

Notice of Meeting

Licensing

Date: Thursday 21 October 2021

Time: 5.30 pm

Venue: Conference Room 1, Beech Hurst, Weyhill Road, Andover,
Hampshire, SP10 3AJ

For further information or enquiries please contact:

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Legal and Democratic Service

Test Valley Borough Council,
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The recommendations contained in the Agenda are made by the Officers and these recommendations may or may not be accepted by the Committee.

PUBLIC PARTICIPATION SCHEME

If members of the public wish to address the meeting they should notify the Legal and Democratic Service at the Council's Beech Hurst office by noon on the working day before the meeting.

Membership of Licensing

MEMBER

WARD

Councillor G Bailey (Chairman)	Blackwater
Councillor P Lashbrook (Vice-Chairman)	Bellinger
Councillor I Andersen	Andover St Mary's
Councillor J Budzynski	Andover St Mary's
Councillor T Burley	Andover Harroway
Councillor N Daas	Romsey Abbey
Councillor C Donnelly	Andover Downlands
Councillor A Dowden	Valley Park
Councillor N Gwynne	Romsey Cupernham
Councillor A Johnston	Mid Test
Councillor L Lashbrook	Charlton & the Pentons
Councillor N Matthews	Andover Romans
Councillor R Meyer	Andover Winton
Councillor J Parker	Romsey Tadburn
Councillor R Rowles	Andover Winton

Licensing

Thursday 21 October 2021

AGENDA

**The order of these items may change as a result of members
of the public wishing to speak**

- 1 Apologies**
- 2 Public Participation**
- 3 Declarations of Interest**
- 4 Urgent Items**
- 5 Minutes of the meeting held on 23 September 2021**
- 6 Taxi Driver Safeguarding Training 4 - 14**

A report recommending a revision to the requirement for appropriate safeguarding training of taxi drivers and operators.

ITEM 6 Taxi Driver Safeguarding Training

Report of the Head of Legal and Democratic (Portfolio: Corporate)

Recommended:

That the date of 31 October 2021 at point 2 of the decision of the Licensing Committee on 18 March 2021 be amended to:

- a) **31 December 2021 or**
- b) **Where the 31 December deadline cannot be met by a driver or operator because of his/her individual circumstances, then such later date as may be agreed in writing by the Head of Legal and Democratic Services at her discretion.**

SUMMARY:

- The Licensing Committee meeting held on 18 March 2021 agreed several recommendations in respect of adopting a requirement for compulsory safeguarding training for all licensed hackney carriage and private hire vehicle drivers and operators licensed by the Borough Council.
- The training requirement has been successfully introduced and whilst many have completed training, because of high demand for training a large number are unable to comply with the 31 October 2021 deadline by which training should be undertaken. Consequently, an extension to this deadline is recommended.

1 Introduction

- 1.1 Licensing Committee at its meeting on 18 March 2021 considered a report identifying a need for members of the taxi trade to complete safeguarding training. The full set of recommendations appears in the original report attached as an Annex to this report. Training has been delivered by means of an online classroom course delivered by the Blue Lamp Trust, a not-for-profit organisation based in Hampshire. The course, which is approved by Hampshire Constabulary, provides drivers with a knowledge and understanding of safeguarding, their responsibilities and best practice protocols.
- 1.2 Take up of the training has not proceeded as anticipated and many licensed drivers and operators will be unable to comply with the original deadline of 31 October 2021 as the date by which training should be completed. This is largely due to high demand for such courses and lack of availability.

Accordingly, it is proposed that the original recommendation be amended in line with that proposed. Whilst it is hoped that the deadline of 31 December will be achieved it is proposed to allow some flexibility for individuals to complete training after this date where circumstances dictate. An example might be a driver who was ill for an extended period.

2 Background

- 2.1 The Committee accepted the recommendation that the Council should introduce a policy requiring compulsory attendance for licensed drivers and operators at safeguarding training approved by the Council. Such measures will contribute towards making children and other vulnerable persons much safer and contribute to meeting our duty under the Care Act 2014 and the Children Act 2004 through the implementation of necessary processes and procedures to protect children and other vulnerable persons.

