

Regulatory Committee report



3 November 2021

SAFEGUARDING AND EQUALITY TRAINING FOR TAXI AND PRIVATE HIRE LICENCE HOLDERS

Report sponsor **Peter Beer**
Interim Assistant Head of Property and Facilities

Report author **Jason Agar**
Taxi Licensing Lead
01908 253357

Exempt / confidential / not
for publication

No

Wards Affected

All Wards

Executive Summary

From 2016-2019 Milton Keynes Council provided, free of charge, independent child sexual abuse and safeguarding training to all hackney carriage and private hire licence holders. Since 2019 all new applicants have been required to complete online safeguarding training at their own expense. In 2020/21 the Department for Transport (DfT) and Local Government Association (LGA) stated that local authorities should require taxi and private hire drivers to undertake safeguarding and equality training. Given this recent advice council officers recommend that the Regulatory Committee impose a condition (and amend the code of conduct) that current licence holders complete, at their own expense, council approved safeguarding and equality training every three years (on renewal). Council officers believe that the imposition of this condition will help reduce child sexual exploitation, abuse and inequality in Milton Keynes.

1. Recommendations

1.1 That the following condition be placed on all combined driver licences:

The licence holder must complete a council approved safeguarding and equality training course, at their own expense, at the time of renewing their licence (every three years). The course will include subjects such as child

sexual abuse, exploitation, modern slavery, human trafficking, extremism, cuckooing, county lines, and the carrying of wheelchair users and assistance dogs. Previously completed accredited courses will not be accepted. Failure to attend and successfully complete the course as directed by the Council will result in suspension of licence until the course is successfully completed. Penalty points may also be imposed.

1.2 That the following condition be placed on all private hire operator licences:

The private hire operator must complete a Council approved Safeguarding and Equality training course, at their own expense, at least every three years or at renewal. The course will cover subjects including child sexual abuse, exploitation, modern slavery, human trafficking, extremism, cuckooing, county lines and the carrying of wheelchair users and assistance dogs. Previously completed accredited courses will not be accepted. Failure to attend and successfully complete the course as directed by the Council will result in suspension of licence until the course is successfully completed. Penalty points may also be imposed.

1.3 Each licence holder will have 21 days to appeal this condition to the Magistrates' Court. Once the appeal period has lapsed, should a licence holder be in breach of the condition, then the licence will be suspended under the Local Government (Miscellaneous Provisions) Act 1976 until the breach is rectified. The licence holder may also be given penalty points.

1.4 That approved safeguarding and equality training for taxi licensing be provided by the Council 'in-house' at a proposed cost of £44¹ per licence holder. The Council is permitted under current law to recover reasonable costs associated with taxi licensing which, in regard to safeguarding and equality training, includes training room(s), staffing and software costs. All new applicants and licence holders will have to pay this fee. This fee will be reviewed on an annual basis along with all taxi licensing fees and charges.

1.5 That the Head of Service, Strategic Lead, (or Director) will be permitted to make appropriate changes to the delivery of safeguarding and equality training, if required.

2. Issues

2.1 In 2016 the Council provided free Child Sexual Abuse and Exploitation (CSAE) training for all licence holders following child sexual abuse cases reported in Rochdale and Rotherham (outlined in the Jay and Casey reports on CSAE). In 2018 the Regulatory Committee approved further free Safeguarding and CSAE

¹ The proposed fee was advertised under Section 70 of the Local Government (Miscellaneous Provisions) Act 1976 on 16 September 2021. Objections to the fee will be considered by the Regulatory Committee in the Taxi Licensing Fees & Charges report on 3 November 2021.

training to all current licence holders. Since 2019 all new applicants have been required, at their own expense, to complete online safeguarding training provided by Barnardo's. However, at present there is no requirement for existing licence holders to complete further (refresher) Safeguarding/CSAE training.

- 2.2 In July 2020, the Department for Transport (DfT) published its report on Taxi and Private Hire Vehicle Standards. In regard to child sexual abuse and safeguarding the report stated:

The Strategy committed to protect children and young people from the risk of child sexual abuse and exploitation (CSAE), by working with local authorities to introduce rigorous taxi and private hire vehicle licensing regimes. Both the Jay and Casey reports on CSAE highlighted examples of taxi/private hire vehicle drivers being directly linked to children that were abused, including instances when children were picked up from schools, children's homes or from family homes and abused, or sexually exploited.

