, which did not interface and did not share information easily
- Complaints and information gathering was not recorded on the data system
- The taxi policy was significantly out of date and dated back to 1974
- The report found that there was no indication of what would be classified as a serious concern requiring suspension
- The influence of members resulted in officers being under pressure to facilitate the trade rather than protecting the public. It was reported that Members had been reluctant to hear cases relating to matters showing up in the DBS checks so it resulted in no action being taken against convictions.

In concluding, the comparative position at West Lindsey was outlined during which the following points were noted : -

- WLDC had one team carrying out policy, administration and enforcement duties
- All complaints and intelligence was discussed within the team and where appropriate recorded on the database. Any serious concerns regarding the status of being a 'fit and proper' person would be referred to the relevant Committee for determination
- September 2013 – the current Taxi Policy was amended to include a knowledge test
- February 2015 – consultation began to amend the policy in order to introduce a low-risk driver training scheme
- June 2015 – report to be presented at L&R Committee for approval of a Safeguarding Code of Conduct for Taxi Drivers
- Autumn 2015 – report to be presented at L & R Committee for a more robust convictions policy
- An information sharing process has been agreed with Lincolnshire Police regarding licensees whose licences have been revoked/suspended/refused
- Should any undue pressure be put on Officers from Members, this would be reported in line with Council policy.

Members were reminded that any changes to Policy or conditions / restrictions placed on the trade legally had to be proportionate, fair and reasonable, based on evidence.

Following much debate, and in light of Members' comments and views, and the professional advice of Officers, on that basis it was : -

RESOLVED that having considered implementing a change of policy in relation to the taxi / private hire driver application process, the Policy changes referred to at (a) and (b) below be **RECOMMENDED** to the Prosperous Communities Committee for approval and adoption with immediate effect:

- (a) that all new drivers on initial application and all existing drivers upon renewal be expected to sign up to and abide by the Safeguarding Code of Conduct; and
- (b) that all new drivers on initial application and all existing drivers upon renewal be expected to complete the required Safeguarding Awareness training module as a pre-requisite to making their application;

The full report referring to the above changes to taxi policy amendments is attached as Appendix 1.

The matter in relation to the proposed driver training scheme was discussed by Members at the Licensing and Regulatory Committee meeting held on 09 December 2014 and the arising minute(s) are set out at below with the recommendations listed at (a)(i) (a)(ii) and (b).

ITEM 22 BELOW IS AN EXTRACT FROM THE MINUTES OF THE LICENSING AND REGULATORY COMMITTEE MEETING HELD ON 09 DECEMBER 2014.

22 TO CONSIDER IMPLEMENTING ADDITIONAL TAXI-DRIVER TRAINING – CHANGE TO POLICY (LR.25 14/15)

Consideration was given to a report which sought to inform Members of the Committee of detailed proposals to amend Policy which would affect the taxi driver application process.

At the previous meeting of the Licensing and Regulatory committee held in September 2014 a brief presentation was made by Russell Morgan of the Lincolnshire Road Safety Partnership to the committee members and officers present in relation to taxi driver training.

As a result of the brief presentation made by Mr Morgan it was agreed that both the Chair and Vice-Chair of the Licensing and Regulatory committee and Cllr Day and the Licensing Manager attend the Lincolnshire Road Safety Partnership training centre at North Kyme, in order to get a better understanding of what the training involves.

Additionally, the Licensing Manager was tasked to look at what evidence there was to justify the need to implement training for taxi/private hire drivers, from both City of Lincoln Council and from Lincolnshire Road Safety Partnership.

In presenting the report the Licensing Team Manager set out in detail and at length the current issue, the proposals and options available to members as set out in section 3 of the report, factors which needed to be considered when changing Policy, consultation requirements and all associated risks.

Lengthy and detailed discussion ensued during which Members carefully considered the way forward.

Members sought and received information from Officers as to whether other authorities had similar requirements within their application processes, how the proposals would affect the cost of applying for licence., and whether the team, if the proposals were supported, had the capacity to deal with extra administration of the process. Officers also outlined, by way of context, accident statistics and typical “offender” profiles provided by the Lincolnshire Road Safety Partnership

Whilst the general consensus was to support both proposals (a) and (b), much debate was had around the level at which the triggers should be set.

A Member expressed concern that having received the proposals, if the Council chose to do nothing and an accident occurred that Corporate Manslaughter charges may be levied. Furthermore there was concern that in hardship cases, the Courts would maybe challenge the Council’s Policy.

In responding Officers gave reassurance that in their view Corporate Manslaughter legislation could not be applied as Taxi Drivers were not employed by the Council, this was applicable to employees only. Furthermore, in respect of hardship cases, the Council’s primary concern had to be its duty of care to the public when granting licenses and again the likelihood of such a circumstance arising was considered limited.

Again whilst the general consensus was to support both proposals (a) and (b), further debate was had around the level at which the triggers should be set and Members also felt it important that there should be ability to apply discretion, depending on what the points had been received for.

A number of differing views was expressed through the course of the debate with a variety of suggestions been made, including those set out below: -

- That proposal (a), relating to new drivers, should only be applied if the driver was under 25;
- That the proposed trigger (of 9 Points) in proposal (b), relating to existing drivers, was too high, with an alternative of 6 points been suggested.
- That proposal (a), relating to new drivers, should only be applicable if they had any points on their licence.
- That the ability to apply discretion, depending on what the points had been received for be built in

In light of the views been expressed Officers advised that by making “entry requirements” significantly different for new drivers as opposed to existing drivers, this scenario may lead to equality issues arising.

Following much debate, and in light of Members comments and views, on that basis it was:-

RESOLVED that:

- (a) having considered implementing a change of policy in relation to the taxi / private hire driver application process, the trade be consulted on the following proposed amendments for a minimum period of six weeks:
 - (i) all new taxi / private hire driver applications with 6 live points or more will be required to submit a Low Risk Driving Assessment from the Lincolnshire Road Safety Partnership as part of their application; and
 - (ii) any existing taxi / private hire driver currently licensed by WLDC who has accrued 6 points or more on their driving licence will receive a warning and be required to take part in the Taxi Driver Information Programme and provide the relevant certificate to Officers accordingly. The matter may be referred to the relevant committee, if deemed appropriate; and
- (b) Following the consultation period with the trade, the arising proposed policy changes be **RECOMMENDED** to the Prosperous Communities Committee for approval and adoption (any adverse comments made through the consultation process to be dealt with by the licensing manager in consultation with the Chairman and Vice-Chairman of the Licensing and Regulatory Committee)

The full report referring to the above changes to taxi policy is attached as Appendix 2.

