

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.

Background Papers (Local Government Act 1972 Section 100D)

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>

Confidentiality

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.

No of Annexes:	One		
Author:	Michael White	Ext:	8013
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