

# Public Document Pack

## NOTICE OF MEETING

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## LICENSING PANEL

will meet on

**TUESDAY, 10TH APRIL, 2018**

**At 6.00 pm**

in the

**COUNCIL CHAMBER - TOWN HALL, MAIDENHEAD,**

TO: MEMBERS OF THE LICENSING PANEL

COUNCILLORS CARWYN COX (CHAIRMAN), DAVID BURBAGE (VICE-CHAIRMAN), MALCOLM ALEXANDER, HASHIM BHATTI, PHILLIP BICKNELL, JOHN BOWDEN, GEOFF HILL, DAVID HILTON, MAUREEN HUNT, SAYONARA LUXTON, ASGHAR MAJEED, WESLEY RICHARDS, DEREK SHARP, JULIAN SHARPE AND DEREK WILSON

### SUBSTITUTE MEMBERS

COUNCILLORS NATASHA AIREY, CHRISTINE BATESON, DR LILLY EVANS, RICHARD KELLAWAY, JOHN LENTON, MARION MILLS, GARY MUIR, NICOLA PRYER, SAMANTHA RAYNER, HARI SHARMA, SHAMSUL SHELIM, JOHN STORY, LYNDA YONG, WISDOM DA COSTA AND CHARLES HOLLINGSWORTH

Karen Shepherd – Service Lead – Democratic Services – Issued: Thursday 29 March 2018

Members of the Press and Public are welcome to attend Part I of this meeting. The agenda is available on the Council's web site at [www.rbwm.gov.uk](http://www.rbwm.gov.uk) or contact the Panel Administrator **Shilpa Manek on 01628 796310**

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## AGENDA

### PART I

| <u>ITEM</u> | <u>SUBJECT</u>  | <u>PAGE<br/>NO</u> |
|-------------|---|--------------------|
| 1.          | <u>APOLOGIES FOR ABSENCE</u><br><br>To receive any apologies for absence.   |                    |
| 2.          | <u>DECLARATIONS OF INTEREST</u><br><br>To receive any declarations of interest.   | 5 - 6              |
| 3.          | <u>MINUTES</u><br><br>To confirm the Part I Minutes of the meeting held on 27 February 2018.  | 7 - 12             |
| 4.          | <u>SAFEGUARDING TRAINING FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS AND OPERATORS</u><br><br>To consider the above report.   | 13 - 24            |
| 5.          | <u>DATES OF FUTURE MEETINGS</u><br><br>Dates of future meetings are still to be confirmed.  |                    |
| 6.          | <u>LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF PUBLIC</u><br><br>To consider passing the following resolution:-<br>"That under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the remainder of the meeting whilst discussion takes place on item 7 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 1-7 of part I of Schedule 12A of the Act" |                    |

**PART II - PRIVATE MEETING**

| <u>ITEM</u> | <u>SUBJECT</u>  | <u>PAGE<br/>NO</u> |
|-------------|---|--------------------|
| 7.          | <u>SAFEGUARDING TRAINING FOR HACKNEY CARRIAGE AND<br/>PRIVATE HIRE DRIVERS AND OPERATORS - APPENDIX B</u><br><br>To Consider the above report.<br><br><b><i>(Not for publication by virtue of Paragraph 3 of Part 1 of Schedule<br/>12A of the Local Government Act 1972)</i></b> | 25 - 26            |



## MEMBERS' GUIDE TO DECLARING INTERESTS IN MEETINGS

### Disclosure at Meetings

If a Member has not disclosed an interest in their Register of Interests, they **must make** the declaration of interest at the beginning of the meeting, or as soon as they are aware that they have a DPI or Prejudicial Interest. If a Member has already disclosed the interest in their Register of Interests they are still required to disclose this in the meeting if it relates to the matter being discussed.

A member with a DPI or Prejudicial Interest **may make representations at the start of the item but must not take part in the discussion or vote at a meeting.** The speaking time allocated for Members to make representations is at the discretion of the Chairman of the meeting. In order to avoid any accusations of taking part in the discussion or vote, after speaking, Members should move away from the panel table to a public area or, if they wish, leave the room. If the interest declared has not been entered on to a Members' Register of Interests, they must notify the Monitoring Officer in writing within the next 28 days following the meeting.