N.B. Officers can confirm that a consultation exercise was carried with over 200 drivers as per item (a) above and the five responses to this process was discussed with the Chair of the Licensing and Regulatory Committee accordingly.

Appendices

Appendix 1 L & R report of 09 June 2015

Appendix 2 L & R report of 09 December 2014



LR.09 15/16

Licensing and Regulatory
Committee

June 09 2015

Subject: Changes to Policy for Taxi Drivers Re Safeguarding

Report by:

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Contact Officer:

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Purpose / Summary:

- 1) To inform the Members of the Licensing and Regulatory Committee of detailed proposals to amend policy which will affect the taxi driver application process.
- 2) To inform members about the key findings in relation to licensing regarding the Rotherham inquiry and the comparative situation here within West Lindsey.

RECOMMENDATION(S):

That Members consider implementing a change of policy in relation to the Hackney Carriage/Private Hire driver application process, the effect of which means:

- 1 a) **All new drivers on initial application and all existing drivers upon renewal will be expected to sign up to and abide by the Safeguarding Code of Conduct (if approved).**
- 1 b) **All new drivers on initial application and all existing drivers upon renewal will also be expected to complete the required**

Safeguarding Awareness training module as a pre-requisite to making their application (once developed for the taxi trade).

Should Members agree to 1a and 1b, above, then they make recommendation to Prosperous Communities Committee to adopt the revised process and change of policy.

IMPLICATIONS

Legal: See section 9 below

Financial : FIN/22/16 None as a result of this report

Staffing : None as a result of this report

Equality and Diversity including Human Rights :

This matter has been considered and a EIA is attached as Appendix 2

Risks: See section 8 below

Climate Related Risks and Opportunities : N/A

Title and Location of any Background Papers used in the preparation of this report:

Independent Inquiry into Child Sexual Exploitation in Rotherham 1997 – 2013
Report of Rotherham Metropolitan Council carried out by Louise Casey CB
Both of the above documents can be viewed online.

Call in and Urgency:

Is the decision one which Rule 14 of the Scrutiny Procedure Rules apply?

Yes No

Key Decision:

Yes No

Executive Summary

Background - what is the issue?

Local Authorities have a legal duty to ensure that 'their functions are discharged having regard to the need to safeguard and promote the welfare of children' and that 'any services provided by another person pursuant to arrangements made by the person or body in the discharge of their functions are provided having regard to that need' (Children Act 2004, S 11(2)).

Following the widely reported cases of child sexual exploitation in Rotherham, which implicated taxi drivers being involved at the centre of the case, licensing authorities, nationally, recognise the need to review policies and procedures to ensure they are fit for purpose.

West Lindsey District Council, in partnership with all Lincolnshire Licensing Authorities and other agencies, is reviewing taxi licensing national best practice, the effectiveness of data sharing, day to day working procedures and licensing policies with a view to addressing any safeguarding issues.

A draft code of conduct for hackney carriage/private hire vehicle drivers has been prepared, attached as Appendix 1. Additionally, a Safeguarding Awareness Module is being developed specifically for new and existing drivers to successfully complete, should Members resolve to authorise the implementation of this requirement? Therefore, Members of the committee are requested to consider the approval of the draft code of conduct, the effect of which means that all new applicants will have to sign-up to adhere to the document on initial application and existing drivers will do so at the licence renewal stage. Similarly, all new drivers on initial application and all existing drivers upon renewal will also be expected to complete the required Safeguarding Awareness training module as a pre-requisite to making their application.

The code of conduct will address issues such as inappropriate use of social media, use of inappropriate language and advice on action to be taken by taxi drivers if they have concerns regarding any safeguarding issue.

It is important to acknowledge that in considering adopting a code of conduct there is no suggestion that the drivers licensed by West Lindsey District Council are not of the highest integrity or that there is any suspicion that the events of Rotherham are happening within our district.

1. The purpose of Licensing and some context about Licensing

1.1.1 Licensing arrangements were introduced as all activities that are now licensable carry a risk of “harm” either of a personal, financial, environmental or amenity nature. The requirement for a licence enables a licensing authority to make a judgement so that the potential harm is eliminated, reduced or balanced against the benefits of society. The overriding philosophy underpinning licensing is that public safety must always outweigh the need for a person or organisation to work or trade.

2. Principal Licensing Activities.

2.1.1 In general, the largest proportion of licensing work is in relation to the Licensing Act 2003 (the sale of alcohol, provision of regulated entertainment and late night refreshment) and the regulation of hackney carriage/private hire vehicles.

2.1.2 Here at West Lindsey there is also a minor activity under the Gambling Act 2005 which can potentially create issues of underage gambling and put children at risk of using or accessing amusement arcades.

2.1.3 The areas above are where it is thought there is most risk to children and young people. The following sections will describe in more detail the arrangements for these two areas and the issues are listed below.

2.2 Licensing Act 2003 and Premises Licences

2.2.1 The licensing framework changed significantly with the introduction of the Licensing Act 2003 (the Act). Under the Act, each district council is the licensing authority and is responsible for granting premises licences, club premises certificates, temporary events notices and personal licences in their respective district in respect of the different licensable activities.

2.3 The role of responsible authorities

2.3.1 The Act introduced licensing objectives, and included in the list of responsible authorities, the body responsible for, or interested in, the protection of children from harm.

2.3.2 The four licensing objectives are:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm.

2.3.3 Responsible authorities are:

- Lincolnshire Police
- Lincolnshire Fire and Rescue Service
- Health Board
- The relevant Licensing Authority

- Local enforcement agency for the Health and Safety at Work etc Act 1974
- The relevant Environmental Health Department – Environmental Protection and Health and Safety
- The relevant Planning Authority
- Body responsible for the protection of children from harm (the Safeguarding Children’s Board (LSCB))
- Trading Standards
- Any other licensing authority in whose area part of the premises is situated (infrequently happens)

2.3.4 Responsible authorities are asked by the licencing authority to consider applications and reviews and to make any evidence based representations if they relate to the promotion of the four licensing objectives and which might be regarded as contentious.

