

<b>Meeting:</b>	<b>Licensing and Enforcement Committee</b>	<b>Date:</b> 21 <sup>st</sup> March 2017
<b>Subject:</b>	<b>To attach as a condition safeguarding awareness training for all existing and new Hackney Carriage and Private Hire Drivers</b>	
<b>Report Of:</b>	<b>Head of Public Protection</b>	
<b>Wards Affected:</b>	<b>All</b>	
<b>Key Decision:</b>	<b>No</b>	<b>Budget/Policy Framework: Yes</b>
<b>Contact Officer:</b>	<b>Darren Mountford, Senior Licensing &amp; Markets Officer</b>	
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<b>Appendices:</b>	<b>None</b>	

## FOR GENERAL RELEASE

### 1.0 Purpose of Report

- 1.1 This report asks members to consider a proposal to attach as a mandatory condition, that all existing and new Hackney Carriage and Private Hire drivers undertake safeguarding awareness training.

### 2.0 Recommendations

- 2.1 Licensing and Enforcement Committee is asked to **RESOLVE** that

The proposal to attach a mandatory condition that all existing and new Hackney Carriage and Private Hire drivers undertake safeguarding awareness training is approved for a 6 week consultation period.

### 3.0 Background and Key Issues

- 3.1 Councils have the power to attach conditions to Hackney Carriage and Private Hire licences through the relevant legislation namely, The Town Police Clauses Act 1847 and The Local Government (Miscellaneous Provisions) Act 1976. There is no statutory requirement for a local authority to set Hackney Carriage and Private Hire policies, however, it is an integral part of the decision-making process, informing and guiding the decision-makers, and providing a valuable aid to consistent decision making.
- 3.2 General conditions have been applied in Gloucester to Hackney Carriage licences since 1972 when the Byelaws in respect of Hackney Carriages were adopted. Similar conditions have been applied to Private Hire licences since they were first issued in 1980.
- 3.3 Members may be aware that safeguarding awareness has become very much a hot topic with Central Government following such cases in Rotherham and Derby. In the

near future the government may task local authorities to undertake safeguarding awareness training.

- 3.4 Currently there is no requirement at Gloucester City for applicants to demonstrate any understanding of safeguarding awareness issues as part of their application process, even though Hackney Carriage and Private Hire drivers may frequently come into contact with vulnerable persons. Other cities that have required Hackney Carriage and Private Hire Drivers to undertake safeguarding training are Nottingham, Swansea and Wolverhampton.
- 3.5 Within Gloucestershire we are being encouraged to offer safeguarding awareness training to all of our Hackney Carriage and Private Hire drivers.
- 3.6 Gloucestershire Licensing Officers Group (GLOG) have been working closely with Gloucestershire Safeguarding Board and Gloucestershire Constabulary to provide safeguarding awareness training.
- 3.7 Cheltenham and Stroud have recently made it a condition of licence that all of their drivers undertake safeguarding awareness training. The other Gloucestershire local authorities are also taking steps to deliver training.
- 3.8 Gloucestershire Safeguarding Board and Gloucestershire Constabulary will provide this training at no cost to the drivers. This training will only be provided for free until the 31 December 2017. After this date it will come at a cost and the figure being quoted is around £30 per driver.
- 3.9 As we only have the opportunity of free safeguarding awareness training until the end of the year it is appropriate that we act now so that there is no cost to the driver.
- 3.10 If members decide to adopt safeguarding awareness training as a condition for all Hackney Carriage and Private Hire drivers, then Gloucestershire Safeguarding Board and Gloucestershire Constabulary are happy to provide the training for Gloucester City licenced drivers from August 2017. The training is proposed to last no more than three hours. Members would also need to decide a timescale for existing drivers undertaking the training. For example Stroud have given their drivers 12 months. A date would also need to be decided for new drivers. Members may consider that drivers should undertake refresher training but would have to decide the frequency on when this should happen i.e. every three years.
- 3.11 Under the Policing and Crime Act 2017 it states that the Secretary of State may issue guidance to Local Authorities for Hackney Carriage and Private Hire drivers on the protection of children and vulnerable adults. The guidance could be passed onto the drivers instead of requiring them to attend refresher training. This would help to reduce the cost to the driver.
- 3.12 The training will generally deal with the signs of child sexual exploitation (CSE), trafficking and other safeguarding issues and how licensed drivers can identify these issues and the means of reporting them to the appropriate authorities. It is also intended to ensure that licensed drivers are themselves equipped to guard against false and misleading safeguarding related allegations being made against them.