### Disclosable Pecuniary Interests (DPIs) (relating to the Member or their partner) include:

- Any employment, office, trade, profession or vocation carried on for profit or gain.
- Any payment or provision of any other financial benefit made in respect of any expenses occurred in carrying out member duties or election expenses.
- Any contract under which goods and services are to be provided/works to be executed which has not been fully discharged.
- Any beneficial interest in land within the area of the relevant authority.
- Any licence to occupy land in the area of the relevant authority for a month or longer.
- Any tenancy where the landlord is the relevant authority, and the tenant is a body in which the relevant person has a beneficial interest.
- Any beneficial interest in securities of a body where:
  - a) that body has a piece of business or land in the area of the relevant authority, and
  - b) either (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body **or** (ii) the total nominal value of the shares of any one class belonging to the relevant person exceeds one hundredth of the total issued share capital of that class.

Any Member who is unsure if their interest falls within any of the above legal definitions should seek advice from the Monitoring Officer in advance of the meeting.

A Member with a DPI should state in the meeting: ***'I declare a Disclosable Pecuniary Interest in item x because xxx. As soon as we come to that item, I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

*Or, if making representations on the item: 'I declare a Disclosable Pecuniary Interest in item x because xxx. As soon as we come to that item, I will make representations, then I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'*

### Prejudicial Interests

Any interest which a reasonable, fair minded and informed member of the public would reasonably believe is so significant that it harms or impairs the Member's ability to judge the public interest in the item, i.e. a Member's decision making is influenced by their interest so that they are not able to impartially consider relevant issues.

A Member with a Prejudicial interest should state in the meeting: ***'I declare a Prejudicial Interest in item x because xxx. As soon as we come to that item, I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

*Or, if making representations in the item: 'I declare a Prejudicial Interest in item x because xxx. As soon as we come to that item, I will make representations, then I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'*

### Personal interests

Any other connection or association which a member of the public may reasonably think may influence a Member when making a decision on council matters.

Members with a Personal Interest should state at the meeting: ***'I wish to declare a Personal Interest in item x because xxx'. As this is a Personal Interest only, I will take part in the discussion and vote on the matter.***

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# Agenda Item 3

## LICENSING PANEL

TUESDAY, 27 FEBRUARY 2018

PRESENT: Councillors Carwyn Cox (Chairman), David Hilton, Maureen Hunt, Sayonara Luxton, Asghar Majeed, Marion Mills, Derek Sharp and Derek Wilson

Officers: Sarah Conquest, Steve Johnson, Shilpa Manek, Greg Nelson and David Scott

### APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Alexander, Bhatti, Bicknell, Bowden and Muir. Councillor Mills was substituting.

### DECLARATIONS OF INTEREST

No declarations of interest were received.

### MINUTES

The minutes for the meeting on 4 April 2017 were Unanimously Agreed by the Panel.

Councillor Hilton asked if the one year penalty point system trial had completed. Greg Nelson explained that so far 29 sets of penalty points had been issued, two were under appeal. There would be an update at the next meeting in April 2018. Councillor Hilton commented that one year may not be enough to see the difference.

The Chairman informed the Panel that a report would be presented at the next meeting where the Panel could take a decision to extend or not.

**ACTION: Greg Nelson to present report on the penalty points at the next meeting.**

### CHILD SEXUAL EXPLOITATION (CSE) TRAINING FOR TAXI AND PRIVATE HIRE DRIVERS AND OPERATORS

Greg Nelson, Trading Standards & Licensing Lead, informed the Panel about the CSE training for taxi and private hire drivers and operators. The training was mandatory and was being introduced by local authorities neighbouring RBWM and around the country.

The training would be a wider safeguarding training on the meaning of CSE, how to spot potential victims, how to report it, and how to deal with other types of exploitation of vulnerable people. Those who had completed the training would be able to keep safe those who were less able to look after themselves.

The safeguarding training was relevant to areas such as RBWM even though there had been no evidence or suggestion whatsoever that RBWM licenced drivers or operators had been or were involved in any types of terrible abuse that went on in Rotherham and other areas.

This was because the training would raise awareness within the hackney and private hire trades of the vital lessons learnt from the Rotherham and Oxford inquiries, train drivers and operators how to identify and report issues of concern that they come across in the course of their work, which will be a huge help to those responsible for safeguarding young and vulnerable people and ensure that the drivers, as individuals, avoid behaviour that might, even inadvertently, lead to inappropriate relationships with children or other vulnerable people.

It is believed that RBWM should now introduce a programme of mandatory safeguarding training for our hackney and private hire drivers and operators. This would provide consistency of approach amongst local authorities, reduce the likelihood that RBWM was seen as an easier local authority at which to get a licence, ensure that our drivers had high operational standards, and, most importantly, provide the highest possible levels of protection for children and other vulnerable people.