2.3.5 Currently, the presumption within licensing legislation is that licence applications will be granted unless there are representations that clearly evidence that an application will conflict with the licensing objectives in the Act. Therefore if an application is refused without this evidence it could be challenged and be overturned on appeal.

3.0 Hackney Carriage and Private Hire Licensing

3.1.1 Licensing of taxis covers two areas:

3.1.2 The licensing for hackney carriages which requires two licences:

- Hackney carriage proprietors (vehicle) licence
- Hackney carriage driver’s Licence

3.1.3 The licensing for private hire vehicles which requires three licences:

- Private hire operator’s licence
- Private hire vehicle licence
- Private hire driver’s licence

3.1.4 The difference between hackney carriage and private hire vehicles is that hackney carriages can ply for trade, i.e. they can be flagged down whereas private hire can only be pre-booked.

3.1.5 Whilst there is no legislative role for the SCB in the licensing of hackney carriages and private hire vehicle drivers, licensing authorities have to ensure that all drivers are “fit and proper” persons to be licensed to drive a hackney carriage and private hire vehicle, by carrying out checks on an applicant’s background.

3.1.6 To assess a driver’s suitability, applications are subject to a criminal record check (disclosure) with the Disclosure and Barring Service (DBS).

3.1 Disclosures and convictions for taxi drivers

3.1.1 In considering an individual's criminal record, local licensing authorities consider each case on its merits, and should take a particularly cautious view of any offences involving violence, dishonesty and especially sexual attack. To ensure consistency and avoid the risk of successful legal challenge, licensing authorities need a clear policy for the consideration of criminal convictions within its taxi policy.

3.1.2 Licensing authorities are also advised to have a procedure in place in order to deal with background checks for applicants from elsewhere in the EU and other overseas countries.

3.1.4 With effect from the 1st April 2014, on the advice of the Chief Constables Council, the Notifiable Occupation Scheme Policy was withdrawn by Lincolnshire Police. Lincolnshire Police have produced a policy, "Common Law Disclosures to Employers", to advise on how they will disclose information. The policy makes reference to disclosures to licensing authorities and it supersedes Home Office Guidance 06/2006 which has been withdrawn.

3.1.5 The general presumption is that the police should maintain the confidentiality of personal information, but legal opinion supports the disclosure of individuals' sensitive personal information to relevant parties where a "pressing social need" can be established. A pressing social need may include the safeguarding or protection from harm of an individual, a group of individuals, or society at large.

3.1.7 The common law based disclosure decisions are processed by the police without unnecessary delay in order that the recipient can respond effectively to the urgent risk identified.

3.1.8 In the absence of a national licensing body for taxi and PHV drivers, notifications are made to the local licensing authority identified on the licence or following interview. However, there are expectations that all licensing authorities work together should they ascertain that an individual is operating under a different authority or with a fraudulent licence. Where no convictions are found and subject to driving capability, medical assessment etc, a taxi drivers licence may be issued.

3.1.9 *As hackney carriage and private hire vehicle drivers often carry unaccompanied passengers including school contracts runs, applicants with convictions for indecent exposure, indecent assault, importuning, or any of the more serious sexual offences, should be refused until they can show a substantial period (at least three to five years) free of such offences.

3.1.10 *More than one conviction of this kind should preclude consideration for at least five years. In either case if a licence is granted a strict warning as to future conduct should be issued.

3.1.11 *A similar approach is taken with applicants who have convictions for grievous bodily harm, wounding or assault.

**A more robust Convictions Policy is being developed so the above may change.*

4.0 Hackney Carriage and Private Hire licensing - points to be learnt

4.1.1 In the recent high profile child sexual exploitation issues in Rochdale and Rotherham, some of the perpetrators involved were taxi drivers and some of the activities involving children were occurring in licensable venues. This highlighted the importance of:

- effective information sharing between the police and licensing teams to ensure that safeguarding concerns are incorporated into taxi and premises licensing decisions; and
- licences being reviewed and revoked as necessary and as early as possible where there are concerns or issues evident.

4.1.2 Rotherham review – Jay report

4.1.3 A copy of the Jay report which was previously on Rotherham Council website has been either removed or deleted, however there are numerous articles that can be viewed relating to Child Sex Exploitation in Rotherham that can be found by searching the Web which may be of interest.

4.1.4 Most recent Rotherham report – Casey report

4.1.5 A copy of the Louise Casey into Rotherham and sexual exploitation can be found below

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/401125/46966_Report_of_Inspection_of_Rotherham_WEB.pdf

4.1.6 The investigation revealed six key findings including “weak and ineffective arrangements for taxi licensing which leaves the public at risk”. Other key findings relate to the culture, leadership and management of the council.

4.1.7 The key observations in the Casey report relating to licensing have been summarised below:

- The team was divided into two sub teams (policy and enforcement) and the two teams used different databases, which did not interface and did not share information easily.
- Complaints and information gathering was not recorded on the data system.
- The taxi policy was significantly out of date and dated back to 1974.
- The report found that there was no indication of what would be classified as a serious concern requiring suspension.
- The influence of members resulted in officers being under pressure to facilitate the trade rather than protecting the public. It was reported that members had been reluctant to hear cases relating to matters showing up in the DBS checks so it resulted in no action being taken against convictions.

5.0 Reflection of the Casey report and the comparative position in the licensing department at West Lindsey District Council

5.1 There is one licensing team, which is managed by one manager (albeit the licensing team manager has other responsibilities additional to licensing). The licensing team deal with the administration, policy and enforcement of all licensing functions.

5.1.2 The licensing team use one information software management system, LalPac.

5.1.3 All complaints and intelligence gathered are recorded on the LalPac system (where appropriate) and are discussed by the officers within the licensing team individually. Due consideration is given to all cases in order to understand what is the appropriate course of action that needs to be taken. If there are concerns regarding the status of about a 'fit and proper' person, officers WILL NOT hesitate in taking a report to the relevant Licensing Committee to allow Members to determine the appropriate outcome. In serious cases officers WILL AND HAVE considered immediate revocation in line with legislation, under delegated authority.

5.1.4 The current Taxi Policy was amended in September 2013 whereby a Knowledge Test and the Out of Area policy was introduced. Currently the policy is under review again with consideration being given to a scheme facilitated by the Lincolnshire Road Safety Partnership which means applicants will have to be categorised as a low risk driver before they can be issued with a WLDC licence when they have incurred six or more points. A similar process will be applicable for existing licensees who incur the same amount of points whilst licensed. In order to try and have a consistent policy across Lincolnshire officers are now starting to work together in to create a more robust policy specifically relating to convictions etc.

