

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 the consultation process and responses on the proposed changes to the Taxi and Private Hire Licensing Policy to help prevent the sexual exploitation of vulnerable children and adults by introducing consistent standards across Surrey.

The consultation responses for both Guildford and across Surrey were largely in favour of both the proposals.

The key changes are:

- Adopting a consistent taxi and private hire convictions policy across Surrey
- Mandatory Child Sexual Exploitation (CSE) training for all taxi and private hire drivers in Surrey

Recommendation to Licensing Committee

The Licensing Committee is asked to recommend that Council (7 February 2018):

- 1) adopts the revised Taxi and Private Hire Convictions Policy in Appendix 3 to replace the convictions policy (Appendix 2) of the Taxi and Private Hire Policy 2015-2020;
- 2) approves the requirement for all existing taxi and private hire drivers to undertake mandatory Child Sexual Exploitation training by 1 May 2019; and
- 3) approves the requirement for all new taxi and private hire drivers to undertake mandatory Child Sexual Exploitation training from 11 April 2018.

Reason for Recommendation:

To help protect vulnerable children and adults from sexual exploitation.

1. Purpose of Report

- 1.1 The report informs the Committee of the consultation results on the proposed amendments to the Taxi and Private Hire Policy 2015-2020.
- 1.2 It asks the Licensing Committee to recommend to Council the adoption of the proposed policy changes.

2. Strategic Priorities

- 2.1 The Taxi and Private Hire 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 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, The Surrey Safeguarding Children Board (SSCB) and its partners, including all 11 Surrey local licensing 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 the Surrey Licensing Authorities to fulfil their statutory responsibilities defined in Section 11 of the Children Act 2004 to safeguard children and to promote welfare effectively. Delivery of the strategy supports the SSCB'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. Consultation

- 4.1 On 27 September 2017, the Licensing Committee were briefed on the proposal to introduce the above policy changes. The Lead Councillor for Licensing and Community Safety, using delegated authority approved public consultation on the proposed Policy change.
- 4.2 Reigate and Banstead Borough Council hosted a six week consultation on behalf of all 11 Surrey licensing authorities between 23 October and 4 December 2017. Each Local Authority publicised the consultation with Guildford specifically:
- Advertising the consultation on the Council's website
 - Promoting through social media
 - Sending a newsletter to all private hire and taxi drivers inviting them to participate in the consultation
- 4.3 The organisations below were also invited to respond to the consultation:
- Institute of Licensing
 - Transport for London
 - Local Government Association
 - National Association of Licensing and Enforcement Officers
 - All District and Borough Councils in the South East of England
 - Surrey Police
- 4.4 The 396 consultation responses received have been analysed collectively, these are shown in Appendix 1. Responses from the taxi and private hire trade and those who live, work or visit the County are presented separately for comparison purposes.
- 4.5 There has been separate analysis of each Local Authority area with Guildford responses shown in Appendix 2. Of the 23 responses, 19% were from the taxi and private hire trade with the remainder mainly from those who live or work in the Borough.

5. Convictions Policy - Consultation results

- 5.1 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.
- 5.2 The consultation results showed support across Surrey for introducing the convictions policy with 73% (69% of the taxi and private hire trade and 76% of those who live and work in the County) in agreement with the relevant convictions and free from conviction timescales being included in the new policy and used when determining whether a person is 'fit and proper'. The support within Guildford was stronger with 78% in agreement with introducing the convictions policy.

- 5.3 There was also strong support for people banned from working with children or vulnerable adults not normally being granted a taxi or private hire licence with 87% (93% of those who live or work in Surrey and 78% of the Surrey taxi and private hire trade) in agreement that it should be included in the policy. Of respondents within the Guildford area, 91% were in agreement with the proposed inclusion of this element in the convictions policy.
- 5.4 Introducing this element in the policy removes the unacceptable risk, which currently exists of those banned from working with children and vulnerable persons not being permitted to drive under a Surrey County Council contract but potentially being granted a licence by a Surrey District or Borough Council.
- 5.5 Following analysis of all the consultation responses amendments have been made to the draft convictions policy. All consultation comments can be found at: http://www.reigate-banstead.gov.uk/info/20119/taxi_and_private_hire_licensing/902/taxi_and_private_hire_policy_consultation_2017_results. The key proposed changes to the policy are:
- Including the ability to consider relevant records or information from a reliable source other than the police when determining if an applicant is fit and proper.
 - Clarifying that the policy applies to applicants, which includes companies.
 - Confirming Councils will only depart from the policy in exceptional circumstances.
 - Clarifying that the 'Offences involving a weapon' heading does not include firearms offences which are in a separate section.
 - Increase relevant years for offences involving weapons to 5 years, as consultation feedback highlighted the current standard is too low, particularly compared with 5 years for obstruction offences.
 - In the alcohol and drug offences section, drunkenness offences not involving a motor vehicle are an addition as they are already in one Local Authority's policy and excluding them would result in lowering the existing standard.
 - Minor grammatical changes.
 - Changes to clarify the elements that are 'policy' and 'guidance'.
- 5.6 Several respondents wished to see a blanket ban for applicants with certain convictions. When applying the convictions policy, all Licensing Authorities must judge each case on its merits and an absolute prohibition cannot be imposed therefore a mandatory ban is not appropriate and the phrase 'normally would be refused' is used within the policy.
- 5.7 A number of respondents felt that common assault is different from other offences in the 10 year category and a lower number of years would be more appropriate. It is not proposed to lower the period for common assault as it is considered a relevant serious offence and Local Authorities have discretion, as they must judge each case on its merits.

