

**AGENDA**

**This meeting will be recorded and the video archive published on our website**

**Regulatory Committee**

**Tuesday, 12th December, 2017 at 6.30 pm**

**Council Chamber - The Guildhall, Marshall's Yard, Gainsborough, DN21 2NA**

**Members:**

- Councillor Mrs Jessie Milne (Chair)
- Councillor Mrs Angela Lawrence (Vice-Chairman)
- Councillor Mrs Gillian Bardsley
- Councillor Owen Bierley
- Councillor David Cotton
- Councillor Paul Howitt-Cowan
- Councillor Mrs Pat Mewis
- Councillor Richard Oaks
- Councillor Mrs Maureen Palmer
- Councillor Mrs Judy Rainsforth
- Councillor Mrs Diana Rodgers
- Councillor Lewis Strange

1. **Apologies for Absence**
2. **Public Participation**  
Up to 15 minutes are allowed for public participation. Participants are restricted to 3 minutes each.
3. **Declarations of Interest**  
Members may make declarations of Interest at this point or may make them at any point in the meeting
4. **Minutes of Previous meeting** (PAGES 3 - 6)  
To note the minutes of the meeting held on 19 September 2017.
5. **Matters Arising** (PAGES 7 - 8)

**6. Public Reports for approval**

- i) Safeguarding Training for Hackney Carriage/Private Hire Drivers (PAGES 9 - 14)

Mark Sturgess  
Interim Head of Paid Services  
The Guildhall  
Gainsborough

04/12/17



**14 MINUTES OF PREVIOUS MEETINGS**

**15 LICENSING AND REGULATORY - APRIL**

**RESOLVED** that the minutes of the meeting of the Licensing and Regulatory Committee of 27 April 2017 be signed as a correct record.

**16 REGULATORY - JUNE**

**RESOLVED** that the minutes of the meeting of the Regulatory Committee of 19 June 2017 be signed as a correct record.

**17 HEMSWELL CLIFF PUBLIC SPACE PROTECTION ORDER - AUTHORITY TO CONSULT**

The Housing and Communities Team Manager outlined to Members of the Committee that the report was looking for authority to consult on a proposed Hemswell Cliff Public Space Protection order.

This particular order would be carried out as a wider piece of work at West Lindsey District Council (WLDC) involving a number of different partners.

The local Parish Council have asked WLDC to try and tackle visible environmental issues. These are issues on the green space such as bonfires, parking, grazing of horses and other animals, and the use of vehicles. The proposed conditions of the PSPO for both the residential area, and the business park are outlined in the body of the report.

Members of the Committee highlighted the following:

- Individuals using Hemswell Business Park have reported many problems with offences being committed on the site;
- Hopefully this will lead to a reduction in problems at the site;
- The Police Officers on the site, along with the PCSOs should be commended for the work they have done;
- It would be useful for the consultation to appear on the WLDC website.

The Senior Community Safety Officer responded to this final point by saying that the consultation will appear online, and will hopefully run alongside the Neighbourhood Plan consultation to encourage responses. Paper copies will also be available in Hemswell Cliff Primary School if consent is given by the headmistress.

The Police are working with WLDC on the Hemswell site, and are looking at how they could utilise their powers.

The recommendations were moved, seconded, and voted upon, and it was:

**RESOLVED** that:

- (1) Authority was given to consult on the proposed PSPO;
- (2) Approval was given on the suggested consultation plan.

**Note:** Councillor Lewis Strange arrived during consideration of this item at 18:37pm.

## 18 REQUEST FROM TAXI TRADE FOR AN INCREASE IN HACKNEY CARRIAGE FARES

The Licensing Team Manager introduced the report to Members of the Committee.

Following discussion, recommendation 1 was moved, seconded, and voted upon, and it was:

**RESOLVED** that:

- (1) The current scale of fares should be increased, taking into account the request from the taxi proprietors;

and, taking that into account, Members then decided on the increase that should be applied. It was **RESOLVED** that:

- (2) Option B in the report be the amount of increase in fares to apply. This will be advertised by publication of the required statutory notice and reconsidered if any objections are received.