The Casey Report made clear that weak and ineffective arrangements for taxi and private hire vehicle licensing had left the children and public at risk. The Department for Transport has worked with the Home Office, Local Government Association (LGA), personal safety charities, trade unions and trade bodies holding workshops, forums, and sharing evidence and good practice with local authorities to assist in the setting of the standards (pages 6 to 7).

All licensing authorities should provide safeguarding advice and guidance to the trade and should require taxi and private hire vehicle drivers to undertake safeguarding training. This is often produced in conjunction with the police and other agencies. These programmes have been developed to help drivers and operators:

- *provide a safe and suitable service to vulnerable passengers of all ages;*
- *recognise what makes a person vulnerable; and*
- *understand how to respond, including how to report safeguarding concerns and where to get advice (page 24).*

- 2.3 The Local Government Associations (LGA) Councillor Handbook on Taxi and PHV Licensing (July 2021) stated the following on child sexual exploitation:

It is important to recognise that this is a subject that needs to be sensitively handled to avoid drivers feeling that they are being treated as potential criminals. However, the sensitivity around the subject must not mean that the issue is not discussed or that training is not provided. There are two particular points licensing authorities should be aware of: The first is that we know that many victims of exploitation are too traumatised for investigations to proceed

to court, meaning that issues do not always show up through disclosure. This makes additional soft intelligence from all other sources critical to licensing deliberations - as outlined in the 'use of soft intelligence' section above.

The second is that taxi and PHV drivers can be a valuable source of intelligence about exploitation if they know what to look for. For example, taxi drivers have played an important role in identifying children and young people being exploited as part of 'county lines' gangs which are involved in drugs trafficking. For this reason, many councils now make safeguarding awareness training a mandatory part of the licensing application process, which the LGA supports and is also a key recommendation of the DfT's statutory standards (page 21).

2.4 In regard to disability equality training, the LGA also stated:

Disability equality training can support taxi and PHV drivers to understand and meet requirements under the Equality Act. The LGA supports the call for disability equality training to be mandatory for taxi and PHV drivers; currently, less than a third of councils make this a mandatory component of a licence (page 23).

2.5 Council officers therefore recommend that safeguarding and equality training should be ongoing (every three years) and not just when a licence is granted. Officers are of the view that ongoing safeguarding and equality training will significantly strengthen the arrangements for taxi and private hire vehicle licensing. Officers believe that it is preferably that this training is done 'in person' rather than online as there will be direct interaction between the course provider (approved Council officers) and the licence holder(s) with any operational questions being addressed. It has been noted recently that a number of new applicants, whilst successfully completing the specific online safeguarding course, have then failed the general driver assessment questions on safeguarding. By bringing the training 'in-house' it removes the risk of persons other than the applicant/licence holder completing the online course. Council in-house safeguarding and equality training will include the following:

- Child Sexual Abuse.
- Exploitation.
- Modern Slavery.
- Human Trafficking.
- Extremism.
- County Lines.
- Cuckooing.

- Carrying of Assistance Dogs.
- Carrying of Wheelchair Users.

2.6 Sections 51(2) and 55(3) of the Local Government (Miscellaneous Provisions) Act 1976 allows the Council to attach conditions to licences that it may consider reasonably necessary. Council officers believe that these new conditions are reasonably necessary in order to provide strong and effective safeguarding and equality arrangements for licensed drivers and operators.

3. Options

3.1 That the Committee:

- attach a condition and amends the code of conduct requiring all combined drivers and private hire operators to complete safeguarding and equality training at the time of licence renewal (**recommended option**); or
- does not attach such condition(s) and continues to require only new applicants to complete safeguarding training (**not recommended**).