The introduction of mandatory safeguarding training for existing RBWM licenced drivers and new applicants would require a change to the RBWM Hackney Carriage & Private Hire Driver & Vehicle Policies and Conditions and so would need to be approved and agreed by the Licensing Panel. It would also need to go out to consultation to hackney and private hire drivers and operators.

We see safeguarding training for our taxi and PHV drivers and operators as a really positive initiative.

Greg Nelson asked five question to the Panel:

**Q1 – Does the Licensing Panel support the introduction of compulsory safeguarding training for existing RBWM licenced taxi and PHV drivers and operators, and for new licence applicants?**

Work had been carried out with colleagues from other Berkshire local authorities to try and identify the most effective way of providing safeguarding training. A joint approach was envisaged but this had not proved possible. One stumbling block in RBWM was the sheer number of licenced drivers and operators that we would have to provide the training for (approximately 1700 people). Training could be provided in a number of different ways, for example

small classes for up to 20 people, presentations for 50 to 75 people or an on-line training module for individuals.

- **The Panel was Unanimously in support the introduction of compulsory safeguarding training for existing RBWM licenced taxi and PHV drivers and operators, and for new licence applicants.**

**Q2 – Does the Licensing Panel agree that the options for training, along with the associated benefits and drawbacks of each option, should be brought to a future Licensing Panel so a decision can be made on which one to adopt?**

Another issue to consider is whether there should be a test at the end of the training.

Oxfordshire's licensing authorities include a test element in their safeguarding training.

Reading Borough Council's safeguarding training involves presentations to around 50 drivers per session without a test at the end. Similarly Slough Borough Council's training does not include a test.

Bracknell Forest Borough Council is including a test in their safeguarding training. They take the view that a test helps to focus the mind of attendees and is the only way to ensure that each individual has understood, and be in a position to implement the training and advice provided.

Whilst including a test will make the implementation of safeguarding training even more of a challenge in RBWM, because of the number of drivers and operators involved, RBWM officers recommend that a test is included in the training provided.



Indeed, we would argue that it is because RBWM has such a large number of licenced drivers and operators that a test is essential because this would ensure that the highest standards of public safety are being applied to the highest number of drivers. We also do not want to be seen as a soft touch authority at which to get a licence.

- **The Panel Unanimously Agreed that the options for training, along with the associated benefits and drawbacks of each option, should be brought to a future Licensing Panel so a decision can be made on which one to adopt.**

**ACTION: A report to be brought to the next Panel in April 2018.**

**Q3 – Does the Licensing Panel support the inclusion of a test element in compulsory safeguarding training?**

However the training is presented, there will be a cost to cover the trainer's fees, room hire, paperwork and training materials, administration and so on. There was no money to cover this in existing budgets.

It was not known at this time what these costs would be but Bracknell Forest were looking to charge a cost-recovery-only fee of £20 per person. RBWM officers would recommend that we would take a similar approach.

- **The Panel Unanimously Supported the inclusion of a test element in compulsory safeguarding training.**

**Q4 – Does the Licensing Panel agree that a charge should be made for compulsory safeguarding training, on a cost-recovery-only basis?**

There were other vehicles involved in transporting children and young persons, for example home-to-school and other similar transport activities.

- **The Panel Unanimously Agreed to debate this at the next meeting when the report was being discussed.**

**Q5 – Should all transport providers who carry children and young persons be included in compulsory safeguarding training?**

As and when a training system is introduced we will look to see whether other safeguarding issues can be included, such as disability awareness, the carrying of use of wheelchair users and the carrying of assistance dogs.

- **The Panel Unanimously Agreed that we should look at the licensing industry and include an advisory for other departments and providers of services.**

**EQUALITY ACT 2010 - TAXIS AND PRIVATE HIRE VEHICLES**

Greg Nelson, Trading Standards & Licensing Lead, informed the Panel about the Equality Act 2010, Taxis and Private Hire Vehicles.

In April 2017, sections 165-167 of the Equality Act 2010 came fully into force. They would deal with the duties on the drivers of wheelchair accessible hackney carriages and PHVs to assist passengers who used wheelchairs.

Section 165 placed duties on drivers of designated wheelchair accessible hackney carriages taxis and PHVs.

“Designated” vehicles were those listed by the licensing authority under section 167 (see ‘Lists of wheelchair accessible vehicles’, below) and they would have the following duties;

- to carry the passenger whilst in the wheelchair;
- not to make any additional charge for doing so;
- if the passenger chose to sit in a passenger seat, to carry the wheelchair;
- to take such steps as are necessary to ensure that the passenger was carried in safety and reasonable comfort; and
- to give the passenger such mobility assistance as was reasonably required.