|  |                                   |                                    |                                    |                                     |                                     |
|--|-----------------------------------|------------------------------------|------------------------------------|-------------------------------------|-------------------------------------|
| Comparative Fare Rates                               | Fare for 1 mile on normal rate    | Fare for 2 miles on normal rate    | Fare for 5 miles on normal rate    | Fare for 10 miles on normal rate    | Fare for 20 miles on normal rate    |
| <b>Present Rate</b>                                  | <b>£3.50</b>                      | <b>£5.00</b>                       | <b>£9.50</b>                       | <b>£17.00</b>                       | <b>£32.00</b>                       |
| Effect from response b)                              | £4.00                             | £6.00                              | £12.00                             | £22.00                              | £42.00                              |
| Comparative Fare Rates in relation to Premium Rate 1 | Fare for 1 mile on Premium Rate 1 | Fare for 2 miles on Premium Rate 1 | Fare for 5 miles on Premium Rate 1 | Fare for 10 miles on Premium Rate 1 | Fare for 20 miles on Premium Rate 1 |
| <b>Present Rate</b>                                  | <b>£4.80</b>                      | <b>£6.80</b>                       | <b>£12.80</b>                      | <b>£22.80</b>                       | <b>£42.80</b>                       |
| Effect from response b)                              | £5.80                             | £8.80                              | £17.80                             | £32.80                              | £62.80                              |

**N.B. Premium Rate 2** – Whilst there have been no suggestions regarding an increase to this tariff, Members should be aware that Premium Rate 2 is always double that of the tariff set for the normal rate.

**19 TO NOTE THE FORTHCOMING TRAINING**

The training scheduled for 12 & 17 October at 2pm was noted by Members. Members were informed that if these dates were to change, they would be informed in due course.

The meeting concluded at 7.13 pm.

Chairman

**Regulatory Committee Matters Arising Schedule**

**Purpose:**

To consider progress on the matters arising from previous Regulatory Committee meetings.

**Recommendation:** That members note progress on the matters arising and request corrective action if necessary.

**Matters arising Schedule**

|       |          |   |   |          |               |
|-------|----------|---|---|----------|---------------|
| Green | PSPOs    | L&R 26/01/17<br>Minute Extract<br>It was suggested that it would be useful to see cost comparisons of having a dedicated dog warden against the proposed scheme, over a six month period.   | <b>Feedback on all PSPO's will follow in January/February time, so the next available update for Licensing/Regulatory will be in March.</b> | 15/03/18 | Kathryn Hearn |
|       | PSPO TAC | Minute extract 19/06/17<br>... and it was questioned how enforcement would be carried out. The Senior Community Safety Officer acknowledged that it would be a learning process to see what worked best, and that training was being offered to | <b>Feedback on all PSPO's will follow in January/February time, so the next available update for Licensing/Regulatory will be in March.</b> | 15/03/18 | Kathryn Hearn |

|  |  |   |  |  |  |
|--|--|---|--|--|--|
|  |  | Town and Parish Councils, TAC staff etc, and there would also be CCTV coverage. It was suggested that it would be useful to see feedback after six months on how the scheme had worked. |  |  |  |
|--|--|---|--|--|--|





Regulatory Committee

12 December 2017

**Subject: Safeguarding Training for Hackney Carriage/Private Hire Drivers.**

Report by:

Mark Sturgess  
Chief Operating Officer

Contact Officer:

Phil Hinch  
01427-676610  
Licensing and Land Charges Team Manager  
Phil.hinch@west-lindsey.gov.uk

Purpose / Summary:

To obtain Members agreement to set a deadline of 05 January 2018 by which all existing Hackney Carriage/Private Hire Drivers must complete safeguarding training modules. It is also recommended to Members to agree that failure to do the above safeguarding training will result in the Hackney Carriage/Private Hire Drivers Licence being suspended.

## **RECOMMENDATION:**

- 1) To agree that all existing Hackney Carriage/Private Hire Drivers who have not successfully completed the specific e-learning safeguarding modules must do so by 05 January 2018 and that failure to do so will result in their Hackney Carriage/Private Hire Drivers Licence being suspended.**

## **IMPLICATIONS:**

**Legal:** Please see section 3.1

**Financial :** None as a result of this report

**FIN Ref 114/18**

**Staffing :**

No additional resources required as a result of this report.

**Equality and Diversity including Human Rights :**

None as a result of this report

**Risk Assessment :**

Not applicable

**Climate Related Risks and Opportunities :**

None as a result of this report.

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

Town Police Clauses Act 1847

Deregulation Act 2015

Local Government (Miscellaneous Provisions) Act 1976

**Call in and Urgency:**

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

**Yes**

**No**

**x**

**Key Decision:**

**Yes**

**No**

**x**

## **1 Introduction**

- 1.1 Under the provisions of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 the District Council is the Authority responsible for licensing hackney carriages and private hire drivers, vehicles and operators.
- 1.2 The Council currently licenses 133 drivers in the District, of which approximately 86% have completed the specified safeguarding training modules.