4. Implications

4.1 Policy

The Council's Hackney Carriage and Private Hire (Taxi) Licensing Procedures and Conditions document (Regulatory Committee) will need to be updated as follows:

4.1.1 Section D - Driver and Operator Licence Procedure

Assessment of Driver and Operator Suitability

D7.7 New applicants and current licence holders will be expected to undertake Council approved safeguarding and equality training to include child sexual abuse, exploitation, modern slavery, human trafficking, extremism, county lines, cuckooing and the carrying of wheelchair users and assistance dogs at the time of application and renewal. The training course will help licence holders:

- provide safe and suitable service to vulnerable passengers of all ages;
- recognise what makes a person vulnerable;
- understand how to respond, including how to report safeguarding concerns and where to get advice; and

- understand the law in regard to carrying wheelchair users and assistance dogs.

4.1.2 Section E - Conditions to be imposed on a combined driver licence

Safeguarding Duty

E22A The licence holder must complete a Council approved safeguarding and equality training course, at their own expense, at the time of renewing their licence (every three years). The course will include subjects such as child sexual abuse, exploitation, modern slavery, human trafficking, extremism, cuckooing, county lines and the carrying of wheelchair users and assistance dogs. Previously completed accredited courses will not be accepted. Failure to attend and successfully complete the course as directed by the Council will result in suspension of licence until the course is successfully completed. Penalty points may also be imposed.

4.1.3 Section J - Private Hire Operator Conditions

Safeguarding Duty

J40 Where the Operator believes that a child (person aged 17 or less) may be at risk of being sexually, physically or emotionally exploited they must report their concerns immediately to Crime Stoppers on 0800 555111 or MKC's Multi-Agency Safeguarding Hub on 01908 253169 or 01908 253170 or email MKTogether@milton-keynes.gov.uk. Should an operator holder fail to report a concern then they will be investigated and may have their licence suspended or revoked.

J41 The Private Hire Operator must complete a Council approved safeguarding and equality training course, at their own expense, at least every three years or at renewal. The course will cover subjects including child sexual abuse, exploitation, modern slavery, human trafficking, extremism, cuckooing, county lines and the carrying of wheelchair users and assistance Dogs. Previously completed accredited courses will not be accepted. Failure to attend and successfully complete the course as directed by the Council will result in suspension of licence until the course is successfully completed. Penalty points may also be imposed.

4.1.4 Code of Conduct

Safeguarding

- G33 Should a licence holder fail to report a safeguarding concern; refuse or overcharge a wheelchair user or assistance dog; they will be investigated and may have their licence suspended or revoked.
- G34 Should a private hire driver, hackney carriage driver or private hire operator fail to successfully complete a Council approved safeguarding and equality training course at licence renewal then they may no longer be considered fit and proper to hold a licence and will be suspended until such time the training course is successfully completed.
- G35 Should a private hire driver, hackney carriage driver or private hire operator refuse to attend an approved Council safeguarding and equality course at renewal they will be deemed no longer fit and proper to hold a licence and will have their licence revoked.

4.1.4 Section K - Penalty Point Warning and Education System

Drivers

D48	Failure to complete Safeguarding and Equality Course on renewal	C	6
-----	---	---	---

Operator

027	Failure to complete Safeguarding and Equality Course on renewal	C	6
-----	---	---	---

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

Sections 51(2) and 55(3) of the Local Government (Miscellaneous Provisions) Act 1976 allows the Council to attach conditions to licences that it may consider reasonably necessary. How this function is delegated is set out in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000. Schedule 1 of the regulations makes it clear that the imposition of conditions cannot be carried out by the Executive. Milton Keynes Council has therefore delegated this authority to the Regulatory Committee and its officers.

5. Other Implications

N	Equalities/Diversity	N	Sustainability	N	Human Rights
N	E-Government	Y	The stakeholders are licence holders	Y	Reduction in crime against children and vulnerable adults

List of Annexes

Annex Council Tax Policy and Procedure documents (updated for 2022)
www.milton-keynes.gov.uk/environmental-health-and-trading-standards/licensing/hackney-carriage-private-hire/taxi-licensing-policy-annual-report-public-registers

List of Background Papers:

LGA - Councillor Handbook: Taxi and Private Hire vehicle licensing 2021
<http://lgaindependent.local.gov.uk/publications/councillor-handbook-taxi-and-phv-licensing-2021>

Department for Transport - Taxi and Private Hire Vehicle Standards 2020
www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards