



Committee and Date

Young People's Scrutiny
Committee

4 February 2015

Item

Public

Safeguarding and Hackney Carriage/Private Hire Licensing

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1. Summary

- 1.1** This report sets out recent developments within Shropshire Council's hackney carriage and private hire licensing regime that aim to further strengthen improvements in safeguarding practice, in particular in relation to children, young people and vulnerable adults.

2. Recommendations

- 2.1** That the Committee accepts the position, as set out in the report, with any necessary modifications.
- 2.2** That the Committee takes the opportunity to propose other changes/developments to the hackney carriage and private hire licensing regime, if any, that it considers may further enhance the safeguarding of children, young people and vulnerable adults.
- 2.3** Where proposals are made in accordance with recommendation 2.2, the Committee instructs the Head of Public Protection to consider the proposals in detail and further authorises the Head of Public Protection to determine the appropriate level of implementation of the proposals (including taking decisions not to implement) in consultation with the Chair of the Young People's Scrutiny Committee, the Chair of

the Strategic Licensing Committee and the Portfolio Holder for Business Growth, ip&e, Culture and Commissioning (North)

REPORT

3. Risk Assessment and Opportunities Appraisal

- 3.1** The Council has carefully considered and applied, as necessary, the findings of the Independent Enquiry into Child Sexual Exploitation in Rotherham 1997 – 2013 undertaken by Alexi Jay OBE. In particular, in the context of hackney carriage and private hire licensing, Members should note that the report states: *‘One of the common threads running through child sexual exploitation across England has been the prominent role of taxi drivers in being directly linked to children who were abused.’*
- 3.2** Following the publication of the Jay report, the Department for Communities and Local Government and the Department for Education issued a joint letter to the Leaders of all Principal Councils in England. Councils, including Shropshire Council, were asked to consider whether they had adequate measures in place to ensure they could not be accused of similar failings to those found at Rotherham Metropolitan Borough Council. This was followed by a letter to the Council from the Shropshire Safeguarding Children Board specifically requesting assurances with respect to taxi licensing. A further letter was received from the Department for Transport reminding Councils of their responsibilities in this respect and encouraging the use of all the tools at their disposal when making licensing decisions.
- 3.3** The findings of the Jay report largely supported the conclusions reached following the Public Protections Service’s own internal review of hackney carriage and private hire licensing. The Public Protection Service has made a number of improvements to reduce the risk of Shropshire Council failing to meet its safeguarding duties and responsibilities. These improvements are outlined at paragraph 5 below.
- 3.4** The recommendations support the protection of the human rights of the public who use hackney carriages and private hire vehicles, particularly children, young people

and vulnerable adults. The principles behind the recommendations are aimed at ensuring the Council takes its duty to protect life seriously, prevents inhuman treatment and avoids any adverse impact on normal family life. With respect to those people who wish to apply for or retain a licence to be a hackney carriage or private hire vehicle driver, there are safeguards in place (through the proposed Hackney Carriage and Private Hire Licensing Policy) to ensure the Council provides a fair evaluation of applications/existing licences and maintains respect for private and family life when making decisions on whether to grant, renew, suspend or revoke a licence.

3.5 An Equality Impact Needs Assessment (EINA) is not relevant to this particular report; however, equalities and diversity issues have been considered as part of the overall review of the hackney carriage and private hire licensing regime and an Equality and Social Inclusion Impact Assessment (ESIIA) has been undertaken in respect of the proposed Policy.

3.6 An extensive consultation exercise has been undertaken as part of the process to revise the Hackney Carriage and Private Hire Licensing Policy and is detailed in the reports that have been previously presented to the Strategic Licensing Committee between March and December 2014.

3.7 There are no environmental consequences associated with the recommendations in this report.

4. Financial Implications

4.1 There are no direct financial implications associated with the recommendations in this report. Officer time will be required to consider and implement any additional changes/developments that the Committee proposes under recommendation 2.2.

5. Background

5.1 The Public Protection Service administers the hackney carriage and private hire licensing regime on behalf of Shropshire Council.