5.1.5 Previous practice was to suspend drivers during investigation of various allegations, including safeguarding. Recent case law changed the process to not allow for suspension as an intermediate step awaiting a committee decision. As noted above officers do not hesitate to take reports to the relevant committee for Members to resolve. Should the risk be an immediate one officers can deal with any concerns, including safeguarding information immediately in line with the legislation? Serious risks can and have required immediate revocation.

5.1.6 The influence of Members at West Lindsey is focused on specific licensing objectives and constant change in practice and procedures. The service is heavily involved with Members through policy decisions Chair/Vice Chair briefings. Licensing hearings are conducted regularly as and when required. To ensure Members understand what is expected of them, training programmes are in place which are a mandatory requirement before Members are allowed to take part in the Sub-Committee process. If undue pressure was put on officers this would be reported in line with Council policy, this has never been the case to date.

5.1.7 The Council has a Conviction Policy which as noted above will be reviewed accordingly in order to have a minimum standard across the County. Any applications/renewals that are refused have the opportunity to appeal to the Magistrates Courts and onwards.

6.0 Lincolnshire Task and Finish Group

6.1 Over recent months following concerns about the Rotherham and Rochdale cases, a Lincolnshire wide Task and Finish Group was set up and chaired by South Holland District Council's Licensing Manager. The key recommendations and actions from the Task and Finish group include:

6.2 Information sharing

6.2.1 Information sharing was noted as a key area as currently there is no national database for taxi drivers and the Team are reliant on information being picked up by enhanced DBS checks. Other softer intelligence such as having being previously suspended or revoked by another Licensing Committee is rarely shared. The Group are looking at a number of proposals to increase the amount of information sharing within the county and wider afield. As a result of discussions held regarding this issue all the County licensing authorities have already agreed to share decisions made, with Lincolnshire Police, where any of the safeguarding examples are of concern.

6.3 Partnership working with the Safeguarding Children's Board

6.3.1 It was observed that there is regularly no feedback from the LSCB on premises licence applications or reviews. We have worked with the LSCB to clarify their role as a responsible authority and to gain a greater understanding about how the different organisations can work together. We aim to continue this working relationship and to include them within county licensing officer meetings.

6.4 Implementation of a county safeguarding code of conduct for the taxi trade

6.4.1 It was raised by the Group that taxi policies contained limited safeguarding information and, did not contain details of the expectations of drivers, or details of the role of social media and what to do if they become aware of safeguarding issues raised by passengers and where to report this information. As a county group we have worked on a standard code of conduct which we are now asking Members to approve. If approved, the Code of Conduct will become an Appendix of the Taxi Policy.

6.5 Future policy work

6.5.1 When further policies are reviewed including the Licensing Act and Gambling Act policy in late 2015 the best practice and guidance for safeguarding will be incorporated into the documents.

7.0 Consultation

7.1 With regards the possible implementation of the draft code of conduct by Members, over 200 drivers were consulted regarding this proposal, with only 5 responses received back from this process. These can be seen at Appendix 3 for Members information.

8.0 Risk

8.1 There are risks associated if we fail to not implement safeguarding good practice which could result in vulnerable people including children being put at risk of harm.

8.2 There are significant reputational risks associated with not implementing adequate safeguarding measures, therefore officers would suggest that to take no action is not an appropriate alternative.

9.0 Legal implications

9.1 West Lindsey District Council has a legal duty to ensure that all of its 'functions are discharged having regard to the need to safeguard and promote the welfare of children' and that 'any services provided by another person pursuant to arrangements made by the person or body in the discharge of their functions are provided having regard to that need' (Children Act 2004, S 11(2)).

10.0 Conclusion

10.1 Lessons must be learnt from the events that occurred in Rotherham and the licensing authority must do all that is practicable to safeguard children and vulnerable adults. The council would be failing in its safeguarding duty if it did not re-evaluate the policies and procedures in place and implement additional safeguards identified as being appropriate. It is expected there will be a number of changes to address safeguarding issues over a period of time, not just for hackney carriage/private hire licensing but for other functions within the authority wider than just the licensing regime. Initially and as soon as practicable there is a need to ensure that we implement the above highlighted changes where possible in order to do all that we can to protect the public.

11.0 Reasons for Recommendation(s)

11.1 To ensure the required safeguarding measures are implemented to protect the public.

11.2 To ensure that committee members, the public and the hackney carriage/private hire vehicle drivers are aware of what is expected of them and that they have a point of contact to report any safeguarding concerns.

12.0 Background papers:-

Jay report on Rotherham:
Has now been either removed or deleted from the original location.

Casey Report on Rotherham:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/401125/46966_Report_of_Inspection_of_Rotherham_WEB.pdf

13.0 Appendices:-

13.1 Appendix 1 – Draft Code of Conduct

13.2 Appendix 2 – Equality Impact Assessment

13.3 Appendix 3 – Consultation Feedback

Appendix 1

DRAFT

CODE OF CONDUCT HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS

Hackney Carriage and Private Hire Drivers (referred to in this document as Drivers) are in a position of trust in respect of the safety and welfare of their passengers. The Licensing Authority, through its licensing team and committees, have to ensure that all Drivers are 'fit and proper' to undertake their work as Drivers and that they also act as ambassadors for the district. It is essential that the Council and Drivers work together in order to ensure members of the public are treated with dignity and respect, including reporting any concerns.

On occasions, drivers may become aware of, or have suspicions that, their passengers may be the victim of abuse, neglect or exploitation either sexual or otherwise, or at risk of becoming a victim. In addition, Drivers themselves may be accused of misconduct or inappropriate behaviour through the misinterpretation of the driver's actions or conversation.

Therefore, West Lindsey District Council is proposing to introduce this **Code of Conduct** which is aimed at providing the best possible service by protecting both passengers and drivers. This ensures that concerns, suspicions of abuse, neglect or exploitation can be reported appropriately and minimise the risk of misunderstandings.

Drivers are expected to comply with this Code of Conduct. Failure to do so may result in the Driver being referred to the Taxi & General Licensing Sub-Committee to explain the circumstances surrounding any incident. In the event of a repeated and/or serious failure to comply, drivers can expect that consideration will be given to the suspension or revocation of their licence.