Section 166 allows licensing authorities to exempt drivers from the duties to assist passengers in wheelchairs if they were satisfied that it is appropriate to do so on medical grounds or because the driver’s physical condition made it impossible or unreasonably difficult for him or her to comply with the duties.

Section 167 allows licensing authorities to maintain a list of “designated vehicles”, that was, a list of wheelchair accessible hackneys and PHVs licenced in their area. The consequence of being on this list was that the driver must undertake the duties in section 165.

Once the list of designated drivers had been finalised it would be published on-line.

The introduction of the list of designated vehicles under s167 would require a change to the RBWM Hackney Carriage and Private Hire Driver & Vehicle Policies and Conditions.

As such it would need to be approved and agreed by the Licensing Panel. It would also need to go out to consultation to hackney and private hire drivers and operators.

Statutory guidance on sections 165-167 of the Equality Act 2010 had been published by the Department of Transport and would be followed in introducing a list of designated vehicles in RBWM.

It was intended to bring this matter to a future Licensing Panel for full discussion and approval so this was for information only at this time, but I would welcome any initial thoughts or questions.

The Panel discussed the Equality Act 2010 and the main point of concern was how a passenger would be alerted to whether a driver was exempt or not.

The Panel would discuss this issue at a future meeting.

## OTHER CURRENT LICENSING ISSUES

Greg Nelson, Trading Standards & Licensing Lead, informed the Panel about one other issue, the Taxi ranks in Ascot High Street. We had been asked by representatives of the RBWM licenced hackney carriage drivers to try and provide official taxi ranks in Ascot High Street so they had a place to rank whilst servicing the various pubs and clubs at night.

I had met with colleagues from Parking in Ascot High Street and identified around 15 parking spaces which were currently designated as short stay parking bays, but which could be

amended to be dual purpose bays, that is, short stay during the day and early evening, and taxi ranks between, for example, 22.00 to 05.00

A proposal for this change was now being drawn up. It would be subject to consultation with ward members, the trade and other interested parties

Greg Nelson would keep the Panel informed of developments.

Councillor Derek Wilson asked if it was in the remit of the Licensing Panel to look into trading standards issues such as selling on the streets to minors. David Scott informed the Panel at the constitution was currently being reviewed and the terms of reference for this Panel could be reviewed. The Chairman agreed that this was a great opportunity to look at the terms of reference as the constitution was not very clear.

**ACTION: David Scott to look into reviewing the terms of reference of the Licencing Panel**

Councillor Luxton asked about the Pedler's license, this was issued by the police in England and Wales to street sellers and with this they could sell on the streets.

Councillor Majeed asked about if the council was looking into acid attacks and was informed that there was no national legislation at present and the governments was currently looking at this.

DATES OF FUTURE MEETINGS

Members noted the next meeting of the Licensing Panel would be Tuesday 10 April 2018.

The meeting, which began at 6.00 pm, finished at 7.30 pm

CHAIRMAN.....

DATE.....

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|  |   |
|--|---|
| Report Title:                                | Safeguarding Training for Hackney Carriage and Private Hire Drivers and Operators   |
| Contains Confidential or Exempt Information? | No except Appendix B - Part II 'Not for publication by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.' |
| Member reporting:                            | Councillor Cox, Licensing Panel Chair   |
| Meeting and Date:                            | Licensing Panel 10 April 2018   |
| Responsible Officer(s):                      | Andy Jeffs - Executive Director<br>Communities Directorate<br><br>David Scott, Head of Communities, Enforcement and Partnerships          |
| Wards affected:                              | All   |

## REPORT SUMMARY

1. The Licensing Panel meeting of 27 February 2018 agreed in principle to support the introduction of mandatory safeguarding training for existing RBWM licenced hackney carriage and private hire drivers and operators, and for new licence applicants.
2. This report sets out some options for this training and the associated costs for the Licensing Panel members to consider.
3. This report also considers whether this is the right time to consult with the trade on the introduction of mandatory safeguarding training

## 1. DETAILS OF RECOMMENDATIONS

**RECOMMENDATION:** That the Licensing Panel notes the report and:

- i) Members consider the options for safeguarding training included in this report and decide which, if any, should be chosen as the preferred supplier of mandatory safeguarding training.**
- ii) Members decide on what, if any cost should be charged for this training.**
- iii) Members give authority to the Head of Communities, Enforcement & Partnerships to consult with the trade about amending the RBWM Hackney Carriage Driver and Vehicle Policy and Conditions, the RBWM Private Hire Driver and Vehicle Policy and Conditions and the RBWM Private Hire Operator Policy & Conditions to incorporate mandatory safeguarding training for existing and new hackney carriage and private hire drivers and operators. The implementation of the amendments will be brought to a future Licensing Panel meeting**

## 2. REASONS FOR RECOMMENDATIONS AND OPTIONS CONSIDERED

2.1 The primary purpose of licensing hackney carriage and private hire drivers and operators is the protection, safety and wellbeing of the public.