3.13 Drivers would be awarded a certificate of attendance on completion of the training.

3.14 The Licensing Authority will consult with:-

- Hackney Carriage Drivers
- Private Hire Drivers
- Private Hire Operators

#### **4.0 Asset Based Community Development (ABCD) Considerations**

There is a legal process that we must follow when changing/amending policies. This must be done through a consultation exercise. This gives communities as much information about the changes/amendments that are being proposed. We will engage with the Partnership and Engagement Team to develop an effective communication process.

#### **5.0 Alternative Options Considered**

5.1 Alternative options will be considered where representations are raised against the proposed condition. The condition will not take effect until after the 6 week consultation period and all feedback has been considered by the Licensing and Enforcement Committee for final approval and adoption.

5.2 The HM Government's Code of Practice states '*Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible*'. This is certainly sensible for new policies, policies of a contentious nature or where a large number of stakeholders need to be consulted. However, a shorter period is allowed where the authority can rationalise this. Given the tight timescales available to consult before the next Licensing and Enforcement Committee as well as the ability of the Licensing Team to engage stakeholders quickly, Gloucester City Council will consult on this for a period of 6 weeks.

#### **6.0 Reasons for Recommendations**

6.1 The safeguarding awareness training is intended to develop a drivers understanding of the issues in and around safeguarding of vulnerable persons.

6.2 A driver has a responsibility to provide a safe and suitable service to vulnerable persons of all ages and such briefings would help a driver ensure they can demonstrate their own due diligence as a responsible driver.

6.3 The safeguarding awareness training would help the driver identify a vulnerable person and raise their understanding of the relationship between the driver and the vulnerable person and their responsibilities.

6.4 The safeguarding awareness training is being offered for free until the 31 December 2017.

## **7.0 Future Work and Conclusions**

- 7.1 It is important that the consultation commences as soon as possible to allow for a 6 week consultation period before bringing back any feedback to the next Licensing and Enforcement Committee on 13 June 2017 for decision.
- 7.2 Once the safeguarding awareness training is approved and adopted by the Licensing and Enforcement Committee it will not take effect until 28 days after each driver, operator and vehicle proprietor has received notification from the licensing authority in writing.
- 7.3 Members are referred to the options at 2.1 of this report.

## **8.0 Financial Implications**

- 8.1 There are no financial implications relating to this report.

(Financial Services have been consulted in the preparation this report.)

## **9.0 Legal Implications**

- 9.1 The rationale behind the licensing regime is the provision of part of the public transport service that is accessible and safe, and seen to be so.
- 9.2 As referred to in the main body of the report, the Council has various powers for imposing reasonable licensing conditions on operators, drivers and vehicles.
- 9.3 The requirement to introduce safeguarding awareness training as a mandatory condition to existing drivers could be challenged. Any person that is aggrieved by this has a right of appeal to the Magistrates' Court to challenge the condition imposed.

(One Legal have been consulted in the preparation this report.)

## **10.0 Risk & Opportunity Management Implications**

- 10.1 The risk management implications for this report and Policies are as follows:-

- Hackney Carriage and Private Hire Policy is unfair or too prescriptive.
- Consultation inadequate.
- The risk of an appeal to Magistrates should an inappropriate or unreasonable decision be made and the potential for a financial penalty in costs awarded to be incurred.

## **11.0 People Impact Assessment (PIA):**

- 11.1 The screen stage considered risks to customers in the areas of gender, disability, age, ethnicity, religion, sexual orientation or community cohesion. A further assessment will conducted to consider any feedback from the consultation.

## **12.0 Other Corporate Implications**

### Community Safety

- 12.1 The basis of the condition is to provide a standard for licensed Private Hire and Hackney Carriage drivers to work to. The proposal will promote community safety through raising awareness of safeguarding duties. The overall aim of the licensing regime is public protection.

### Sustainability

- 12.2 Hackney Carriage and Private Hire licensed drivers provide an important addition to the public transport provision in the City and so contribute to environmental sustainability.

### Staffing & Trade Union

- 12.3 None

### **Background Documents:**

Town Police and Clauses Act 1847

The Local Government (Miscellaneous Provisions) Act 1976