It should be noted that the code does not over-ride any obligations that are enshrined in legislation, licence conditions or contractual obligations, such as County Council contracts under the Green Badge scheme.

Drivers should:

- Act in a professional manner at all times
- Treat passengers and other road users with respect
- Keep relationships with passengers on an appropriate, professional basis
- Respect all individuals – regardless of age, disability, gender, sexual orientation, gender reassignment, religion/belief, language spoken, race or ethnicity

And be aware of:

- Safety and well-being of passengers must be paramount
- The importance of the use of appropriate language
- Be aware of the vulnerability of children and adults
- Be aware of passengers with special needs
- Any instruction given about the care or first aid requirements of a passenger
- Personal beliefs and standards, including dress and religion
- Passengers misreading situations
- The use of social networking sites such as Facebook and Twitter. These are public websites and therefore passengers conveyed may access a Driver's site. Ensure you use the appropriate privacy settings to avoid passengers viewing your social media sites

Drivers should never:

- Become over-friendly or unprofessional in any way with passengers or engage in any form of inappropriate relationship, infatuation or show favouritism
- Inappropriately touch a passenger, unless in an emergency situation, or if required to do so because of the additional needs of the passenger
- Administer medication unless a specific request has been made by the hirer
- Photograph or video passengers in your care unless used in compliance with data protection legislation and any relevant codes of practice issued by the Home Office or Information Commissioner's Office
- Engage with passengers through social networking sites (such as Facebook and Twitter), instant messengers or any other online communication software such as mobile phone applications or video games
- Phone or send text messages to passengers other than directly concerning the hiring of your vehicle
- Swear, make personal/humiliating comments, or tell inappropriate jokes in person or by any other means e.g. social media
- Offer or accept sweets, cigarettes or gifts of any sort
- Stop anywhere other than the specified pick up/drop off points unless requested by the hirer
- Show passengers videos or pictures on your mobile phone or any other electronic device

Safeguarding:

If a Driver has concerns or suspects abuse, neglect or exploitation of a passenger then these should not be ignored. If there are any suspicions or concerns about the way someone is being treated it is important to report this. The safeguarding of children and vulnerable adults is everybody's responsibility. Remember that your information could help a vulnerable child or adult.

If a Driver is working under a Lincolnshire County Council contract then those procedures set out in the Driver and Passenger Assistant Pack should be followed alongside any training received by the Driver.

Otherwise, the following procedures should be complied with in reporting any information or suspicions you may have of anyone being subject to abuse, neglect or exploitation:

Action to be taken if you have concerns:

- If your concerns are of an urgent matter or you believe that a crime has been committed and there is an immediate risk of danger, telephone the police on **999 or 112**
- If you are suspicious or are concerned that a child or an adult is suffering or is likely to suffer significant harm, including any form of mistreatment, abuse, neglect or exploitation but it is not of an urgent matter, please call the Lincolnshire Safeguarding Customer Service Centre on **01522 782111 for children** or **01522 782155 for adults**
- If you would prefer to speak to the police on a non-urgent matter then call them on **101** and follow the directions for Lincolnshire Police

APPENDIX 2 - EQUALITY IMPACT ASSESSMENT

Name, brief description and objectives of policy, procedure, function?	Amending the taxi policy will reflect a change to the taxi application procedure in order to address potential safeguarding issues. The changes will affect all new driver applications and any existing ones who renew their licence also. The outcome of the amendment to policy is to ensure that WLDC is striving to do all that it reasonably can in relation to continuous improvement regarding the protection of the children and vulnerable adults relative to safeguarding.
Have you consulted on the policy, Procedure, function and, if so, what were the outcomes?	Yes over 200 drivers were notified of the possible change to policy – No real concerns from the five responses.
What barriers may these individuals or groups face, and how can you promote equality (where possible)?	
Gender	There is no evidence that this policy would impact on people in any way because of this characteristic.
Age	There is no evidence that this policy would impact on people in any way because of this characteristic.
Disability	There is no evidence that this policy would impact on people in any way because of this characteristic.
Race	There is no evidence that this policy would impact on people in any way because of this characteristic.
Religion or Belief	There is no evidence that this policy would impact on people in any way because of this characteristic.
Sexual Orientation	There is no evidence that this policy would impact on people in any way because of this characteristic.
Gender Reassignment	There is no evidence that this policy would impact on people in any way because of this characteristic.
Pregnancy, Maternity and Paternity	There is no evidence that this policy would impact on people in any way because of this characteristic.
Marriage and Civil Partnership	There is no evidence that this policy would impact on people in any way because of this characteristic.
Rural Isolation	There is no evidence that this policy would impact on people in any way because of this characteristic.
Socio-economic factors	There is no evidence that this policy would impact on people in any way because of this characteristic.
Other (e.g. those with dependants/caring responsibilities, asylum seeker and refugee)	There is no evidence that this policy would impact on people in any way because of this characteristic.

communities, children in the care system, etc)	
Is there any evidence or research that demonstrates why some individuals or groups are, or are not, affected	There is no evidence or research available. The WLDC taxi licensing policy is based on nationally applicable legislation. It covers <u>all applicants</u> who all must meet a set of standards and criteria intended to ensure that they are 'fit and proper' persons.
If there is a potential adverse impact, please state why and whether this is justifiable	None identified
Outcome of EIA	No major change needed <input checked="" type="checkbox"/> Adjust the policy/proposal <input type="checkbox"/> Adverse impact but continue <input type="checkbox"/> Stop and remove the policy/proposal <input type="checkbox"/>
How will you monitor your policy, procedure, function to ensure there is no adverse effect on the protected characteristics (e.g. gender, age, etc) in the future?	Any applications who cannot meet the criteria will be checked to ensure that the reason is not for any of the protected strands e.g. race, religion, gender, age etc. Each application will be judged on its own merits.

Appendix 1

Tracy Gavins

From: [REDACTED]
Sent: 11 February 2015 17:51
To: WL - Licensing2003
Subject: Proposed changes to Taxi Policy

Dear Licensing Team, thank you for your recent correspondence regarding changes to Taxi Policy, and I'd like to state that I wholeheartedly agree with this.

I would willingly sign up at any time of my current licence and any company that's serious about working in our licensing area, should also agree.

