

ITEM

Title: Proposed Amendment to the Hackney Carriage and Private Hire Licensing Policy: Child Sexual Exploitation Awareness Training.

North Tyneside Council
Report to Regulation & Review Committee
Date: 26 October 2017

Report from Service Area: Environment, Housing and Leisure

Report Authors:

Colin MacDonald Senior Manager, Technical & Regulatory Services	Tel: (0191) 643 6620
Joanne Lee Public Protection Manager	Tel: (0191) 643 6901

Wards affected: All

PART 1

1.0 Purpose

The purpose of the report is to advise the Committee of the outcome of the consultation exercise undertaken by Officers at the request of the Committee in relation to proposed changes to the Authority's Hackney Carriage and Private Hire Licensing Policy in relation to Child Sexual Exploitation (CSE) Awareness training and to invite the Committee to determine if changes should be made to the Policy.

The consultation requested views on whether or not new applicants for a hackney carriage/private hire driver's licence should undertake CSE Awareness training prior to being issued a licence and if existing drivers should undergo additional or refresher CSE Awareness training.

1.1 Recommendations

Committee is recommended to:

1. Require new applicants for a hackney carriage/private hire driver's licence to undertake Child Sexual Exploitation Awareness training prior to being issued with a licence and for the Hackney Carriage and Private Hire Licensing Policy to be amended accordingly; and
2. Note that all existing hackney carriage/private drivers will be provided with updating material relating to Child Sexual Exploitation Awareness by the Authority when considered appropriate to do so, so that all drivers are provided with relevant refresher material in a timely fashion

1.2 Background Information

1.2.1 Child Sexual Exploitation (CSE) Awareness Training

The current Hackney Carriage and Private Hire Licensing Policy came into force on 4th April 2017 and requires all newly licensed drivers to undertake Child Sexual Exploitation (CSE) Awareness training within three months of their licence being issued.

Chapter 3, Paragraph 34 of the Policy states: It is a requirement that all new licensed drivers undertake child sexual exploitation awareness training within 3 months of a new licence being granted. If training is not undertaken within 3 months the driver will be referred to Regulation and Review Committee.

The effect of this policy is that new applicants are issued with a hackney carriage/private hire driver's licence before completing the CSE awareness training.

The current Policy does not contain any provision for existing drivers to undergo additional or refresher training.

1.2.2 Proposal for New Applicants to Undertake CSE Training Before Issue of Driver's Licence and Existing Drivers to Undergo Refresher Training

At its meeting on 13th July 2017 Committee approved the introduction of online CSE Awareness training in place of face to face training which required drivers to make an appointment to attend at the Authority's offices to undertake the training.

It was explained to Committee that appropriate safeguards are in place to ensure that the drivers undertaking the on line training complete the training and explained that information given to them in the training would form the basis of some of the questions included in the "knowledge test".

Committee also considered a proposal to require new applicants for a driver's licence to undertake the CSE Awareness training before being issued with a licence rather than having 3 months after issue to undertake such training, and whether existing drivers should be required to undergo refresher training at appropriate intervals.

As the proposed changes would constitute a change to the existing Hackney Carriage and Private Hire Licensing Policy, Committee considered that it would be appropriate to undertake public consultation on these proposed changes to the Policy and requested officers to arrange for such consultation to take place and for officers to report back to Committee at the conclusion of the consultation exercise.

1.2.3 Consultation Exercise

The consultation exercise took place between 7th August 2017 and 15th September 2017. Those consulted included the hackney carriage and private hire trade, the police and the Authority's Safeguarding Service. The consultation questionnaire was also available on the Authority's website during this period.

The specific questions relating to CSE Awareness Training contained in the consultation were as follows:

- (1) To what extent do you agree or disagree that new licence applicants should undertake child sexual exploitation awareness training before they are issued with a licence?

- (2) To what extent do you agree or disagree that new hackney carriage and private hire drivers should be required to complete a sexual exploitation awareness package every three years and existing drivers at their next DBS check?

1.2.4 Summary of Responses

In total 61 responses were received. Fifty nine responses were received electronically and a summary of these is attached at **Appendix 1**. Two written responses were also received, from A to Z Licensing and the Authority's Local Children's Safeguarding Board, and these are attached at **Appendices 2 and 3**.

Question 1: Fifty nine respondents strongly agreed or tended to agree that new applicants for a licence should undertake the CSE Awareness training before being issued with a licence.

Two respondents strongly disagreed with this proposal.

There is therefore evidence that the proposal for new drivers to undertake CSE Awareness Training before being issued with a Licence is strongly supported by the licensed trade and the Local Safeguarding Children Board.

Question 2: Fifty nine respondents strongly disagreed or tended to disagree that existing drivers should undertake refresher training in relation to CSE Awareness.

One respondent strongly agreed with this proposal.

The Authority's Local Children's Safeguarding Board agreed that undertaking a refresher package would be good practice but stated as an alternative, information could be circulated to drivers if there had been changes, for example on an annual basis.

Unlike the responses to the first question, the licensed trade is not supportive of any proposal for the Hackney Carriage and Private Hire Licensing Policy to include a requirement for existing drivers to have to undertake CSE Awareness refresher training refresher training at appropriate intervals.