5.2 Members are advised that a number of improvements have been initiated and implemented by Public Protection to minimise the risk of the Council failing in its safeguarding duties and responsibilities with respect to hackney carriage and private hire licensing.

5.3 The improvements referred to in paragraph 5.2 are set out below.

a) Hackney Carriage and Private Hire Policy Review

In March 2014, the Service, with the support of the Strategic Licensing Committee, commenced a fundamental review of the Council's current Hackney Carriage and Private Hire Licensing Policy in order to strengthen safeguarding policy and practice. The review included consideration of the findings of the Jay report and has culminated in a significantly revised Policy for 2015 – 2019. In summary, the Policy:

- puts protecting the safety and welfare of the public at its core;
- specifically takes account of the Council's safeguarding responsibilities, particularly in relation to children, young people and vulnerable adults and strengthens this element to reflect best practice;
- makes it clear that the actions to promote the welfare of children and to protect them from harm is everyone's responsibility, in particular that prospective and licenced drivers and operators have a duty to tackle child sexual exploitation and trafficking; and
- minimises the risk to the public by providing greater confidence in the system for assessing whether a person is a 'fit and proper person' to drive a hackney carriage or private hire vehicle and that vehicles are safe.

In addition to the involvement of the Strategic Licensing Committee, the overarching approach of the Policy was also considered by the Council's Enterprise and Growth Scrutiny Committee on the 6 November 2014 and is due to be presented to Cabinet on 11 February 2015 for a final decision on adoption and implementation.

b) Member Training

Since 2012, three half day training sessions for Members of the Strategic Licensing Committee have been delivered focusing specifically on safeguarding responsibilities in relation to hackney carriage and private hire licensing. The sessions have been presented jointly and have had significant input from specialist safeguarding leads for Adult and Children Services and senior officers from West Mercia police. Only members who have attended the training can hear cases which have a safeguarding dimension. Further training will be provided as policies change or best practice is identified from other areas.

c) Improving Operational Practice

The policy review referred to above is being run in parallel with improvements to operational practice, for example:-

- Undertaking more thorough and robust assessment of applications before licences are granted and also during the period of a licence through case/licence reviews, particularly to ensure suspension and revocation powers are more effectively utilised to strengthen safeguarding activities. Initial awareness raising of this approach with licensing and support officers was undertaken in July 2014. Further training for officers is currently being planned to ensure best practice is not only embedded within licensing administration processes but also in enforcement and investigation practices.
- Officers with high levels of investigation skills are being utilised to support the licensing administrative process by investigating licence condition breaches and criminal offences, e.g. the operation of unlicensed drivers, vehicles and operators; there has been a shift away from this investigative role being undertaken by licensing officers.
- There is and continues to be improved collaboration with specialist safeguarding leads for Adults and Children's Services as well as with officers from West Mercia Police, e.g. the safeguarding leads for Adult and Children

Services are now routinely invited to attend licensing panels and there are plans in place to enable officers from the police and other external agencies to also attend these panels where appropriate.

d) Information and Intelligence Sharing

Significant improvements in information sharing have been made in close collaboration with West Mercia Police, Telford & Wrekin Council and across the Council, including the Passenger Transport Unit with respect to contracts with taxi firms for transporting vulnerable children. Ongoing dialogue will continue to improve this vital component of safeguarding. The Public Protection Service has developed an Intelligence Analyst role to improve practice and capacity in this particular area.

Recent information sharing has resulted in the revocation of a licence and detailed consideration of 6 further licences is currently underway with a view to determining whether revocation is necessary.

Reports of unlicensed vehicles, drivers and operators are logged and considered with appropriate action taken in accordance with the Council's Better Regulation and Enforcement Policy.

e) Enforcement Action and Licensing Panel Decisions

In collaboration with West Mercia Police (including a number of Local Policing Teams), VOSA, British Transport Police, Telford & Wrekin Council Licensing & Enforcement Teams and other relevant enforcement agencies, officers from across Public Protection (Licensing, Investigations and Out of Hours) have undertaken a series of planned joint intervention exercises primarily, but not exclusively, in relation to vehicle safety. Further details of these exercises together with a summary of the fleet checks and Licensing Panel decisions are set out in **Appendix A**.