I'm interested in the comments regarding abuse on social media. I've heard that some members of our industry have been aiming nasty comments at personal Facebook accounts, of members of the licensing team. You will notice that I am not one of these people and I distance myself from this type of behaviour at all times. I'm sure the Team would benefit from an official Facebook account where people could aim their questions and then any abuse would be on record in the public domain. Also, team members would benefit mentally from the fact any misinformed moaning or abuse was not actually aimed at them.

On the subject of the code of conduct, I'd like to see a part in there regarding drivers that haven't a clue where they are going and then try to over charge their passengers for their mistakes. In my view, they are leaving themselves open to abuse and even a possibility of violence (from drunk people) while bringing our trade in to disrepute.

I've spent the last 20 years looking after the public of our area, I now pick parents up with their children, I used to pick up as children. Hopefully you'll understand how I feel about this situation.

I'd also like to remind The Licensing team that my colleagues and I took part in the NVQ scheme, and passed it to show our commitment to the trade.

[REDACTED]

[REDACTED]

[REDACTED]

Tracy Gavins

From: [REDACTED]
Sent: 13 February 2015 11:08
To: WL - Licensing2003
Subject: Consultation re taxi drivers - Feedback

Dear Licensing Team,

I have read your proposals regarding the two Consultations. I wholeheartedly agree with both proposals.

With regard to the first Consultation, our customers have the absolute right to expect their driver to be a safe driver. They entrust us with their safety. Perhaps one way to ensure that all taxi drivers meet an acceptable level of proficiency as a driver would be to arrange for them to undergo an "observed drive" before a license is granted. It may be that the Road Safety Partnership might be able to facilitate this or it may be worthwhile approaching the local branch of the Institute of Advanced Motorists. If there was a charge for this service, it could be added to the licence application fee.

With regard to the second Consultation, it is only reasonable to expect taxi drivers in West Lindsey to sign up to a code of conduct. We must do whatever it takes to raise and then maintain the public experience of using the service we provide.

I hope this feedback is helpful.

Yours sincerely,

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
16 FEB 2015
West Lindsey District Council

Dear Mr Hinch,

Proposed changes to Taxi Policy.

On looking at your proposals would it not be easier with all the new technical help Available fit a £100 camera into the vehicle.

Under your code of Conduct, drivers should, and be aware of, drivers never, and Safeguarding. All the items mentioned, would be covered both ways by what the driver did, or the passenger did.

As the cost of £120, I am sure this would help the drivers, as they would know that their driving is being recorded, therefore speeding, bad driving or dangerous actions would be recorded.

All these would be benefit to, both parties and the West Lindsey Council and you would have proof of any actions if there was an accident. to see who was to blame. I hope the above may give the Licensing Team further guidance.

I was a police officer before I retired and therefore are aware of what happens. The only other point I have is has anyone thought about use of a Skid Pad as I know from experience Ice is one of the big problems in the winter and at night and early morning, and a lesson on this I am sure would be of help to drivers and make them aware of the dangers.

[REDACTED]

Phil Hinch

From:

[REDACTED]

Sent:

17 February 2015 09:19

To:

Phil Hinch

Subject:

RE:

My enquiry was nothing to do with the letter that I have recently received. Regarding further costs/penalties/training that you propose.

However I am sure you have already made your decision and are just playing catch up with other councils.

Any comments or representation from us Taxi Drivers would I'm sure be futile.

But while your paying catch up, would you please comment on the, discrimination & lack of equal opportunity that you propergate & support. Whilst the Gainsborough Taxi Rank operates in its current form?

[REDACTED]
[REDACTED]

Tina Garner

From: [REDACTED]
Sent: 12 March 2015 15:21
To: WL - Licensing2003
Subject: Changes to Taxi Policy

To whom it may concern,

I am emailing you in response to your letter dated 09 February 2015 with regards to the proposed changes to Taxi Policy.

Consulation No. 1

I would like to briefly say that I do not agree with such proposals as I personally see it as a way of making it tougher for fellow drivers who have 6 or more points on their driving licence to earn an honest living. It can be argued that they should be more careful when driving then, but we are all human and we all make mistakes.

Taking into account the REASON for the 6 points may be a reasonable compromise, however I strongly disagree with making life harder for anyone who may have 6 or more SP30 or SP50 etc points on their licence.

On the other hand, in relation to Consulation No. 2 I agree if there isn't any additional financial charge that drivers are made to pay.

I hope my feedback is of use to you,

Kind Regards,

[REDACTED]



LR.25 14/15
Licensing and Regulatory Committee
December 09 2014

Subject: Changes to Policy for Taxi Drivers

Report by:

Mark Sturgess
Chief Operating Officer

Contact Officer:

Phil Hinch
Licensing Manager
01427-676610
Phil.hinch@west-lindsey.gov.uk

Purpose / Summary:

To inform the Members of the Licensing and Regulatory Committee of detailed proposals to amend policy which will affect the taxi driver application process

RECOMMENDATION(S):

- 1) That Members consider implementing a change of policy in relation to the taxi/private hire driver application process, the effect of which means that:
 - a) all new taxi/private hire driver applications will be required to submit a Low Risk Driving Assessment from the Lincolnshire Road Safety Partnership as part of their application
 - b) any existing taxi/private hire driver currently licensed by WLDC who has accrued 9 points on their driving licence be required to take part in the Taxi Driver Information Programme and provide the relevant certificate to officers accordingly in order to determine their application

OR

- 2) That Members choose to do nothing and therefore leave the application

process unchanged

- 3) Should Members agree to either 1a, 1b, or both of the above, then they make recommendation to Prosperous Communities Committee to adopt the revised process and change of policy at either 1a, 1b, or both, following a six week consultation exercise with the taxi/private hire trade. (please note any adverse comments from the trade to be dealt with by the licensing manager in consultation with the Chairman and Vice Chairman of the Licensing and Regulatory before making a recommendation).

IMPLICATIONS

Legal: See section 6 below which highlights the risk of legal challenge.

Financial : FIN/100/15 None as a result of this report

Staffing : None as a result of this report

Equality and Diversity including Human Rights :

This matter has been considered and a EIA is attached as Appendix 1

Risk Assessment: See section 6 below.

