

Shropshire Council
Licensing Drivers for Hackney Carriage & Private Hire Review
Action Plan to Implement Recommendations

No.	Recommendation	Action Required	Responsible Officer	By When	Progress/Comments
1.	Ensure Licensing Team is fully aware of consequences of licensing decisions and likely future direction service will be taking concerning safeguarding.	Team briefing	FD	31/07/14	Completed 08/07/14. Briefing delivered by Team Manager (MB) based on notes drawn up by FD.
2.	Hackney Carriage & Private Hire Licensing Policy to be amended to ensure the headline message is clearly about protecting the public. In particular, a move away from considering individual rehabilitation periods and multiple convictions for the same type of offence and focussing on an applicant's entire history, using both conviction/caution evidence (from DBS and DVLA as we do now) but also wider intelligence from the CareFirst system / safeguarding information, from West Mercia Police and from	Re-assess basis of and extend current policy consultation (take into account feedback from KC/FD's attendance at Panel to assist re-drafting; in addition, amend to state that when evidence of convictions are brought to panel/committee an updated DBS check will be carried out at the applicants	FD	30/09/14	Completed In lead up to SLC on 24/9/14 Policy further revised (FD/MB) in line with recommendation/action required. SLC agreed to a further consultation period from 29/9/14 to 2/11/14 to take account of the further changes made. 10/12/14 – SLC agreed revised draft Policy and recommended it goes to Cabinet on 11/2/15 for final

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	national police intelligence where this is appropriate.	expense and further background checks will be undertaken to decide on appropriate action). Draft/implement revised policy		01/04/15	decision on adoption and implementation. 10/12/14 - update - revised Policy going forward to Cabinet on 11/2/15 for adoption and implementation with effect from 1/4/15.
3.	All licensing staff (officers and support) and investigations team officers to undertake safeguarding training; this to include skills on how to effectively make enquiries of an applicant into their background to determine whether an application ought to be refused or not.	Source training provider and arrange dates to deliver training to relevant officers. Involve police and safeguarding colleagues. Use examples of applications to do practical exercises/discussions.	KC	31/10/14	Training arranged for 05/03/14 for licensing and investigations team. (KC)
4.	Encourage licensing staff to utilise skills of the Investigations Team officers as well as safeguarding and police colleagues to assist in making relevant enquiries about the background of applicants.	Deliver and reinforce this message at Licensing Team and Investigations Team meetings	KC	30/09/14	Discussed at Licensing Team meeting 30/09/2014 (KC)

5.	All licensing staff (officers and support) to undertake CareFirst system training to enable data access and data entry as part of the normal licensing application process.	<p>Staff to be given access to CareFirst</p> <p>Training to be arranged and delivered by CareFirst support team (if email guidance insufficient)</p>	KC	<p>31/07/14</p> <p>31/10/14</p>	<p>28/07/14 – CareFirst support team provided staff with instructions on how to gain access to the system and guidance material issued via email.</p> <p>2/9/14 – confirmed email guidance sufficient; system being used to access/enter data as required.</p>
6.	<p>Revise application process for new applicants and implement to include:-</p> <ul style="list-style-type: none"> • CareFirst checks if resident of Shropshire OR if not Shropshire resident then request to safeguarding colleagues in LA where applicant does reside • Intelligence request to WMP (on appropriate data sharing form), including highlighting applicability of other force areas if applicant lives or has been licenced previously outside WM force area • Checks with other LAs where applicants have 	<p>Liaise with licensing staff to amend relevant Idox process templates to instruct licensing support staff to undertake checks as outlined in the recommendation column; assess practicalities and draft where practical to do so standard email/letter templates to be used – if email used will have to be sent to a secure address.</p>	FD	<p>31/08/14 (revised deadline of 28/2/15 for production of guidance note)</p>	<p>23/12/14 – update – meeting proposed for 9/1/15 between FD/MB to move this forward.</p> <p>9/1/15 – met with FD/MD/KR. Discussed options and became clear that unable to create templates in Idox in the same way as APP used to. Can't therefore prompt officers to do the necessary checks via this mechanism. The steps are in the system but officers need to load them as they are completed. On this basis agreed that KR would</p>