2.2 This was the background to the proposal to introduce mandatory safeguarding training for existing RBWM licenced hackney carriage and private hire drivers and operators, and for new licence applicants, as set out in a briefing note discussed and agreed in principle at the Licensing Panel meeting on 27 February 2018. This briefing note is attached as Appendix A

2.3 Contact has been made with colleagues in licensing authorities in Berkshire and the Thames Valley where safeguarding training has been carried out to see how they provided the training. This provided details of two training providers that could meet the needs of RBWM drivers, operators and new applicants.

2.4 The two training providers are a business called Personnel Checks, and Slough Borough Council. Both of these providers state that by the end of their training, drivers and operators will;

- understand the need to protect vulnerable adults, young people and children
- be able to identify possible victims of abuse and exploitation by understanding indicators of risk
- be able to effectively report concerns and identify sources of advice
- recognise their roles and responsibilities in relation to personal safety and security

2.5 Taking each of these training providers in turn;

2.5.1 Personnel Checks; this business provides a fully accredited training campaign called Trust2Ride to train existing drivers and operators. They would be trained in a class room environment with up to 40 attendees per pre-arranged session. They would be given a choice of dates so they can choose one that is most convenient to them.

2.5.2 Two training sessions could be run simultaneously by two trainers which would reduce the time it would take to train all of our existing drivers and operators.

2.5.3 New applicants would be held until there are sufficient numbers to put on a training course, and the course would then then be provided.

2.5.4 The costs of these training sessions is set out in Appendix B

2.5.5 Drivers and operators would order and pay for their training online through a dedicated Personnel Checks web page or over the telephone through a dedicated Personnel Checks phone line. All of the administration would be carried out by Personnel Checks. All that RBWM Licensing would have to do is provide the venue for the training.

- 2.5.6 The training would be carried out by former police officers or licensing officers. The training would be tailored to our needs but could include modules on CSE, human trafficking and disability awareness.
- 2.5.7 The training would include a test element to ensure that the attendee has understood the information and training provided.
- 2.5.8 If an attendee's English is such that they might not understand what is being said they will be assisted with understanding it and the questions in the test. This is because the purpose of the test will be to assess their understanding of safeguarding issues, not their English language skills.
- 2.5.9 Attendees will receive a full training manual, certificate and window sticker
- 2.5.10 Personnel Checks would be able to start their training programme within approximately four to six weeks of being appointed.
- 2.5.11 Personnel Checks has been used by several local licensing authorities. The more that use this company the greater the opportunity it would be for drivers and operators to have a wider choice of training sessions to attend.
- 2.5.12 Slough Borough Council provide a training package presented by Slough BC licensing and safeguarding officers. As well as the class room type of training, attendees would receive a certificate, training manual, leaflet and window sticker
- 2.5.13 There is no test element included in this training. Instead a questionnaire is completed by attendees asking how effective they thought the training was.
- 2.5.14 The cost of this training is set out in Appendix B
- 2.5.15 Slough BC would be able to start their training programme within approximately eight weeks of being appointed.
- 2.6 It is not possible to say at this time how long it would take to train all existing drivers and operators should one of these training providers be appointed. This will be subject to detailed planning and can be reported to a future Licensing Panel but the aim would be to complete the training of existing drivers and operators within 12 months of the training starting.
- 2.7 Drivers and operators would also require refresher training at appropriate intervals, three years would seem to be an appropriate length of time. This refresher training could be done by whichever training provider is appointed, or further work could be carried out to see if a more accessible and cheaper training method is available, such as an on-line module.
- 2.8 A meeting has been held with colleagues from Achieving for Children (AfC) to discuss their approach to safeguarding training for a wide range of RBWM and partner organisation staff.