Climate Related Risks and Opportunities : N/A

Title and Location of any Background Papers used in the preparation of this report:

Local Government (Miscellaneous Provisions) Act 1976

Town Police Clauses Act 1847

The above documents are held within Licensing Section

Call in and Urgency:

Is the decision one which Rule 14 of the Scrutiny Procedure Rules apply?

Yes No

Key Decision:

Yes No

Executive Summary

What is the issue?

At the last Licensing and Regulatory committee meeting held in September 2014 a brief presentation was made by Russell Morgan of the Lincolnshire Road Safety Partnership to the committee members and officers present in relation to taxi driver training.

The request for taxi driving training to be discussed was made to both the Chair of the Licensing and Regulatory Committee and to the Licensing Manager also and came from Councillor Kinch originally.

As a result of the brief presentation made by Mr Morgan it was agreed that both the Chair and Vice-Chair of the Licensing and Regulatory committee and Cllr Day and the Licensing Manager attend the Lincolnshire Road Safety Partnership training centre at North Kyme, in order to get a better understanding of what the training involves.

Additionally, the Licensing Manager was tasked to look at what evidence there is to justify the need to implement training for taxi/private hire drivers, from both City of Lincoln Council and from Lincolnshire Road Safety Partnership.

1. Introduction

1.1 West Lindsey District Council as licensing authority is responsible for licensing all drivers, operators and vehicles used to provide taxi services within the District. There is currently in place "Guidance for Members General Policy", adopted in 2008 which provides advice for Members and applicants in relation to taxi and private hire drivers with any convictions an applicant may have, amongst other things.

1.2 The guidance mentioned above was reviewed and amended and became effective in September 2013 whereby a knowledge test was made part of the initial application process for drivers and additionally a specific "out of area" section was inserted to offer guidance handed down from the High Court in relation to how this authority will deal with applications for Proprietors Licence who intend to operate outside of the WLDC administrative area.

2. The Current Issue

2.1 As noted in the executive summary the Licensing Manager as well as the Chair of the Licensing and Regulatory Committee were requested to bring the matter of taxi driver training to the attention of the Members of the committee. As a result of the request made by Cllr Kinch, Russell Morgan from the Lincolnshire Road Safety Partnership was invited to come along to the meeting held in September 2014 to make an informal presentation to the Members of the committee and to answer any questions that they may have of the proposed scheme. At the end of this process the Licensing Manager was requested to;

a) look at what evidence there is to justify the need to implement training for taxi/private hire drivers, from both City of Lincoln Council and from Lincolnshire Road Safety Partnership and

b) the licensing manager along with the Chair, Vice Chair and Cllr Day attend the Lincolnshire Road Safety Partnership training centre at North Kyme in order to get a better understanding of what the proposed training involves. (Due to the timings of processing this report and the attendance date at North Kyme, the licensing manager will give a verbal update at the committee meeting, as for various reasons the Members could not make the proposed date of the training).

2.2 In order for WLDC officers and Members to be in a position to grant licence applications, the Local Government (MP) Act 1976 at s.59(1)(a) states that: a *district council shall not grant a licence to drive a hackney carriage unless they are satisfied that the applicant is a fit and proper person.*

2.3 The "fit and proper person" test can be measured in many different ways and varies from one authority to another on the level of checks made on applicants.

Here at WLDC we only accept an Enhanced DBS disclosure certificate which is the highest level of background criminality checks that is available for us to ask for. We also only accept a Group 2 medical examination (which must be carried out by the applicants GP or someone who has access to the applicant's medical history e.g. a consultant) which is the same level that other professional drivers are checked at e.g. HGV and Coach drivers. We also check driving licences/records for penalty points imposed etc.

2.4 The one area that we do not check is the applicant's ability and competency to drive. The only criteria within the legislation is that *the applicant must have been authorised to drive a motor car for at least 12 months before the date of the application, not the date of grant.*

2.5 Therefore this does highlight a potential problem area in this ever changing world in which we all live and work. We can be faced with an applicant that has held a licence for the required 12 month period, but is very young and inexperienced. Conversely, at times we receive applications from older applicants who may have driven for many years but have picked up bad habits over this time. The main difference between licensed drivers and any other member of the public is the licensed driver is carrying fare paying members of the public who we have deemed to be "fit and proper" and therefore granted a licence, which now begs the question, *are we doing all that we reasonably can to ensure that WLDC licensed drivers are as safe as possible to carry the fare paying public?*

3. So what is being proposed?

3.1 As noted at 2.4 above, we currently have no check on the competency of the applicant's standard of driving.

3.2 Therefore Members are being asked to consider implementing a change of policy in relation to the taxi/private hire driver application process, the effect of which means that:

- a) all new taxi/private hire driver applications will be required to submit a Low Risk Driving Assessment from the Lincolnshire Road Safety Partnership as part of their application
- b) any existing taxi/private hire driver currently licensed by WLDC who has accrued 9 points on their driving licence be required to take part in the Taxi Driver Information Programme and provide the relevant certificate to officers accordingly in order to determine their application
- c) or alternatively, Members choose to do nothing and therefore leave the application process unchanged

Note: Members can opt for 1 (a) **or** 1 (b) **or both** together, alternatively they may choose (c)

4. Points to consider regarding change of Policy

4.1 It is fair to say that the fare paying public would expect the decision makers (either officers or Members) to do all that they really can in terms of protecting the public, *which is the paramount aim of the taxi licensing regime.* Information contained within paragraph 2 would suggest that this is questionable and that there is an area of satisfying the "fit and proper" test that could be improved upon if Members were willing to change the application process.

4.2 It is clear that WLDC does not employ the taxi drivers, however because we grant them a licence, effectively we are stating that they are “fit and proper” to carry out their role of carrying members of the public for hire or reward. Therefore we have a duty of care to the public.

4.3 Failing to do all that we reasonably can by putting in place a scheme to train our applicants, could leave the authority open to the risk of a civil case being brought against the authority, should a licensed driver become involved in a serious or fatal accident. At the very least it would be easy to see how WLDC reputation could be damaged, by failing to address an area of weakness within its application procedure when this has been brought to their attention.

4.4 As well as changing the process for new applicants the proposed scheme could be helpful to officers and Members when licensed drivers have incurred numerous points being imposed on their DVLA licence. In these circumstances the licensee is subsequently brought before Members of the Sub-Committee for them to consider if they can remain a licensed driver?