3 Corporate Objectives and Priorities

- 3.1 Hackney Carriage and Private Hire licensing falls within the broader remit of public safety which cuts across the Council's corporate priorities with reference to growing the potential of our Communities and People. Hackney Carriage and Private Hire licensing is a statutory function of the Borough Council. Licensing reduces the potential for illegal plying for hire by unlicensed vehicles and licensed private hire vehicles. It provides transport for the public who may not have any safe alternative means of transport available to them. The service provided by the taxi trade plays a key role in the provision of an integrated public transport system. Decisions taken by the Council should be approached in the interests of the travelling public.

4 Consultations/Communications

- 4.1 No consultation has been undertaken on the recommended extension to the 31 October deadline. The Council has been approached by several licensed drivers who are unable to book onto available training before 31 October and who are rightly concerned that the Council may take formal action against them. The training provider is continually adding courses but there is high demand for training particularly as many licensing authorities in the country are introducing a similar training requirement. This is understandable when considering the Statutory Taxi and Private Hire Vehicle Standards published by the Department for Transport in July 2020 place a requirement on local authorities to consider implementation of safeguarding training.

5 Options and Option Appraisal

- 5.1 The Statutory Taxi and Private Hire Vehicle Standards published by the Department for Transport in July 2020 referred to above makes a specific mention of the need for safeguarding training at section 6.6 of the document: "All licensing authorities should provide safeguarding advice and guidance to the [taxi] trade and should require taxi and private hire vehicle drivers to undertake safeguarding training."

5.2 The recommendations as originally adopted on 18 March, whilst appropriate at that time, need revising to take account of the current difficulties in meeting the 31 October deadline. The options available to the Committee are therefore:

5.3 **Option 1**

To reject the proposed recommendation and leave the recommendation as adopted at the meeting held on 18 March 2021. This is not recommended.

5.4 **Option 2**

To adopt the recommendation that the 31 October deadline be extended to 31 December or, where circumstances dictate, such later date as may be agreed by the Head of Legal and Democratic Services. This will establish a new deadline of 31st December 2021 but will also allow a degree of flexibility, enabling individual circumstances to be taken into account and if appropriate, further time allowed. This is the recommended option

5.5 **Option 3**

To resolve to take some other course of action.

5.6 At the time of writing this report, in the region of 30% of 267 currently licensed drivers have undertaken training and it will be impossible for all drivers to comply with the 31 October deadline. The Head of Legal advises that the recommendation as originally adopted means all drivers not having undertaken training by this date would be at risk of having their licence revoked. To take formal action against this number of drivers would be time consuming, costly and most of all inappropriate where those drivers have been unable to access training because demand has exceeded supply. The proposed recommendation allows a further two months for drivers to complete training and allows a further extension to that date where, in the opinion of the Head of Legal following consultation with the Licensing Manager, the driver has genuinely been unable to comply with the further deadline.

6 Resource Implications

6.1 As before, drivers will book onto the sessions directly with the training provider and pay the fee of £25 at that time. There are thus no direct resource implications for the Borough Council.

7 Legal Implications

7.1 The Borough Council is under a legal duty to only issue driver and operator licences if it considers the applicant a 'fit and proper person'. The Council also has a duty to protect children and there is clear evidence that the taxi trade elsewhere in the United Kingdom has been implicated in CSE incidents previously. The Council has the power to require licensed drivers and operators to undertake safeguarding training. If it took no action the Council could be criticised should there be an enquiry into any incident in Test Valley.

- 7.2 As mentioned in paragraph 5.6 above, the Council could be faced with taking extensive legal action against drivers who have not completed training if the original recommendation remains in place.

