

Licensing Committee Report

Ward(s) affected: All

Report of Head of Health and Community Care Services

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Taxi and Private Hire Licensing Policy

Executive Summary

This report details proposed changes to the Taxi and Private Hire Licensing Policy to help prevent the sexual exploitation of children by introducing consistent standards across Surrey.

Since the introduction of the Taxi and Private Hire Licensing Policy in 2015, the Surrey Safeguarding Children Board (SSCB) and its partners including all 11 Surrey Local Authorities have agreed a Child Sexual Exploitation Strategy and action plan which proposes introducing further changes to protect vulnerable children across the county.

The key changes are:

- Adopting a consistent taxi and private hire convictions policy across Surrey
- Mandatory CSE training for all taxi and private hire drivers in Surrey

The Lead Member has delegation to approve the Consultation.

Recommendation to Licensing Committee

That the Licensing Committee notes the draft changes to the taxi and private hire taxi policy which will be subject to public consultation over a 6 week period.

Reason for Recommendation:

To update the Committee on intended changes to the taxi and private hire policy.

1. Purpose of Report

- 1.1 The report informs the Committee on the background to the proposed amendments to the Taxi and Private Hire Policy 2015-2020.

1.2 It asks the Committee to note the proposed changes to the policy.

2. Strategic Priorities

2.1 The taxi and private hire licensing policy will contribute to our fundamental themes as follows:

- **Our Society** - believing that every person matters and concentrating on the needs of the less advantaged

3. Background

3.1 The current Taxi and Private Hire Policy 2015-2020 adopted on the 9 December 2015 introduced positive changes to protect public safety by introducing livery for taxis, door signs for private hire vehicles and the requirement for drivers to complete the BTEC Level 2 Certificate in the Introduction to the Role of the Professional Taxi and Private Hire Driver (QCF).

3.2 Since the introduction of the policy, Surrey Safeguarding Children Board (SSCB) and its partners including all 11 Surrey Local Authorities have agreed a Child Sexual Exploitation Strategy and action plan, which aims to develop a co-ordinated response to child sexual exploitation (CSE) across the County. Licensing targets include taxi and private hire licensing, premises licensed under the Licensing Act 2003, participation in Operation Make safe and information sharing.

3.3 Achieving the targets, helps enable Surrey Local Authorities to fulfil their statutory responsibilities defined in Section 11 of the Children's Act 2004 to safeguard children and to promote welfare effectively. Delivery of the strategy supports the SCCB's statutory duties to co-ordinate activities to safeguard and promote the welfare of children in Surrey, as well as ensuring the effectiveness of what is being done by partners.

3.4 Two actions identified within the CSE action plan and related to taxi and private hire are:

- Adopting a consistent taxi and private hire convictions policy across Surrey
- Mandatory CSE training for all taxi and private hire drivers in Surrey

3.5 The two changes will raise the standards of public safety across Surrey and build on the positive steps already taken to protect the most vulnerable in our communities.

4.0 Convictions Policy

4.1 Following recent cases where licensed drivers and operators across the country were involved in sexual exploitation of children, it is important that Local Authorities take appropriate steps to prevent future cases by ensuring that licensed drivers are 'fit and proper'. Consideration of a person's criminal

convictions and other relevant character or behaviour information is a key part of the 'fit and proper' assessment.

- 4.2 Local Authorities across Surrey are seeking to standardise the information they take into account when determining if someone is 'fit and proper' by adopting the same convictions policy. The draft policy agreed by all Surrey authorities is at Appendix 1. Whilst most convictions policies are similar, there are some differences, and these could result in applicants being refused or existing licences being revoked, then the same person being granted a licence in another Surrey Local Authority with different standards. These differences mainly relate to the number of years an offence is considered relevant.
- 4.3 Since only 'fit and proper' persons can conduct these responsible duties, the convictions policy proposes that people banned from working with children or vulnerable adults will not normally be granted a licence.
- 4.4 Currently, those banned from working with children and vulnerable persons would not be permitted to drive under a Surrey County Council contract but could potentially be granted a licence by a Surrey District or Borough Council. This is an unacceptable risk, as taxis and private hire vehicles are likely to transport children at times other than to school plus elderly and disabled users often rely on taxis and private hire vehicles to access local services.
- 4.5 The sample Convictions Policy produced by the Local Government Association has been referred to in the production of this policy.
- 4.6 When applying the convictions policy, all Licensing Authorities are mindful that each case must be considered on its merits and where the circumstances demand, the Council may depart from its policy.