- 5.8 The revised version of the convictions policy taking into account the consultation responses and proposed by all Surrey authorities is at Appendix 3. Appendix 4 is a version of the draft policy with the proposed amendments highlighted.
- 5.9 Prior to the policy being implemented, training would be arranged for Licensing Officers, Solicitors and Licensing Committee Members to help ensure consistency of application.
- 5.10 Further changes to the convictions policy may be required in the future to comply with guidance issued by organisations such as the Department of Transport or the Institute of Licensing to standardise the convictions policies across the Country.
- 5.11 In future, all 11 Surrey Licensing Authorities will aim to keep the convictions policy consistent across Surrey as guidance and best practice changes.

6. Mandatory CSE and Safeguarding Training – consultation results

- 6.1 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. A number of Local Authorities have already introduced this requirement.
- 6.2 Prior to becoming a Guildford 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.
- 6.3 Results of the consultation showed support for the proposal with 69% (56% of the Surrey taxi and private hire trade and 73% of those who live and work in the County) agreeing that taxi and private hire drivers should have to complete this additional training on Child Sexual Exploitation and Safeguarding prior to becoming a driver. Amongst Guildford respondents, there was stronger support with 81% in agreement with the proposal.
- 6.4 In total 64% of all respondents support Child Sexual Exploitation training for existing drivers but there was a difference between responding groups. 72% of respondents who live and work in Surrey supported the proposal for existing taxi and private hire drivers having to complete additional training on Child Sexual Exploitation and Safeguarding. There was less support, only 41%, from the respondents working in the taxi and private hire trade for existing drivers being required to undergo the training. A higher percentage of all Guildford respondents agreed with the proposal, with 81% supporting additional training for existing drivers.
- 6.5 Whilst it is acknowledged there is not widespread support amongst trade respondents the public were in strong support of the proposal and Local Authorities have a social responsibility to take steps to prevent CSE. Due to the nature of their work, the taxi trade are in a unique position to be able to identify CSE therefore it is recommended to retain the proposal requiring existing drivers to complete the training.

- 6.6 If approved, Surrey Local Authorities are ready to implement an online training programme, which would be free for one year to all existing drivers. The training would take approximately one hour to complete and 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 and each Local Authority will make arrangements for completion of the course.

7. Consultations

- 7.1 Following discussions, the Lead Councillor for Licensing and Community Safety supports the proposed changes to the Taxi and Private Hire Licensing Policy.
- 7.2 Surrey Safeguarding Children Board have been involved throughout and endorse these proposals.
- 7.3 Having reviewed the consultation results, the Surrey Licensing Officers Group and Surrey Solicitors Group continue to support the introduction of a common convictions policy and mandatory CSE training across Surrey. The Surrey Chief Executive Group supports the introduction of these proposals with one Chief Executive monitoring implementation of these proposals.

8. Equality and Diversity Implications

- 8.1 There are no equality and diversity implications in adopting the proposed changes to the policy.

9 Financial Implications

- 9.1 There are no financial implications of adopting the revised convictions policy.
- 9.2 The Surrey Chief Executive Group has agreed to pay for the CSE training for one year to support its introduction so there is no cost to existing drivers.

10. Legal Implications

- 10.1 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.
- 10.2 The current taxi byelaws remain unchanged.
- 10.3 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.
- 10.4 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).

11. Human Resource Implications

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

12. Summary of Options

12.1 There are a number of options for Licensing Committee to recommend to Council:

- Reject one or more of the recommendations
- Amend the convictions policy and/or training requirement
- Recommend the options as presented

12.2 Officers recommend that both the convictions policy and CSE training for all new and existing taxi drivers be adopted as presented to help ensure consistency across all Surrey Local Authorities in protecting children and vulnerable adults from CSE.

13. Conclusion

13.1 Adopting 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.

14. Background Papers

Minutes of the Licensing Committee meeting 27 September 2017 –
<http://www2.guildford.gov.uk/councilmeetings/ieListDocuments.aspx?CId=146&MId=656&Ver=4>

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

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

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

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

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>

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>

15. Appendices

Appendix 1: Summary of Surrey consultation responses

Appendix 2: Summary of Guildford consultation responses

Appendix 3: Draft convictions policy post consultation

Appendix 4: Draft convictions policy post consultation with changes highlighted