



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