

CHANGE IN TAXI APPLICATION PROCESS (ONLINE SERVICES) AND SAFEGUARDING AND CHILD SEXUAL EXPLOITATION TRAINING

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Executive Summary

Hackney Carriage and private hire drivers are licensed under the Local Government (Miscellaneous Provisions) Act 1976 ("The 1976 Act"). Milton Keynes Council ("MKC") adopted a Hackney Carriage and Private Hire (Taxi) Policy ("the Policy") in respect to granting these licences in 2014. This report details proposed amendments to be made to Appendix B and D of the Policy which outlines the application process. The report also proposes that a condition be imposed to require drivers to undertake Safeguarding and Child Sexual Exploitation training. Officers propose to ensure that all drivers undertake this training by the end of 2018.

1. Recommendation

1.1 That the Cabinet be recommended to approve the changes to Appendix B and D of the Policy as highlighted in the revisions shown at the **Annex** to this report.

1.2 That the following condition be added to all combined private hire and Hackney Carriage driver licences:

GB.22A "The licence holder shall attend a training session on Safeguarding and Child Sexual Exploitation as directed by the Council."

2. Issues

2.1 As part of a continuing review to provide better efficiencies in the application process the Council are working to implement an online service by the summer of 2018.

2.2 The Council also intend to procure a 3rd party to undertake Disclosure and Barring Service (DBS) checks. Presently this is done in house and takes up extra administrative resources. Using a 3rd party registered to provide an online DBS platform will enable a dedicated provider to collate the information and submit it direct to the DBS electronically. Enhanced certificates will still be required, the identity checks the DBS require are the same and the certificate will still be posted to the applicant. The service will be more convenient and cheaper to the driver than currently charged by the Council.

2.3 Additionally, officers are aware of feedback indicating the current process for applicants is not "user friendly." Officers have sought to make the application process smoother by enabling the induction and knowledge test to be taken at a later stage. In order to facilitate these changes revisions will be made to the

processes outlined in Appendix B and D of the Council Policy. These Appendices outline the process¹ that an applicant must follow to obtain a driver, operator or vehicle licence.

- 2.4 Currently applicants for a driver licence cannot apply until they have attended the induction, obtained their medical, driving test and (where necessary) code of conduct. The driving licence check and DBS request are completed upon application to ensure that they are as up to date as possible when a decision is made to ensure compliance with requirements of the 2013 and 2014 audits into the Taxi Licensing Service (“TLS”).²
- 2.5 New applicants are often granted a licence within a month of their application, but would experience delays if they needed to wait for their induction³. The revised process will give the applicant more control over how quickly they can obtain a licence.
- 2.6 The new procedure will be:
- (a) Applicant submits application (online/in person) and pays fee(s).
 - (b) Applicant directed to obtain driving test, medical, DBS, certificate of conduct (if applicable) and provide a shared driving licence code.
 - (c) Applicant to book induction and knowledge
 - (d) Council to verify complete application and determine.
- 2.7 The revised process enables the induction and knowledge test to be taken after application, but still requires it to be passed before a license is issued. The new proposals require the induction to be attended within 3 months of an application being submitted and the whole process to be completed within 6 months (reduced from 12). If an applicant cannot complete their application within 6 months the application will be withdrawn.
- 2.8 If an applicant delays the completion of the process and their DBS becomes out of date (older than 3 months) the new proposals clearly state that the Council will request an updated DBS disclosure before any decision is made to grant the licence.
- 2.9 A further revision has been made to the procedure for obtaining a statutory declaration when a foreign code of conduct (“CoC”) is not available. A CoC is required for applicants who have not resided in the UK for more than 20 years and is necessary to ensure they have not been convicted of any criminal offences in another Country. Applicants must contact the embassy or police station in the Country they resided in to obtain this. In some instances, most often in Countries where there has been some form of conflict or natural disaster, CoC’s are not available and applicants are permitted to provide a statutory declaration of having committed no offences in that country. The existing procedure to obtain a statutory declaration was created to ensure that

¹ This is considered to be an “associated work procedure” detailed in para 4.2.4 of the Policy.

² Prior to this Applicants could apply for a licence and their DBS but take the induction and knowledge within the 12 months following. This resulted in a number of applications never being completed or the DBS check being vastly out of date once it was. The procedure change was effective as acknowledged at the follow up audit in 2015.

³ The frequency of inductions is dependent on customer demand and the number of applications.

applicants took positive steps to try and obtain a CoC. The procedure has been streamlined as officers are now more experienced with the relevant requirements of overseas jurisdictions and know what can and cannot be provided from the vast majority of Countries. It is therefore no longer necessary to require applicants to take such laborious steps to satisfy us as to when they cannot obtain a CoC.

2.10 Some further amendments have been made to Appendix D to reflect the potential impact of 'Brexit' in respect to the validity of EU driving licences and right to work entitlements and minor updates to the process for Operator licences have been made and the paragraphs relating to the determination of applications.

