

Subject:	Safeguarding in Taxi and Private Hire Licensing	Status:	For Publication
Report to:	Licensing Committee	Date:	10 th September 2015
Report of:	Licensing and Enforcement Manager	Portfolio Holder:	Legal and Democratic Services
Key Decision:	<input type="checkbox"/> Forward Plan <input type="checkbox"/>	General Exception <input type="checkbox"/>	Special Urgency <input type="checkbox"/>
Equality Impact Assessment:	Required: No	Attached:	No
Biodiversity Impact Assessment	Required: No	Attached:	No
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1.	RECOMMENDATION(S)
1.1	The Licensing Committee are asked to: - <ul style="list-style-type: none"> Endorse the direction Officers and Members of Licensing Committee are taking regarding improvements for safeguarding in Taxi and Private Hire Licensing

2. PURPOSE OF REPORT

2.1 The Independent Inquiry into Child Sexual Exploitation in Rotherham highlighted significant concerns regarding safeguarding controls for Hackney Carriage (Taxi) and Private Hire Licensing in Rotherham. It was found that taxi and private hire vehicles had been used extensively by those directly involved in the sexual exploitation of children to move children around Rotherham and to other cities. Given the issues raised in the report, it would be prudent to review current arrangements in Rossendale to ensure existing controls regarding safeguarding in Taxi and Private Hire Licensing are robust and to identify any areas for improvement.

The review has determined that there are robust safeguarding procedures in place for Taxi and Private Hire Licensing in Rossendale, but further improvements would help strengthen those procedures.

This report gives an overview for Licensing Committee of recommendations to improve safeguarding issues in Taxi and Private Hire Licensing.

3. CORPORATE PRIORITIES

3.1 The matters discussed in this report impact directly on the following corporate priorities:

- Regenerating Rossendale:** This priority focuses on regeneration in its broadest sense, so it means supporting communities that get on well together, attracting sustainable investment, promoting Rossendale, as well as working as an enabler to promote the physical regeneration of Rossendale.
- Responsive Value for Money Services:** This priority is about the Council working collaboratively, being a provider, procurer and a commissioner of services that are efficient and that meet the needs of local people.
- Clean Green Rossendale:** This priority focuses on clean streets and town centres and well managed open spaces, whilst recognising that the Council has to work with communities and as a partner to deliver this ambition.

4. RISK ASSESSMENT IMPLICATIONS

4.1 All the issues raised and the recommendation(s) in this report involve risk considerations as set out below:

- This report identifies potential risks as a result of the Rotherham Report and seeks to reassure Members how those risks are being managed in Rossendale.

5. BACKGROUND AND OPTIONS

5.1 Officers have reviewed existing safeguarding measures in Taxi and Private Hire Licensing in Rossendale in response to the findings of the independent enquiry into child sexual exploitation (CSE) in Rotherham.

This report assures the Licensing Committee that the existing safeguarding controls are robust, and provides an overview of additional measures for consideration to improve safeguarding issues in Taxi and Private Hire Licensing.

5.2 The Independent Inquiry into CSE in Rotherham highlighted significant concerns regarding safeguarding controls for Taxi and Private Hire Licensing in Rotherham. It was found that taxi and private hire vehicles had been used extensively by those directly involved in the sexual exploitation of children to move children around the city and to other cities.

Given the issues raised in the report, it seems prudent to review current arrangements in Rossendale to ensure existing controls regarding safeguarding in Taxi and Private Hire Licensing are robust and to identify any areas for improvement.

Officers from the Lancashire Licensing Officers Group (LLOG), East Lancashire Taxi and Private Hire Licensing and Lancashire Constabulary Licensing Sergeant and officers from ENGAGE have been meeting on a regular basis to review current licensing practice and procedure, and develop stronger links and information sharing.

5.3 Main issues

At present there are robust safeguarding processes in place in Taxi and Private Hire Licensing in Rossendale, but it is important to reflect on these and to consider how they can be further improved. As a result of this the following actions are being progressed: -

Criminal Records Bureau Checks

All drivers in Rossendale have been subject to an enhanced disclosure check from the Disclosure and Barring Service (DBS), formerly the Criminal Records Bureau (CRB). Drivers are re-checked every three years.

Recommendation

The system for checking a current driver's criminal record Status could be further improved by making it a requirement for all licensed drivers to register to the DBS update service which would allow the Council (with the drivers permission) to carry out a Status check annually.

A Status check allows organisations to see if any relevant information has been identified about the individual since their Certificate was last issued. The Council would then be able to carry out a quick online Status check to see if an individual's Certificate is still up to date.