In addition, Out of Hours officers have undertaken a further 15 exercises across the county between June 2013 and January 2015 to check the use of taxi ranks and to

provide general advice and guidance to drivers and operators on the requirements of the Policy, conditions and legislation.

Joint interventions exercised will continue (see examples listed below). They will be evidence based, proportionate, targeted, risk based and intelligence-led to ensure they have maximum impact in improving standards. However, the implementation and success of the interventions are resource intensive in terms of the officer time required to deliver them and are subject to the availability of resources from a number of external agencies; these resources are not within the control of Public Protection and consequently there will be a degree of variation in terms of what is ultimately delivered.

Examples of types of interventions planned for 2015/16

- day-time private hire operator interventions (checks on records and vehicles)
- out of hours interventions of hackney carriage/private hire vehicles within Shropshire (includes advising drivers and gathering intelligence around private hire vehicles plying for hire)
- multi-agency out of hours interventions of hackney carriage/private hire vehicles in Telford & Wrekin Council area (includes advising drivers and gathering intelligence around private hire vehicles plying for hire)

f) Passenger Transport Contracts

In addition to the taxi licencing policy, there are a number of measures in place for those drivers transporting vulnerable children on Council contracted routes:-

- All hackney carriage and private hire vehicle drivers on school contracts must hold an appropriate valid licence and a current DBS which has been approved by Public Protection's Licensing Team.
- If a licenced driver wishes to undertake contracted work for the Council transporting school pupils, then they must also register with the Passenger Transport Unit to do so. As part of this process, should a driver have had a prior application refused or previously been removed following an alleged offence, then their application may be refused.

- Once an application is approved, all drivers are issued with the Councils “code of conduct for drivers and passenger assistants” which sets out the standards and expectations of the Council. Failure to adhere to this code of conduct can result in either a suspension or removal from the Councils approved list.
- Should a driver on a contracted route be the subject of a safeguarding investigation, the driver will be suspended with immediate effect whilst any investigation is on-going. Should the multi-agency investigation result in concerns over their future status as a driver on school contracts, then they can be removed from the approved drivers list.

This summarises the main points demonstrating that for driving school children on council contracts there is an additional level of checks on top of the licensing process with the Council taking over the duty of care for these pupils once they pass from the parent to the Passenger Transport Unit.

6. Additional Information

- 6.1** Consideration was also given to the implications of safeguarding as it specifically applies to the licensing of hackney carriage and private hire drivers. As a result of this review, a number of recommendations were made and an action plan drawn up. Whilst the recommendations and actions are linked to the information given above, the current progress on the action plan itself is set out in **Appendix B**.

7. Conclusions

- 7.1** At this stage, officers are confident that the Council, with respect to its taxi licensing regime, is at the forefront of best practice in relation to safeguarding children, young people and vulnerable adults. However, it is also accepted that there will be a continuing need to monitor and make further improvements as future demands change and internal/external influences impact on the licensing regime. Officers are committed to ensuring that such improvements are recognised and implemented where appropriate. Members are encouraged to contribute their views

with respect to any steps they believe would further enhance the Council's safeguarding role.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

- Proposed Shropshire Council Hackney Carriage and Private Hire Licensing Policy 2015 – 2019
- Report of the 'Independent Enquiry into Child Sexual Exploitation in Rotherham 1997 – 2013' Alexi Jay OBE, published August 2014

Cabinet Member (Portfolio Holder)

Cllr Steve Charmley - Portfolio Holder for Business Growth, ip&e, Culture and Commissioning (North)

Local Member

Not applicable as subject of the report has county-wide application.

Appendices

Appendix A - Enforcement Action and Licensing Panel Decisions

Appendix B - Action Plan to Implement Safeguarding Recommendations following Review of the Licensing of Hackney Carriage & Private Hire Drivers