8 Equality Issues

- 8.1 Whilst no formal data is held regarding the ethnicity, gender or other protected characteristics for any licensed driver, operator or customers it is not considered that the implementation of this policy will negatively impact upon on any section of the community. The requirement for drivers and operators to participate in awareness training relating to the safeguarding of children, young people and vulnerable adults will offer reassurance to drivers and passengers.

9 Other Issues

- 9.1 Community Safety – none apart from that mentioned in 3.1 above.
- 9.2 Environmental Health Issues the provision of hackney carriages may lead to slightly less reliance upon private motor vehicles, although the effects are more difficult to quantify.
- 9.3 Sustainability and Addressing a Changing Climate – no implications identified.
- 9.4 Property Issues – none identified.
- 9.5 Wards/Communities Affected – none specific but potentially the whole Borough.

10 Conclusion

- 10.1 It is generally accepted that there is an identified serious risk to the safety primarily of children but also other vulnerable persons which can be reduced through appropriate training of taxi drivers and operators. The Council has an obligation to take measures to protect the safety of children and vulnerable adults and the proposal to mandate appropriate training will ensure this is achieved.
- 10.2 The measures as originally adopted by the Committee earlier this year need revising to ensure that all members of the taxi trade have an appropriate length of time in which to undertake safeguarding training.

<p><u>Background Papers (Local Government Act 1972 Section 100D)</u> Minutes of the meeting of the Licensing Committee 18 March 2021 Department for Transport Statutory Taxi and Private Hire Standards https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards</p>			
<p><u>Confidentiality</u> It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.</p>			
No of Annexes:	One		
Author:	Michael White	Ext:	8013
File Ref:	n/a		
Report to:	Licensing Committee	Date:	21 October 2021

Taxi Driver Safeguarding Training

Report of the Head of Legal and Democratic (Portfolio: Corporate)

Recommended:

1. **That all existing licensed hackney carriage and private hire vehicle drivers and private hire operators be required to undertake approved safeguarding training.**
2. **That existing drivers and operators to have until 31 October 2021 to undertake training and any that have failed to do so by this date will have their licences suspended, not renewed or revoked until such time as training has taken place.**
3. **That with effect from 1 May 2021 all new applicants for driver or operator licences be required to have undertaken approved safeguarding training before being licensed.**
4. **That all licensed hackney carriage and private hire vehicle drivers and private hire operators to be required to update their safeguarding training upon the Council's request using a safeguarding training provider/assessment approved by the Council.**
5. **That the Head of Legal and Democratic Services, in consultation with the Licencing Manager, Corporate Portfolio Holder and Chair of Licensing Committee be authorised to identify, approve and implement appropriate safeguarding training.**

SUMMARY:

- Addressing the issue of abuse, exploitation or neglect of children and vulnerable adults has become a priority and a matter of great importance for the community and public authorities. Those in the taxi and private hire industry can play a pivotal role in identifying signs of such behaviour.
- This report seeks approval to introduce compulsory safeguarding training for all licensed hackney carriage and private hire vehicle drivers and operators licensed by the Borough Council.

1 Introduction

- 1.1 Thousands of children and vulnerable adults use public transport including taxis every day and whether it's a ride to school or further afield, every passenger has the right to feel safe while travelling. Taxi drivers play a crucial role in ensuring passenger safety which is not limited to making sure they are driving carefully to prevent road accidents. Passengers may be displaying signs of some serious safeguarding concerns and without safeguarding training drivers may not be able to notice when a passenger is at risk or in need of help.

- 1.2 Similarly, drivers may also witness abuse happening in their work as a taxi driver. By completing a safeguarding course they will know what to do to report their concerns in the safest possible way. As in person training is currently not possible because of the Covid-19 pandemic it is proposed drivers will undergo an online e-learning course delivered by the Blue Lamp Trust, a not for profit organisation based in Hampshire. The course, which is approved by Hampshire Constabulary, aims to provide drivers with a knowledge and understanding of safeguarding, their responsibilities and best practice protocols. Drivers will be able to: understand what is meant by the term safeguarding; identify adults at risk and other vulnerable people; understand what is meant by child sexual and criminal exploitation, human trafficking, modern slavery and domestic abuse; recognise types of abuse, associated signs and indicators; identify suspicious activities; know how, and to whom they can report concerns; and understand their safeguarding responsibilities and best practice protocols.