	<p>previously been licensed elsewhere</p>	<p>Brief staff on the changes to Idox and process</p>		<p>30/09/14</p>	<p>produce a guidance note for officers to make it clear what steps/checks officers must do on each application by end of Feb 2015.</p> <p>Standard docs already in Idox including the A221 data subject access request form that is sent to WMP seeking applicant information held by police; authorisation letter; panel letter.</p> <p>Secure email in place for individual officers. Generic secure email account being created (will reduce risk of delays on safeguarding issues when officers are on leave) – will only be accessed/used by those officers who have completed the 'gcsx' training/IG forms.</p> <p>Completed 13/01/14 via MB/KB at team meeting</p>
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7.	Licensing officers to undertake 'advocacy training' to assist in delivering robust reports to committee; in particular, to gain skills/ability to rebut evidence that is subsequently submitted by the applicant or their representative either in writing or verbally at a hearing.	Source training provider and arrange dates to deliver training to relevant officers	KC	30/11/14	Kate Roberts and Stacia Cotton booked on CENTSA advocacy skills training session to be held on 05/12/14. (KC)
8.	Establish a process by which current licensed drivers may be re-assessed to confirm whether any would not meet the 'fit and proper person' test; the resource made available to do this must be balanced against the risk.	Confirm the principles of the process	KC	18/08/14	Completed 15/08/14 – agreed list of drivers to be produced from Idox; list to be provided to CareFirst support team; CareFirst support team to carry out cross-check against the CareFirst database; where any matches identified have CareFirst flags, further enquiries to be made with WMP (via Insp. Graham Preece); information to be assessed via Licensing Panel and decision taken whether or not to revoke/suspend individual drivers licence

		<p>Cross-check by CareFirst support team</p> <p>Further enquiries to WMP (if required)</p> <p>Assessment of additional information/decisions taken to revoke/suspend or not</p>		<p>31/08/14</p> <p>30/09/14</p> <p>31/10/14</p>	<p>Completed 02/09/2014 – info received from Care First team. Officers tasked with collating full history check on all drivers with a match.</p> <p>Two matches found on the system for drivers who have already had licences revoked. NFA</p>
9.	<p>To find a mechanism that allows the DBS returns to be retained by the Council against each applicant’s record, either through a special circumstances arrangement with the DBS or a formal agreement with each applicant.</p>	<p>Submit case to DBS to argue case for special circumstances and/or to agree that we can seek agreement from applicants that DBS returns will be retained, e.g. through the application form requesting permission</p> <p>Assess implications of requiring drivers to</p>	FD	<p>31/08/14</p> <p>30/09/14</p>	<p>Booked in FD’s diary to do on 12/1/15 9/1/15 - moved to 21/1/15</p> <p>Completed 24/9/14 as part of the Policy review</p>

		<p>pay the annual DBS fee to enable us to see if anything has changed (policy change required if we do this)</p> <p>Incorporate into the policy consultation the requirement that where we are made aware of any subsequent convictions, applicants will be required to provide an up to date DBS.</p> <p>Incorporate all relevant necessary changes to HC/PH policy (as part of the current wider consultation)</p>		<p>30/09/14</p> <p>01/04/15</p>	<p>(FD/MB). Had to concede could not make this a mandatory requirement at this stage as not all drivers are in a position to subscribe to the DBS Update Service on basis it requires access to IT. However, Policy worded to permit the use of the Update Service and to encourage its use overall (see para 3.6 of Policy).</p> <p>Completed 24/9/14 See paragraph 3a.6 of revised Policy.</p> <p>10/12/14 – SLC agreed revised draft of Policy to go to Cabinet on 11/2/15 with necessary changes incorporated.</p>
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10.	Clarify the data sharing arrangements with Telford & Wrekin Council and if necessary draft a new or amend the existing protocol to ensure it is clear how data can be shared.	Clarify current position Draft new/amend existing protocol	KC	31/08/14 31/12/14	Completed – T&W unable to find protocol. KC to draft protocol in liaison with T&W and Roy Morris. 01/12/14 – Draft emailed to Nicky Minshall. (KC)
11.	To include representatives from Adult and Children’s Safeguarding Teams on the Licensing Panel to inform decision making.	Set up Panel meetings on a monthly basis in advance; include representatives from Adult and Children’s Safeguarding Teams	KC	31/08/14	Completed 07/8/10. Schedule of meetings in place. Alan Smith and Steve Ladd from the Safeguarding Teams included as representatives on the Panel.
12.	To include a representative from West Mercia Police on the Licensing Panel when deemed relevant by the Panel members.	Amend delegated powers via Strategic Licensing Committee to permit WMP and other partners to be represented on the Panel on an as required basis Encourage/remind Panel members to seek police and other	FD KC	30/09/14 17/10/14	In FD’s diary for 5/1/15 to sort out mechanism with aim of taking report to SLC on 18/3/15. 9/1/15 – info from legal to advise needs to go to Council as requires amendment to Constitution; but to SLC first to make the recommendation to Council. Discussed at team meeting and with Team Manager