- 2.9 They require drivers and passenger assistants involved with home to school transport (who are not necessarily part of the hackney carriage and private hire drivers and operators cohort) to attend compulsory safeguarding training which comprises two elements, the role of the driver/passenger assistant and safeguarding/CSE. Regular training sessions are held for groups of up to 15 at a time and staff are required to attend every two years.
- 2.10 It may be possible for AfC to provide the mandatory safeguarding training for RBWM licenced hackney carriage and private hire drivers and operators but this would require further discussions and no further details are available at this time.
- 2.11 If AfC are able to provide the training that is needed it is likely to be cheaper for the drivers and operators but have a greater demand on RBWM Licensing staff in terms of organisation and administration.
- 2.12 At a TVP Child Sexual Exploitation & Hidden Harm Awareness Conference on 21 March 2018 contact was made with the National Working Group Network for Sexually Exploited Children and Young People (NWG Network). This is a charitable organisation which provides training to practitioners in a wide range of statutory and voluntary services, such as local authorities.
- 2.13 The training that NWG Network provides to practitioners is more expensive than the other training providers set out above but they do offer bespoke training packages so this is something that could be explored, but no further details are available at this time.
- 2.14 The Licensing Panel is asked to consider which, if any of these training providers should be considered as the preferred supplier of safeguarding training for RBWM purposes, or whether more work needs to be done before a final decision is made.
- 2.15 Whichever supplier is chosen, either by this Panel or at a later meeting, there is likely to be a contracts and procurement process to go through first. The options available for this Panel are set out in Table 1.



**Table 1**

| Option   | Comments   |
|--|--|
| <p>1. Personnel Checks is chosen as the preferred supplier of safeguarding training</p> <p><b>This is the recommended option</b></p> | <p>This is a high quality “off the shelf” product which will require the minimum of input from RBWM Licensing staff. This will allow the service to carry on being provided with the least demands on officer time.</p> <p>All administration would be carried out by Personnel Checks, including appointments, payments and the issuing of certificates</p> <p>This training includes a test element, invigilated by Personnel Checks.</p> <p>Officers would strongly prefer a test to be included as part of the training as it would ensure, as far as is reasonably possible, that attendees have understood the issues discussed and their importance in safeguarding children and other vulnerable persons</p> |
| <p>2. Slough Borough Council is chosen as the preferred supplier of safeguarding training</p>  | <p>This is also a high quality “off the shelf” product provided by experienced officers who deal with licensing and safeguarding on a daily basis.</p> <p>This is estimated to be a cheaper option than Personnel Checks in terms of direct costs but there would be a demand on RBWM Licensing staff to administrate the training programme, which could be very time-consuming.</p> <p>It does not include a test element but attendees are required to complete a questionnaire at the end of the training.</p> <p>Questionnaire results from training provided to attendees in Slough indicate very high levels of understanding of and satisfaction with the training provided.</p>                             |

| Option   | Comments   |
|--|--|
| 3. Further discussions are held with Achieving for Children to see if they are able to provide the safeguarding training, and if so to examine costs and logistics which can be reported to a future Licensing Panel meeting | <p>This will delay the introduction of safeguarding training.</p> <p>If AfC are able to provide the training that we need it is likely to be cheaper for the drivers and operators but have a greater demand on RBWM Licensing staff in terms of organisation and administration.</p>  |
| 4. Further discussions are held with NWG Network to see if they are able to provide the safeguarding training, and if so to examine costs and logistics which can be reported to a future Licensing Panel meeting            | <p>This will delay the introduction of safeguarding training.</p>  |
| 5. Other options for training provision are explored and reported to a future Licensing Panel meeting  | <p>This will delay the introduction of safeguarding training.</p> <p>It would however allow RBWM officers time to;</p> <ul style="list-style-type: none"> <li>- Attend training sessions put on by some or all of the training providers set out above to judge for themselves the effectiveness of the training provided, and</li> <li>- find out if there are other training options available.</li> </ul> |

2.11 Whichever training provider is appointed, the Licensing Panel will need to consider whether attendees to the training should pay or whether the costs should be borne by RBWM. Slough BC do not charge their drivers for their training, some other LAs do.

2.12 Charging attendees will reflect the importance of the subject matter covered by the training, the expertise of the training providers and the training materials provided, all of which will add considerable value to the licences held by the drivers and operators.

Options for paying for the training as set out in Table 2.