2 Background

- 2.1 There have been a number of high profile and significant cases in recent years pertaining to the sexual exploitation of children. The exposure of poorly managed cases of CSE in Rotherham and Oxfordshire and also the subsequent enquiries and reports have been a watershed on how society deals with the identification and processing of CSE incidents.
- 2.2 When a taxi driver applies for a licence they are required to demonstrate they are a 'fit and proper person'. This includes the submission of an enhanced criminal records disclosure at the highest level which includes the right for the Police to provide additional information which has not been the subject of a criminal prosecution. The question is "are we as a Licensing Authority given the known potential for the taxi trade to be connected to CSE, presently doing enough to protect children?" It should be stressed that there have been no known instances of CSE linked to the taxi trade in Test Valley.
- 2.3 A hackney carriage or private hire driver will often find themselves in a position of transporting children either on their own or accompanied by adults. They will have the opportunity of observing behaviour that may be indicative of abuse, CSE or human trafficking. In addition they may find themselves as a potential target for unfounded allegations of CSE or abuse. It is therefore vitally important for drivers to be aware of the signs and know how to react to them, and in doing so safeguard children and themselves.
- 2.4 The recommendation is that the Council should introduce a policy requiring compulsory attendance for licensed drivers and operators at safeguarding training approved by the Council. Such measures would it is believed make children and other vulnerable persons much safer and contribute to meeting our duty under the Care Act 2014 and the Children Act 2004 through the implementation of necessary processes and procedures to protect children and other vulnerable persons.

3 Corporate Objectives and Priorities

- 3.1 Hackney Carriage and Private Hire licensing falls within the broader remit of public safety which in itself cuts across the Council's corporate priorities with particular reference to growing the potential of our Communities and People. Hackney Carriage and Private Hire licensing is a statutory function of the Borough Council. Licensing reduces the potential for illegal plying for hire by unlicensed vehicles and also licensed private hire vehicles. It provides transport for the public who may not have any safe alternative means of transport available to them. The service provided by the taxi trade plays a key role in the provision of an integrated public transport system. Decisions taken by the Council should be approached in the interests of the travelling public.

4 Consultations/Communications

- 4.1 The subject of safeguarding training has been under discussion for a while and the Hampshire Safeguarding Children Partnership has made it clear they see introduction of training for the taxi trade as a priority. Other local authorities within Hampshire are either in the process of introducing or have already introduced a requirement for such training. The Partnership has rightly pointed out that the Statutory Taxi and Private Hire Vehicle Standards published by the Department for Transport in July 2020 place a requirement on local authorities to consider safeguarding. Specifically paragraphs 1.5 & 6.6 of the Standards state: "All local authorities and district councils that provide children's and other types of services, including licensing authorities, have a statutory duty to make arrangements to ensure that their functions and any services that they contract out to others are discharged having regard to the need to safeguard and promote the welfare of children. This means that licensing authorities should have in place arrangements that reflect the importance of safeguarding and promoting the welfare of children."

5 Options and Option Appraisal

- 5.1 Until recent years the issue of CSE and its connection to the taxi trade was unheard of. However, as has been stated a number of serious instances across the country have shed light on the matter and made it clear that safeguarding issues in the taxi trade must be addressed. In theory the Council could decide to adopt a low level approach to the matter and merely provide advice and information to the trade to raise awareness of the issue. This is not considered to be appropriate as it would leave the Council at risk of criticism and would mean we were out of step with other local authorities across Hampshire and further afield.
- 5.2 Whilst taxi licensing policies and processes need to reflect local circumstances it is also important that as much as possible there is a consistency of approach across all of the licensing authorities within Hampshire. Without this, Test Valley is in danger of being seen as an easy option for potential applicants who may not be able to comply with the licensing requirements set by other authorities.