The outcome of a valid Status check will be one of the following:

- **This Certificate did not reveal any information and remains current as no further information has been identified since its issue.** This means that the individual's Certificate contains no criminality or barring information and no new information is available.
- **This Certificate remains current as no further information has been identified since its issue.** This means that the individual's Certificate did contain criminality or barring information and no new information is available.

- **This Certificate is no longer current. Please apply for a new DBS check to get the most up to date information.** This means that the individual's Certificate should not be relied upon as new information is now available and you should request a new DBS check.

Overseas Criminal History Checks

Where an applicant has lived in a country other than the UK for a continuous period of one year or more in the last ten years, then in addition to the DBS disclosure application the applicant is required to produce a Certificate of Good Conduct issued by the relevant non-UK country. The certificate must be an extract from the judicial record or equivalent document issued by a competent judicial or administrative authority for the relevant country. The certificate must document any convictions recorded against the individual or confirm their "good conduct". You should contact your relevant Consulate for this.

Legislation

Members and officers continue to make representations to Government about the need to establish legislation that will ensure a consistent approach to taxi and private hire licensing without reducing the high standards already recognised in Rossendale. The practice at Rossendale whereby the law currently allows drivers licensed as hackney carriage drivers with this Council the ability to be employed to undertake private hire work for private hire operators in different authorities. This means that drivers who have not been subject to checks and controls in other areas can legally carry out private hire work for operators in an area remote from Rossendale.

Recommendation

Consideration is now being given to developing a common Taxi and Private Hire application process across East Lancashire with a view to widening strategy and/or different approaches to improving minimum standards.

Role of Members

In Rossendale, the Licensing Committee agree and set taxi and private hire licensing policy and officers are responsible for implementing the administration procedures for those policies. There are no proposals to change this approach.

There is an issue as to whether or not it is appropriate for Members, MPs and Senior Officers when providing references for drivers when, for example, they are applying for a taxi or private hire licence. There are significant risks, especially if the author does not know the history of the driver they are representing. There have been reports in the media where Members in other authorities have had to step down from their positions when they have supported a driver who has later been found to have a serious criminal record.

Recommendation

It is recommended that references from Members, MPs and senior officers should no longer be considered as part of taxi and private licensing decision processes. This recommendation does not affect a Member or MP's ability to continue to represent a constituent during the licensing process.

Intelligence

Considerable work is taking place to understand how to improve safeguarding intelligence, and in particular how to share intelligence between police, licensing and other licensing authorities. There are gaps in intelligence, e.g. around recording when an individual has a second occupation as a taxi driver. There is currently no dedicated police analysis in this area which would allow research where and when needed.

The police are keen to work more closely with taxi licensing and both sides are considering how links between them can be strengthened. Further reflection recognised that most taxi and private hire drivers could add useful intelligence and insight into some of the issues being discussed.

Whilst there is sharing between different agencies in relation to high level issues, a focus on lower level complaints could assist in early recognition and prevention of issues. Work is taking place to develop a local protocol on intelligence sharing. Recent concerns regarding disclosure of information from the police are being addressed. Improvements to the current level of information being disclosed is also being addressed so Taxi and Private Hire officers have the correct level of information to make an informed licensing decisions.

Recommendation

Rossendale Borough Council's Licensing and Enforcement Unit to agree a data sharing protocol between the police and other Authorities.

Training

Safeguarding awareness training for taxi and private hire operators is currently being researched in conjunction with the other East Lancashire Authorities.

Recommendation

It is proposed that all new taxi and private hire drivers will also receive safeguarding awareness training. A rolling programme of training could then follow with all remaining licensed taxi and private hire drivers receiving training.

Legislation

There were proposed changes to legislation in the Deregulation Bill which would increase safeguarding risks. The Licensing and Enforcement Manager through the Institute of Licensing responded to the consultation explaining why many of the changes proposed would significantly increase risk to the travelling public. In response the government has now dropped plans to allow unlicensed drivers to drive private hire vehicles for social, domestic and pleasure uses. Licensed private hire vehicles can only be driven by licensed private hire drivers.

COMMENTS FROM STATUTORY OFFICERS:

6. SECTION 151 OFFICER

6.1 Robust procedures regarding safeguarding in Taxi and Private Hire Licensing will ensure, amongst other things, that the Council is protected from the financial consequences of any claims against the Council.

7. MONITORING OFFICER

7.1 It is important for the Council to ensure it maintains and continually improves its robust application process to protect and enhance public safety.

8. POLICY IMPLICATIONS AND CONSULTATION CARRIED OUT

8.1 No HR implications.

8.2 Proposed changes to taxi and private hire policy have been subject to full public consultation and the final Policy will be deliberated at Licensing Committee on 10th November 2015.

9. CONCLUSION

9.1 At present there are robust safeguarding processes in place in Taxi and Private Hire Licensing, and further improvements highlighted in this report will help to strengthen those processes.

There are no background papers