2.11 Note on Induction and Knowledge Test

- (a) A further report to the 14 March 2018 Regulatory Committee suggests that the current induction and knowledge test is revised to be renamed as a Driver Assessment – Suitability “DAS”. If that change is approved by the Committee the reference to Induction and Knowledge test within Appendix D will be amended to refer to this but all remaining aspects of the proposals will remain unaffected.
- (b) The induction in its current form is unique to this Council and there are no statutory or Government guidelines requiring such an approach. Only two other councils are known to have an induction.⁴ The purpose of the induction is to advise applicants of their legal duties, take steps to assess their understanding of their duties and provide application advice. The proposal that the DAS is conducted via individual appointments would make administration easier in terms of online applications, checking original documents and aid applicants obtaining licences in a more “user friendly way.”

2.12 Safeguarding and Child Sexual Exploitation (CSE) Training

- (a) The necessity for taxi drivers to have an understanding of CSE and safeguarding is a requirement to protect the users of the service. Training helps drivers understand the signs of abuse and harm and gives them confidence to report any concerns to the relevant authorities. “Taxi’s” can be used by members of the public to facilitate offences that drivers would not necessarily recognise unless training has been undertaken.
- (b) The Council provided a free CSE training course in 2015 to licensed drivers, but this did not cover safeguarding. CSE and Safeguarding have been covered on the induction for new applicants since 2015⁵.
- (c) It is proposed to add the condition detailed in the recommendation at paragraph 1.2 of this report on all applications granted after the 15 March 2018. Application guidance will be amended to reflect the

⁴ Cambridge and Trafford.

⁵ Approximately 45 minutes cover this subject.

addition of the condition and new applicants will be required to pay for the training from the 1 May 2018⁶. The proposed condition will be effective on existing drivers upon renewal of their licence.

- (d) The Council will arrange a number of courses for all existing licenced drivers and those granted licences between 15 March 2018 and 1 May 2018⁷ to attend before the end of 2018. The Council intend to fully fund this course throughout 2018.
- (e) New applicants will be required to undertake the course either before the grant of the licence (revised appendix D7.6) or at the earliest available course after grant. The Council will hold a course every 6 months or sooner for new applicants. CSE and Safeguarding will continue to be given by officers as part of the application process until it is no longer necessary⁸.
- (f) The recommended condition will not be added retrospectively to existing licence holders (it will take effect on renewal). An existing driver who fails to take the course before the end of 2018 will have their licence reviewed in the wider context as to whether they are fit and proper – this could lead to suspension or revocation. Where the condition is imposed and not complied with the licence holder will be suspended.

3. Options

3.1 The Regulatory Committee may resolve to:

- (a) Approve the proposed changes to Appendix B and D of the Policy as attached to this report and recommend that they are adopted by the executive as part of a revised Policy (recommended option) – this would allow the Council to provide a more efficient and online service to applicants and;
- (b) Approve the condition outlined in the recommendation at para 1.2 to be added on to all licences granted following applications made after 15 March 2018 (recommended option) – this will ensure that all drivers licensed by Milton Keynes attend CSE and Safeguarding training.
- (c) Reject the proposed changes to Appendix B and D - this would prevent the Council introducing an improved and more efficient application process, increase delays to applications being made and prevent the reduction in administration costs to the Council.
- (d) Reject the proposed condition requiring safeguarding and CSE training – this would potentially increase risks to public safety, vulnerable people and licensed drivers.

⁶ Officers will look to consider if funding can continue to fund this or encompass it in fees next year.

⁷ This is considered fair as some drivers may have begun to undertake the application process on the reliance of current documentation.

⁸ If application volumes increase so too will the frequency and cost effectiveness of the courses. Officers are also looking at options to share courses with other Council's to provide more frequent and cost effective sessions in the local area.

4. Implications

4.1 Policy

The Taxi Licensing Policy previously contained a delegated table of functions and responsibility for Appendix D was allocated to the Regulatory Committee. Appendix D is classed as a related work procedure and not “policy”. *Under the 1976 Act applicants for a hackney carriage or private hire driver licence must satisfy the Council that they are “fit and proper”. Part 6 of the Policy sets out the Council’s requirements in this regard, namely, a criminal record check, driving licence check, driving test and medical. As some of Appendix D relates to a process where an application may be refused if not completed it is considered to form a “policy” and therefore requires Executive approval.*

4.2 Resource and Risk

N	Capital	N	Revenue	N	Accommodation
N	IT	N	Medium Term Plan	N	Asset Management

4.3 Carbon and Energy Management

None

4.4 Legal

The power to impose conditions on licences must be carried out by the Regulatory Committee. The Council can impose any condition it considers reasonably necessary.

4.5 Other Implications

N	Equalities/Diversity	N	Sustainability	N	Human Rights
N	E-Government	N	Stakeholders	N	Crime and Disorder

Background Papers: Taxi Licensing Policy

Licensing Premises, People and Vehicles – Taxi Licensing,
Internal Audit January 2013

Taxi Licensing Investigation – Internal audit 2014.