

REPORT TO CABINET

Open/Exempt		Would Any Decisions Proposed :		
Any especially affected Wards None	Mandatory	(A) Be Entirely Within Cabinet's Powers To Decide Yes /No		
		(B) Need To Be Recommendations To Council Yes/ Ne		
		(c) Be partly for recommendations to Council YES /NO and partly within Cabinets powers –		
Lead Member: Cllr Adrian Lawrence E-mail: cllr.adrian.lawrence@west-norfolk.gov.uk		Other Cabinet Members consulted:		
		Other Members consulted: Licensing & Appeals Board		
Lead Officer: John Gilbraith E-mail: john.gilbraith@west-norfolk.gov.uk Direct Dial: 01553 616786		Other Officers consulted:		
Financial Implications YES/ NO	Policy/Personnel Implications YES /NO	Statutory Implications (incl S.17) YES/ NO	Equal Opportunities Implications YES /NO	Risk Management Implications YES /NO

Date of meeting: 6th December 2016

Hackney Carriage and Private Hire Licensing Procedures & Conditions

Summary

Following high profile cases of child sexual exploitation (CSE) involving taxi drivers in places such as Rotherham, the Borough Council wishes to introduce safeguarding awareness training for members of the taxi trade. To ensure that members of the trade complete this training will require an amendment to licensing conditions. The amendment to conditions would empower the Licensing & Appeal Board to take action against those who do not complete the training voluntarily.

It is therefore proposed that the Borough Council's Hackney Carriage and Private Hire Licensing Procedures & Conditions are amended to include a requirement that all existing licensed combined drivers and new applicants for combined drivers either attend safeguarding training or pass the 'safeguarding' element of the Borough Council's Knowledge Test.

Whilst introducing this new requirement an opportunity has been taken to make minor amendments to three existing licensing conditions; Driver Standard Agency (DSA), window tints and 'MOT tests for hackney carriages and private hire vehicles.

Recommendation

That Council adopt the revised licensing procedures and conditions.

Reason for Decision

To introduce safeguarding awareness for combined drivers and keep the current procedures and conditions up to date and fit for purpose.

1.0 Introduction

- 1.1 Consideration has been given to the findings of the Independent Enquiry into Child Sexual Exploitation in Rotherham 1997 - 2013 undertaken by Alexi Jay. 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.'*
- 1.2 The Borough Council has a duty to protect the travelling public. This is achieved by setting standards (by way of conditions) for those people who wish to apply for or retain a licence to be a combined hackney carriage and private hire vehicle driver. Conditions and pre-licence requirements ensures that the Borough Council provides a fair evaluation of applications/existing licences when making decisions on whether to grant, renew, suspend or revoke a licence.
- 1.3 The Borough Council of Kings Lynn and West Norfolk has adopted the provisions of the Local Government (Miscellaneous Provisions) Act 1976 that relate to the licensing of hackney carriages and private hire vehicles, hackney carriage and private hire drivers and private hire operators. The Act permits Local Authorities to attach conditions to the licences where they are considered reasonable necessary.
- 1.4 The last full review of licensing procedures and conditions was approved by Full Council on the 28th January 2016.

2.0 Consultation

- 2.1 With the exception to the change in Driver Standard Agency (DSA) requirements, the trade were consulted on the proposed changes to procedures and conditions between the 8th August 2016 and the 16th September 2016.
- 2.2 The response to the consultation was disappointing with only 5 responses (1.9%) received. However, this could be taken as a general consensus that the trade have no concerns with the proposed amendments. A copy of the consultation document is attached to this report at Appendix 1 which includes a summary of the responses received.
- 2.3 With the agreement of Cllr Don Tyler, Chairman of the Licensing & Appeals Board, Members of the Licensing & Appeals Board were consulted by email on the 22nd September 2016 of the proposals and comments received from the consultation.

3.0 Safeguarding Awareness Workshops

- 3.1 The training has been delivered in a 1-hour workshop by Breckland Training Services. The aim of the workshop was to give drivers an overview of how safeguarding can involve the taxi and private hire trades; what child sexual exploitation is; and to give drivers the knowledge and confidence to report concerns.
- 3.2 These workshops were provided over three days and all licensed drivers were invited to attend one of the sessions on offer. The take-up has been encouraging with 88% of the trade attending on a voluntary basis. The adoption of the new proposals will enable action to be taken against the remaining 12% thus ensuring that all combined drivers have completed the training.
- 3.3 Breckland Training Services delivered the same workshop to members of the Licensing & Appeals Board on the 8th March 2016. Also, the workshop has or will be delivered in our neighbouring licensing authorities in Norfolk.

Proposals

- 3.1 Safeguarding. It is proposed that the Borough Council's Hackney Carriage and Private Hire Licensing Procedures & Conditions are amended to include a requirement that all existing licensed combined drivers complete safeguarding training. In addition, the Borough Council's taxi knowledge test will be updated to include a section on safeguarding. This will be primarily aimed at new applicants for combined drivers although it can equally be used for existing members of the trade who either did not or could not attend one of the safeguarding workshops.
- 3.2 Driver Standard Agency (DSA). Condition 2.1 currently requires applicants for a combined driver licence to complete the DSA Hackney Carriage/Private Hire Test Assessment. The DVLA have advised that from the end of 2016 they will no longer be offering a taxi driving test. Private companies are available to offer similar training so it is proposed therefore that the current condition be amended to include "or a driving test approved by the Borough Council".
- 3.3 Window Tints. Licensing conditions currently state that:-

"No glass, with the exception of a tinted sun-strip along the top of the windscreen, shall be tinted to such an extent as to obscure the view of the inside of the vehicle from a distance of 4 metres".

Notwithstanding that the condition is ambiguous it is proposed to remove this condition as a lot of new vehicles have 'tints' fitted on the rear windows as standard. Both the Norfolk Constabulary and Norfolk Fire Service have been consulted and neither authority has raised any safety concerns.

- 3.4 MOT Tests. It was proposed at the last review to remove the requirement for licensed vehicles to have both the standard MOT and the Council's compliance test from new. The Council therefore changed the condition to require an MOT from 3 years in line with private vehicles. Unbeknown at the time, the Driver and Vehicle Standards Agency (DVSA) testing standards require a hackney carriage vehicle to be MOT tested from 1 year old. There is no similar requirement for private hire vehicles so would be required from 3 years old in line with all other vehicles. Amending the condition would align our condition with the primary legislation. It is considered reasonable that licensed private hire vehicles should be tested to the same standard as hackney carriages (after 1 year) as in many cases private hire vehicles complete the same, if not more miles per annum.

4.0 Financial Implications

- 4.1 None

5.0 Statutory Implications

- 5.1 None

6.0 Background papers

- 6.1 Hackney Carriage & Private Hire Licensing Procedures & Conditions (Revised January 2016).
- 6.2 Independent Inquiry into Child Sexual Exploitation in Rotherham 1997 - 2013
Alexis Jay OBE

7.0 Appendixes

- 7.1 Review of Hackney Carriage & Private Hire Licensing Procedures & Conditions – Summary of Changes (August 2016)