**Table 2**

| <b>Option</b>   | <b>Comments</b>   |
|---|---|
| <p>1. Attendees pay for their safeguarding training in full.</p> <p><b>This is the preferred option</b></p> | <p>The cost per attendee is relatively small for a high quality training session on a subject of very high importance and relevance</p> <p>It is a considerable time since the fees for driver and operator badges and licenses were increased</p> <p>The tariff charged by hackney carriage drivers was increased by 15% in 2016</p>   |
| <p>2. The training costs are subsidised in part by RBWM Licensing or otherwise by RBWM</p>                  | <p>There is no budget for this training in the current RBWM Licensing budget so any costs to this service will mean a reduction in spending elsewhere.</p>  |
| <p>3. The training costs are paid in full by RBWM Licensing or otherwise by RBWM</p>                        | <p>There is no budget for this training in the current RBWM Licensing budget.</p> <p>Unless full funding is added to the RBWM Licensing budget this will have a significant detrimental effect on the provision of the service</p> <p>Depending on which training provider is appointed there may be further costs to the service in administrating the training, further draining the service's current resources.</p> |
| <p>4. Other options for covering the cost of the training are explored, such as grants or sponsorship</p>   | <p>This will delay the introduction of safeguarding training.</p> <p>There are no grants known of at this time which could be applied for, for this training.</p> <p>Officers have no expertise in obtaining sponsorship, which in any case is likely to be complicated and drawn out process.</p>  |

2.13 The introduction of mandatory safeguarding training for hackney carriage and private hire drivers and operators would require amending the RBWM Hackney Carriage Driver and Vehicle Policy and Conditions, the RBWM Private Hire Driver and Vehicle Policy and Conditions and the RBWM Private Hire Operators Policy & Conditions.

2.14 When these policies and conditions are changed, drivers and operator have a reasonable expectation of being asked for their views. Members are asked to give authority for such a consultation. The options for this are set out in Table 3

**Table 3**

| <b>Option</b>  | <b>Comments</b>   |
|--|---|
| <p>1. Members agree to consult with the trade on amending the three affected policy documents so as to include mandatory safeguarding training for existing and new hackney carriage and private hire drivers and operators</p> <p>The Head of Communities, Enforcement &amp; Partnerships would determine the exact wording to be used in the three affected policy documents, seeking legal advice if necessary</p> <p>The implementation of the amendments will be brought to a future Licensing Panel meeting</p> <p><b>This is the recommended option</b></p> | <p>Although the precise details of the type and format of the safeguarding training have not yet been agreed, the principle that such training will be adopted has been accepted.</p> <p>To ensure that the training can be introduced as soon as practicable, the views of the drivers and operator could be sought at this time.</p> <p>This would also allow any suggestions that the driver and operators make to be considered when finalising the details of the training</p> |
| <p>2. Members do not agree to consult with the trade on amending the three affected policy documents so as to include mandatory safeguarding training for existing and new hackney carriage and private hire drivers and operators</p>   | <p>It may be appropriate to wait until details of an agreed safeguarding training scheme are available so that the drivers and operators know exactly what is involved</p>  |

**3. KEY IMPLICATIONS**

3.1 All licensing authorities are highly likely to have introduced, or are in the process of introducing, safeguarding training for hackney carriage and private hire drivers and operators. The reasons for this are set out in the discussion document at Appendix A.

3.2 If the Royal Borough does not introduce this safeguarding training it will provide a lower standard of public safety than all neighbouring licensing authorities. As a result RBWM would attract applications for licences from individuals who have not met the safeguarding standards set elsewhere and therefore not provide an acceptable and consistent level of public safety in comparison with neighbouring licensing authorities.

#### **4. FINANCIAL DETAILS / VALUE FOR MONEY**

- 4.1 The costs of two potential suppliers of safeguarding training are set out in Appendix B. Options for how these costs could be met are set out in Table 2.
- 4.2 If the recommendation that attendees pay for their safeguarding training in full is accepted the charge imposed will be on a cost recovery basis only. RBWM would not be making any profit from this training programme so the cost to RBWM would be neutral
- 4.3 If this recommendation is not accepted and RBWM is to partly or fully fund the training, how that will be done needs to be explored.

#### **5. LEGAL IMPLICATIONS**

- 5.1 Conditions can be attached to vehicle licenses by virtue of sections 47 & 48 Local Government (Miscellaneous Provisions) Act 1976
- 5.2 Byelaws can be made under Section 68 of the Town Police Clauses Act 1847 and Section 171 of the Public Health Act 1875, by the Council of the Royal Borough of Windsor & Maidenhead with respect to hackney carriages in the area of the Royal Borough of Windsor & Maidenhead.

#### **6. RISK MANAGEMENT**

- 6.1 Any new condition attached to our policy and conditions is in theory subject to challenge or judicial review.
- 6.2 Given the nature of the new condition under discussion in this paper, the reason for its introduction and the almost universal, and as yet unchallenged, introduction of this type of condition around the country, no legal challenge can reasonably be expected.

#### **7. POTENTIAL IMPACTS**

- 7.1 No EQIA is anticipated at this stage.