- 5.3 The Statutory Taxi and Private Hire Vehicle Standards published by the Department for Transport in July 2020 referred to above makes a specific mention of the need for safeguarding training at section 6.6 of the document: “All licensing authorities should provide safeguarding advice and guidance to the [taxi] trade and should require taxi and private hire vehicle drivers to undertake safeguarding training.”
- 5.4 Whilst the primary focus is on taxi drivers, the objective in licensing private hire vehicle operators is also to protect the public, who may be using operators’ premises and trusting that the drivers and vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those that are granted a private hire vehicle operator also pose no threat to the public and have no links to serious criminal activity. Although private hire vehicle operators may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the driver licensing regime. Accordingly it is recommended that taxi operators also undertake safeguarding training to the same standard as drivers. As virtually all operators are also licensed drivers there is no significant impact upon broadening the training requirement to include operators.
- 5.5 Some earlier online training packages had no identification verification process built in and so in theory an unscrupulous driver could have asked another person to undertake the training on their behalf. Accordingly it is proposed that this type of training will not be used. Training was previously focussed on in person face to face training in small groups. Whilst this may be considered to be preferable to online training the current Covid-19 pandemic leaves little option but to pursue online training at the present time. Accordingly the most practical solution presently is “virtual” safeguarding training comprising a two hour classroom course delivered online to small groups of drivers. The cost is £25 and drivers are required to show ID and will receive a certificate via email post course. Regular courses are held and drivers can simply book and pay for the course online.
- 5.6 The recommendations in this report do not specify how training is to be provided or the training provider as potentially both of these may alter over time. The recommendation as worded will allow training by other providers as long as officers are satisfied that the content is appropriate and addresses the matters detailed in paragraph 1.2 above.
- 5.7 Once initial training has become embedded it is proposed there be a requirement for refresher training every three years. For this it is proposed that currently use is made of an eLearning course that takes approximately 90 minutes to complete at a cost of £12 per driver. Drivers again can simply book online and click to purchase the course which they can then instantly take and if successful with the knowledge check at the end can download / print a certificate as evidence of completion. It is understood that most local authorities have opted for this approach of the virtual course initially using the eLearning as a follow up refresher.

6 Resource Implications

- 6.1 Drivers will book onto the sessions directly with the training provider and pay the fee of £25 at that time. There are thus no direct resource implications for the Borough Council.

7 Legal Implications

- 7.1 The Borough Council is under a legal duty to only issue driver and operator licences if it considers the applicant a 'fit and proper person'. The Council also has a duty to protect children and there is clear evidence that the taxi trade elsewhere in the United Kingdom has been implicated in CSE incidents previously. The Council has the power to require licensed drivers and operators to undertake safeguarding training. If it took no action the Council could be criticised should there be an enquiry into any incident in Test Valley.

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9 Other Issues

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- 9.2 Environmental Health Issues the provision of hackney carriages may lead to slightly less reliance upon private motor vehicles, although the effects are more difficult to quantify.
- 9.3 Sustainability and Addressing a Changing Climate – no implications identified.
- 9.4 Property Issues – none identified.
- 9.5 Wards/Communities Affected – none specific but potentially the whole Borough.

10 Conclusion

- 10.1 This report sets out information from recent years which evidences that there is an identified serious risk to the safety primarily of children but also other vulnerable persons which can be reduced through appropriate training of taxi drivers and operators. The Council has an obligation to take measures to protect the safety of children and vulnerable adults and the proposal to mandate appropriate training will ensure this is achieved.

<p><u>Background Papers (Local Government Act 1972 Section 100D)</u> Department for Transport Statutory Taxi and Private Hire Standards https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards</p>			
<p><u>Confidentiality</u> It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.</p>			
No of Annexes:	None		
Author:	Michael White	Ext:	8013
File Ref:			
Report to:	Licensing Committee	Date:	18 March 2021