- 1.2.5** Having now undertaken consultation on these proposals Committee is requested to consider the consultation responses received and decide whether or not to amend paragraph 34 of the Hackney Carriage and Private Hire Licensing Policy.

1.3 Decision Options

1.3.1 (1) Proposal for New Applicants to Undertake CSE Training Before Issue of Driver's Licence

1.3.2 Option 1

Require new applicants for a hackney carriage/private hire driver's licence to undertake CSE Awareness training prior to being issued a licence and amend the Policy and relevant conditions of licence accordingly.

This is the recommended option as approximately 97% of respondents confirmed this position. If the Policy includes a requirement for each new applicant for a driver's licence to have completed the CSE Awareness Training, officers will refuse to issue a licence to

the applicant until such time as the training has been completed.

The need for all drivers to have an awareness of CSE and how to identify those who may be at risk of such harm is central to the Authority's desire to ensure as far as possible that those travelling in the Borough do so safely.

Option 2

Take no action. This would leave the current policy in place whereby new applicants are issued with a hackney carriage/private hire driver's licence before completing the training although they would have to have undertaken CSE Awareness Training within 3 months of their licence having been issued.

Option 3

Request that officers undertake further work on this issue.

1.3.3 (2) Proposal for Existing Drivers to Undergo Refresher Training

Option 1.

Do not require existing hackney carriage/private hire driver's to complete child sexual exploitation awareness refresher training every three years and existing drivers at their next DBS check, and for such a requirement not to be included in the Hackney Carriage and Private Hire Licensing Policy.

This is the recommended option given that approximately 97% of respondents were against such a proposal.

However, to ensure that drivers are up to date with CSE awareness issues, it is proposed that officers will provide all drivers with CSE Awareness refresher material as and when considered appropriate. If for example there is an issue that is brought to the attention of officers by the Police or the Authority's Safeguarding Team or there are any other issues that the Safeguarding Team considers should be passed onto the drivers, this will be included in the materials sent to drivers.

Such a proposal would ensure that CSE Awareness remains a priority for the Authority and that all drivers are made aware in a timely fashion of any new or ongoing issues that relate to CSE

Option 2

Require existing hackney carriage/private hire driver's to complete a sexual exploitation awareness package every three years and existing drivers at their next DBS check

This is not the recommended option. As stated above 97% of respondents were against this proposal. This would be an onerous obligation for drivers which the Authority would be required to administer. The proposal to pass on updates or information to Operators and drivers can be done in a timely manner.

Option 3

Request that officers undertake further work on this issue.

1.3.2 A copy of the current Hackney Carriage and Private Hire Licensing Policy is attached at **Appendix 4**.

1.4 Appendices:

- 1.4.1 Appendix 1** - Summary of Consultation on CSE Awareness Training
- Appendix 2** - Written response from David Wilson, A to Z Licensing
- Appendix 3** - Written response from Sue Burns, LSCB Business Manager, NTC
- Appendix 4** - Hackney Carriage and Private Hire Licensing Policy

1.5 Contact Officers:

- 1.5.1** Colin MacDonald, Senior Manager, Technical & Regulatory Services, Tel: 0191 643 6620
- Joanne Lee, Public Protection Manager, Tel: 0191 643 6901
- Alan Burnett, Principal Trading Standards & Licensing Officer, Tel: 0191 643 6621

1.6 Background Information:

1.6.1 The following background papers have been used in the compilation of this report and are available for inspection at the offices of the author of the report.

1. Local Government (Miscellaneous Provisions) Act 1976
2. North Tyneside Council Hackney Carriage and Private Hire Licensing Policy

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and Other Resources:

There are no financial implications for the Authority arising directly from this report.

2.2 Legal

2.2.1 Legislative Framework

The Local Government (Miscellaneous Provisions) Act 1976 makes provision for the licensing authority to issue licences for hackney carriage and private hire drivers, vehicles, and operators.

Local authority Hackney Carriage and Private Hire licensing activity is governed by legislation and best practice guidance, including the Town Police Clauses Acts of 1847, the Local Government (Miscellaneous Provisions) Act of 1976 and the Transports Acts of 1980 and 1985.

In line with case law and in an effort to ensure consistency in decision making when discharging its licensing functions, the Authority has developed its Hackney Carriage and Private Hire Licensing Policy. The Policy is reviewed on a regular basis and changes made to it when considered appropriate. Given recent events, both nationally and locally, concerning Child Sexual Exploitation, the Authority considered it appropriate to amend its Licensing Policy to include training on CSE Awareness as a requirement for all drivers

licensed by the Authority.

2.3 Consultation/Community Engagement:

Consultation has taken place regarding Child Sexual Exploitation Awareness Training.

2.4 Human Rights:

The economic interests connected to the use of a licence may be considered to be a possession belonging to existing licensees and as such are afforded protection under Article 1 of Protocol 1 of the European Convention on Human Rights.

2.5 Equalities and Diversity:

There are no equality and diversity implications arising from this report. The North Tyneside Council Hackney Carriage and Licensing Policy has been the subject of an Equality Impact Assessment.

2.6 Risk Management:

There are no significant risk management implications to the Authority arising directly from this report.

2.7 Crime and Disorder:

It is not considered that there are any crime and disorder implications arising directly from this report.

2.8 Environment and Sustainability:

It is not considered that there are any environment and sustainability implications arising directly from this report.