		partner attendance when it is appropriate to do so – advise via Licensing Team meeting			(KC)
13.	Establish the practical mechanism to request the intelligence reports from West Mercia Police as part of the normal application process.	Discuss with WMP (Ch.Insp. Pete Davies and Insp Graham Preece) and agree process	FD	31/12/14	09/07/14 - interim process agreed; requests to be made via Insp. Graham Preece; long-term solution still to be determined
14.	Determine position with respect to whether we ought to be submitting a DBS referral form when a licence is revoked.	Determine precise legal position and if required brief licensing staff and implement the process. If it is required will need to include as part of the consultation process on the HC/PH policy.	KC FD	31/08/14 31/08/14	Completed 07/09/2014 Advice received from DBS - two conditions must be met in order to make a referral. Regulated Activity is one of those conditions which doesn't include taxi drivers unless there is regular contact with a child. This was confirmed verbally with Roy Morris who had checked with Tim Collard, Legal. (See notes on 15 below.) 7/9/14 - NFA in terms of the Policy. See note above. (FD)

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		If required needs to be implemented in the revised policy.	FD	01/04/15	7/9/14 - NFA in terms of the Policy. See note above. (FD)
15.	Involve Children's Safeguarding in the review process.	Set up meeting with Steve Ladd to go through review process and recommendations and determine whether any further actions are required from children's safeguarding perspective.	FD	12/09/14	1/7/14 – Joint Evaluation Meeting (KC/MB) 12/11/14 – Joint Evaluation Meeting (FD) 23/12/14 – arranged 1:1 meeting with SL for 7/1/15 7/1/15 – Completed - FD met with SL and Paul Cooper. Reviewed process and the recommendations and actions thus far. Agreed further actions as set out at 17, 18 & 19 below. Also to obtain confirmation in writing from IG/legal re the advice given in relation to action at 14 above.
16.	Find out whether we can identify licences where officers recommended refusal to committee but committee granted.	Check position with officers and committee services; then decide/agree further action as necessary.	KC	28/02/15	
17.	Adapt driver licence application forms to ask more specific	Fully review driver application form and	FD	31/03/15	9/1/15 – met with MB/KR; agreed this action; KR to

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	questions about previous history with other local authorities and if suspended/revoked by any other authorities.	amend questions to reflect suggestions made by SL/PC and any other improvements deemed appropriate.			lead on the review and making the changes to the forms.
18.	Despite advice from IG/legal as referred to in 14 above; SL/PC recommended that the Licensing Panel ought to consider whether a DBS referral is appropriate on a case-by-case basis when driver licences are suspended/revoked.	To inform relevant officers in PP and legal to ensure the Panel considers this as suggested and continues to do so as appropriate.	FD	31/1/15	13/1/15 – FD discussed with KC/MB. KB concerned that referrals (other than if they relate to PTU) would be disregarded by DBS, therefore, not productive use of resources at Panel to keep considering if DBS going to disregard. KC agreed to revisit advice received from DBS.
19.	Child sexual exploitation (CSE) awareness training to be delivered to hackney carriage/private hire drivers.	Arrange delivery of face-to-face CSE training sessions with private hire operators. To be delivered by SL and others as appropriate. Seek CSE literature from SL that can be incorporated into the driver licence application/renewal	FD	30/6/15 31/3/15	9/1/15 – FD discussed with MB/KR & agreed the specific actions required. FD to liaise with MB/SL re the operator training. MB/KR to seek the info from SL and to implement this as soon as practicable but no later than end of March 2015.

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