## **2 What is the reason for this report?**

- 2.1 From around the middle of June 2015 Members made numerous changes to the driver application process and taxi policy as a direct result of recommendations that had come out of investigations into Child Sexual Exploitation (CSE) in Rotherham Metropolitan Borough Council area.
- 2.2 One of those changes that took place meant that “all new drivers on initial application and all existing drivers upon renewal” were expected to complete the required Safeguarding Awareness training module as a pre-requisite to making their application (once developed for the taxi trade)”.  
2.3 Below is the relevant extract from the initial Licensing & Regulatory Committee meeting held in June 2015 and the subsequent recommendation to Prosperous Communities Committee held in July 2015:

### **2.4 25 RECOMMENDATION FROM THE LICENSING AND REGULATORY COMMITTEE REGARDING AMENDMENTS TO TAXI POLICY (PRCC.12 15/16)**

Consideration was given to a report which informed Members of the Committee of a recommendation from the Licensing and Regulatory Committee to amend the Taxi Policy. The amendments if approved would affect the taxi application process and thus needed approval from the appropriate Policy Committee, that being Prosperous Communities Committee. In responding to Members comments regarding a recent incident, arising from a language barrier, Officers outlined the policies and procedures which had been introduced since 2013 to tackle such issues. Prosperous Communities Committee – 22 July 2015 Subject to Call-in. Call-in will expire on Thursday 20 August 2015 at 4.30pm.

**RESOLVED** that the recommendations from the Licensing and Regulatory Committee meetings held on 9 June and 9 December 2014 be accepted and thus the changes to the Taxi Policy set out below be approved for implementation: -

- 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 will be expected to complete the required Safeguarding Awareness training module as a pre-requisite to making their application (once developed for the taxi trade);**
  - c) 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
  - d) 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.
- 2.5 Once the above arrangements had been put in place, West Lindsey District Council (WLDC) were effectively in a position to roll out the implementation of the e-learning safeguarding modules to the taxi trade. However, due to delays occurring with the development and build of the safeguarding modules and the associated instructions on how the customers could log-in, this meant that it was not until December 2016 that WLDC were in a position to contact the taxi trade to inform them of the new requirement for them to complete the relevant training.
- 2.6 Unfortunately, in October 2015 the law in relation to the duration of driver's licenses changed by way of the Deregulation Act 2015. The effect of this meant that prior to that point WLDC granted licenses for drivers on an annual basis and would now have to grant licenses for a 3 year period. Therefore every driver that renewed their licence between October 2015 and December 2016 failed to complete the e-learning safeguarding module at the renewal stage, although this was not due to any fault of their own.
- 2.7 Once the e-learning modules became available to use, only new applicants were completing the required safeguarding modules. The earliest WLDC would now see existing drivers come back to renew their driver licenses would be October 2018 onwards, which officers felt was too long a delay to complete the required training, due to the risks involved. As a result of this unacceptable delay officers started to contact all the currently registered drivers to encourage them to complete the training as soon as possible; the large majority of registered drivers have done this.
- 2.8 As a result of contacting the existing drivers, the current position is that 86% of drivers have now completed the specific e-learning safeguarding modules, leaving a small amount outstanding.

2.9 As officers have twice reminded the remaining drivers of the need to complete the training modules, they now need to implement a formal process of suspending the licence of any drivers who have yet to complete the required training. Any suspension can be lifted once evidence of the course completion is provided to officers.

2.10 Reasons officers have been told why the safeguarding training has not been completed by licensed drivers:

- I am no longer driving a taxi/private hire vehicle;
- I've already completed some training for Lincolnshire County Council;
- WLDC already hold their licence for other reasons e.g. medical conditions.

### **3 Appeals**

3.1 Any person aggrieved by the decision to suspend their licence has a right of appeal to Magistrates Court within 21 days of being notified.

### **4 Conclusion**

4.1 It is clearly very important for officers and Members to be trained in safeguarding matters. Equally it is also important that the taxi trade, who are public facing also need to have an awareness of safeguarding issues if they are going to be enabled to recognise the risks surrounding this subject. It is for these reasons WLDC must ensure that all new and licensed hackney carriage/private hire drivers complete the specific e-learning safeguarding modules.

### **5 Section 11 of the Children Act 2004**

5.1 This important piece of legislation places a STATUTORY DUTY on the Council to ensure that our functions have regard to the need to safeguard and promote the welfare of children and young people (people aged under 18)

WLDC accepts a legal, moral and social responsibility to safeguard and effectively promote the wellbeing of:

Children and Young People

- Duties under the Children's Act

Adults at Risk

- Duties under the Care Act

People at risk of or experiencing Domestic Abuse

- Duties under the Housing Act

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