5.0 Mandatory CSE and Safeguarding Training

- 5.1 Surrey Local Authorities want to take appropriate steps to protect the most vulnerable in our society by introducing mandatory CSE and safeguarding training for taxi and private hire drivers. Following the recent examples of the sexual exploitation of children in our communities, a number of Local Authorities have already introduced this requirement.
- 5.2 Prior to becoming a driver, we require applicants to pass a knowledge test and obtain the BTEC Level 2 Certificate in the Introduction to the Role of the Professional Taxi and Private Hire Driver. Whilst there is an element of safeguarding in the BTEC syllabus CSE is not included.
- 5.3 The training would include how to spot signs of child sexual exploitation and how to report concerns of children or vulnerable persons at risk using agreed Surrey processes. There will be a multiple-choice assessment to ensure understanding of the subject matter.
- 5.4 If adopted, it is proposed that all new drivers would be required to pass the CSE training in advance of first being licenced and all existing drivers to pass within one year of adopting the requirement.

4. Consultation

- 4.1 Reigate and Banstead Borough Council will host the six week web based consultation on behalf of all 11 Surrey Local Authorities. The results will be reported separately for each Local Authority and in total.

5. Consultations

- 5.1 Following discussions, the Lead Member for Licensing and Committee Safety supports the proposed changes and has delegated authority to approve consultation.
- 5.2 Surrey Safeguarding Children Board have been involved throughout and endorse these proposals.
- 5.3 The Surrey Licensing Officers Group and Surrey Solicitors Group have both been consulted on the proposed convictions policy and training package.
- 5.4 The Surrey Chief Executive Group are in support of the proposed changes and have made resources available and a financial contribution to help ensure that the project is delivered in a timely manner.

6. Equality and Diversity Implications

- 6.1 There are no equality and diversity implications in consulting on the proposed changes to the policy.

7. Financial Implications

- 7.1 There are no financial implications of conducting the public consultation as another Local Authority is hosting the web-based consultation for all Surrey Local Authorities.

8. Legal Implications

- 8.1 The basis for the changes within the policy is to ensure that the Council fulfils its statutory safeguarding obligations to prevent the exploitation of children and vulnerable persons more effectively.
- 8.2 The current taxi byelaws remain unchanged.
- 8.3 There is no statutory requirement to have a taxi and private hire licensing policy; however, it is good practice to do so. A policy assists with consistent decision-making; however each case must be considered on its own merits with the decision maker being prepared to make exceptions to the policy in appropriate circumstances.
- 8.4 In relation to taxi and private hire licensing, there are specific powers contained in the Town Police Clauses Act 1847, Transport Act 1985 and Local Government

(Miscellaneous Provisions) Act 1976. These allow the Council to specify the requirements that vehicles and drivers must meet in order to be licensed, and to refuse a licence to drivers if we are not satisfied that the drivers are fit and proper persons to hold a licence. They also allow conditions to be attached to licences (with the exception of hackney carriage driver's licences).

9. Human Resource Implications

9.1 There are no human resource implications arising from these proposals.

10. Summary of Options

10.1 The Licensing Committee note the report.

10.2 Licensing Committee will receive a report on the findings of the consultation on the 17 January 2018.

11. Conclusion

11.1 Consulting on these two changes to the Taxi and Private Hire Licensing Policy will help ensure a co-ordinated and consistent response across Surrey to prevent the sexual exploitation of children in Surrey.

12. Background Papers

12.1 Minutes of Council meeting 9 December 2015 - <http://www2.guildford.gov.uk/councilmeetings/ieListDocuments.aspx?CId=159&MId=153&Ver=4>

12.2 Taxi and Private Hire Licensing Policy 2015-2020
<https://www.guildford.gov.uk/article/17608/Taxi-licence-information>

12.3 Report of Professor Jay into Child Sexual Exploitation in Rotherham (September 2014)
http://www.rotherham.gov.uk/downloads/file/1407/independent_inquiry_cse_in_rotherham

12.4 Casey report into Rotherham Metropolitan Borough Council (February 2015)
<https://www.gov.uk/government/publications/report-of-inspection-of-rotherham-metropolitan-borough-council>

12.5 Surrey Safeguarding Children Board, Child Sexual Exploitation Strategy 2016-17
<http://www.surreyscb.org.uk/wp-content/uploads/2016/05/SSCB-CSE-Strategy-2016-17.pdf>

12.6 Surrey Safeguarding Children Board, Child Sexual Exploitation Action Plan 2016-17
<http://www.surreyscb.org.uk/wp-content/uploads/2016/12/Updated-joint-Surrey-CSE-Plan-Dec-2016-v.4.0.pdf>

13. Appendices

13.1 Appendix 1 – Draft convictions policy