4.5 With this type of scenario the Sub-Committee have realistically only two options to choose from. This is either:

- a) impose a strict warning and allow the licensee to continue driving
- b) revoke the licence with a condition that the licensee cannot re-apply until a given amount of time has passed.

4.6 If the option at 3.2(b) were to be approved it would allow a licensee who has fallen short of the expected driving standard the opportunity of improving on their shortfall in driving and offer a course of remedial action which will improve the situation and allow the driver to continue this employment. This would be beneficial to both the licensee and in the interests of protecting the public. Each case would have to be considered on its own merits, as this option would not be a suitable course of action in every case.

4.7 Explanation of the term risk relating to drivers

Based on DfT research 20% of the driving population are considered high risk and are known to be frequent and intentional violators.

65% of the driving population are considered to be medium risk and are known to be occasional violators, mainly caused by momentary lapse of concentration

15% of the driving population are considered low risk and are considered unlikely to commit traffic violations. The proposed scheme to be considered means that we would only accept a LOW RISK driver assessment when dealing with applications in order to protect the public.

5. Consultation

5.1 To date, no consultation has taken place with regards the proposed taxi driver training options. This is due to the fact that at the September 2014 Licensing and Regulatory meeting, the view on whether to proceed with this aspect was uncertain. Clearly, Members had strong views, for and against the proposals; therefore further information was requested as contained in this report in order for members to make an informed decision.

5.2 Should Members resolve to adopt the change of policy at 1a or 1b then officers suggest a six week consultation exercise be undertaken with the taxi/private hire trade in order to understand any concerns.

5.3 If as part of the proposed consultation we receive adverse comments from the trade, it is requested that these be dealt with by the licensing manager in conjunction with the Chair and Vice-Chair of Licensing and Regulatory committee, before formal recommendation be made to Prosperous Communities committee for adoption.

6. Risks

6.1 As noted within paragraph 4 above, there are risks with **not** implementing a taxi driver training scheme when it has been highlighted that this leaves the authority open to legal proceedings being brought against the authority, should a drivers ability be brought into question as a result of an investigation after any serious or fatal accident, along with council reputation. It is not uncommon for a taxi driver to cover 50,000 miles per annum as part of their taxi duties, which is far in excess of other general road users and therefore increasing the risk of being involved in an accident.

6.2 Conversely, there is no evidence available from either the Lincolnshire Road Safety Partnership or from City of Lincoln Council (as requested), to support the implementation of this scheme, which suggests that taxi drivers are any better or worse than any other road users. Taking that point into account, it is possible that the authority could be subject to a legal challenge via a Judicial Review should they resolve to implement a scheme without evidence to support it, where the view could be taken that this approach whilst well meaning, could be deemed to be disproportionate.

6.3 Failing to consult with the taxi/private hire trade about any changes to policy will leave the authority open to legal challenge.

6.4 Should the Council resolve to impose a taxi driver training scheme the full cost of this is currently £120.00 and will be borne by the applicant.

7. Conclusion

7.1 In conclusion to this matter Members need to decide what course of action to take with regards to amending the application process, or not, as the case may be. Members should take into account all the information contained within this report and any verbal updates made by officers/Members at the meeting. Whatever decision is made by Members, it will need to be reasonable, proportionate and justified.

8. Appendices

Appendix 1 – Equality Impact Assessment

APPENDIX 1 - EQUALITY IMPACT ASSESSMENT

Name, brief description and objectives of policy, procedure, function?	Amend the taxi application procedure to address potential public safety issues. The changes will affect <u>all new driver applications</u> and any existing ones who incur 9 points on their licence. The effect of the amendment to policy is to ensure that WLDC is doing all that it reasonably can to protect the fare paying public by only licensing applicants who are “fit and proper”.
Have you consulted on the policy, Procedure, function and, if so, what were the outcomes?	No
What barriers may these individuals or groups face, and how can you promote equality (where possible)?	
Gender	There is no evidence that this policy would impact on people in any way because of this characteristic.
Age	There is no evidence that this policy would impact on people in any way because of this characteristic.
Disability	There is no evidence that this policy would impact on people in any way because of this characteristic.
Race	There is no evidence that this policy would impact on people in any way because of this characteristic.
Religion or Belief	There is no evidence that this policy would impact on people in any way because of this characteristic.
Sexual Orientation	There is no evidence that this policy would impact on people in any way because of this characteristic.
Gender Reassignment	There is no evidence that this policy would impact on people in any way because of this characteristic.
Pregnancy, Maternity and Paternity	There is no evidence that this policy would impact on people in any way because of this characteristic.
Marriage and Civil Partnership	There is no evidence that this policy would impact on people in any way because of this characteristic.
Rural Isolation	There is no evidence that this policy would impact on people in any way because of this characteristic.
Socio-economic factors	WLDC charges a set fee for taxi licences based on full cost recovery. The costs of the extra training will be borne by the applicant and is an additional £120.00 on top of the licence fee.
Other (e.g. those with dependants/caring responsibilities, asylum seeker and refugee communities, children in the care system, etc)	There is no evidence that this policy would impact on people in any way because of this characteristic.

<p>Is there any evidence or research that demonstrates why some individuals or groups are, or are not, affected</p>	<p>There is no evidence or research available. The WLDC taxi licensing policy is based on nationally applicable legislation. It covers <u>all applicants</u> who all must meet a set of standards and criteria intended to ensure that they are 'fit and proper' persons.</p>
<p>If there is a potential adverse impact, please state why and whether this is justifiable</p>	<p>It is possible that there may be a slight adverse impact relating to the socio-economic aspect as there will be an extra cost incurred of £120.00 which will be borne by applicants. This is justifiable in terms of <u>effectively managing public safety.</u></p>
<p>Outcome of EIA</p>	<p>No major change needed <input checked="" type="checkbox"/> Adjust the policy/proposal <input type="checkbox"/> Adverse impact but continue <input type="checkbox"/> Stop and remove the policy/proposal <input type="checkbox"/></p>
<p>How will you monitor your policy, procedure, function to ensure there is no adverse effect on the protected characteristics (e.g. gender, age, etc) in the future?</p>	<p>We will monitor the number of applications received and how many fail to meet the criteria of being unable to provide a LOW RISK certificate from the LRSP. Any applications who cannot meet the criteria will be checked to ensure that the reason is not for any of the protected strands e.g. race, religion, gender, age etc. Each application will be judged on its own merits.</p>

Appendix 2