#### **8. CONSULTATION**

- 8.1 No consultation has yet been carried out but this is discussed in paragraphs 2.13 and 2.14, and Table 3, above.

#### **9. TIMETABLE FOR IMPLEMENTATION**

- 9.1 This will be dependent on the decisions made by the Licensing Panel as a result of this paper, and will be reported to a future Panel meeting.

## 10. APPENDICES

- 10.1 Appendix A – Briefing Note from Licensing Panel 27 February 2018  
Appendix B – Costs of Training for Taxi and Private Hire Drivers and Operators

## 11. BACKGROUND DOCUMENTS

11.1 None

## 12. CONSULTATION (MANDATORY)

| Name of consultee | Post held   | Date sent | Commented & returned |
|-------------------|---|-----------|----------------------|
| Cllr Grey         | Lead Member for Environmental Services, Including Parking | 28/03/18  | 29/03/18             |
| Cllr Cox          | Chair of the Licensing Panel                              | 28/03/18  | 29/03/18             |
| Alison Alexander  | Managing Director   | 26/03/18  |                      |
| Andy Jeffs        | Executive Director<br>Communities Directorate             | 23/03/18  | 26/03/18             |
| David Scott       | Head of Communities,<br>Enforcement and Partnerships      | 23/03/18  | 29/03/18             |

### REPORT HISTORY

|  |                            |
|--|----------------------------|
| <b>Decision type:</b><br>Non-key decision                                      | <b>Urgency item?</b><br>No |
| Report Author: Greg Nelson, Trading Standards & Licensing Lead<br>01628 683561 |                            |

# Appendix A

## Briefing Note on CSE Training for Taxi and Private Hire Drivers and Operators Licensing Panel 27 February 2018

Following the independent enquiry into child sexual exploitation (CSE) in Rotherham published in August 2014\* and the report into similar matters in Oxfordshire published in June 2015\*\*, there was clear evidence that “taxis” licensed by the local authorities, and other vehicles, were regularly used to transport abused children.

(\*Independent Inquiry into Child Sexual Exploitation in Rotherham, August 2014

\*\* Child Sexual Exploitation - 'Making a Difference', Oxfordshire Safeguarding Children Board (OSCB) June 2015)

The Oxfordshire report called for mandatory safeguarding training for taxi (that is, hackney carriage) and private hire drivers and operators (see (OSCB report, Appendix 2).

The training is intended to raise awareness within the hackney carriage and private hire trade of the lessons learnt from the Rotherham and Oxford inquiries. It should train drivers how to identify and report issues of concern that they come across in the course of their work and seek to ensure that they, as individuals, avoid behaviour that might lead to inappropriate relationships with children.

Safeguarding training is not a legal requirement. However it has been, or is being introduced by local authorities neighbouring RBWM and around the country so it is important that we now introduce a similar programme. This would provide consistency of approach, reduce the likelihood that RBWM is seen as an easier local authority at which to get a licence, and, most importantly, ensure the highest possible levels of protection for children and young people.

The introduction of mandatory safeguarding training for existing RBWM licenced drivers and new applicants would require a change to the RBWM Hackney Carriage Driver & Vehicle Policy and Conditions, and to the RBWM Private Hire Driver & Vehicle Policy and Conditions and so would need to be approved and agreed by the Licensing Panel. It would also need to go out to consultation to hackney and private hire drivers and operators.

### **Q1 – Does the Licensing Panel support the introduction of compulsory safeguarding training for existing RBWM licenced taxi and PHV drivers and operators, and for new licence applicants?**

Work has been carried out with colleagues from Berkshire local authorities to try and identify the most effective way of providing safeguarding training. A joint approach was envisaged but this has not proved possible. One stumbling block in RBWM is the sheer number of licenced drivers and operators that we would have provide the training for (approximately 1700 people).

Training could be provided in a number of different ways, for example

- small classes for up to 20 people
- presentations for 50 to 75 people
- an on-line training module for individuals

**Q2 – Does the Licensing Panel agree that the options for training, along with the associated benefits and drawbacks of each option, should be brought to a future Licensing Panel so a decision can be made on which one to adopt?**

Another issue to consider is whether there should be a test at the end of the training.

Reading Borough Council has commenced safeguarding training for their taxi drivers, without a test, using presentations to around 50 drivers per session.

Slough Borough Council has also delivered safeguarding training to their licensed trade, also without a test.

Bracknell Forest Borough Council is including a test in their safeguarding training. They take the view that a test helps to focus the mind of attendees and is the only way to ensure that each individual has understood and be in a position to implement the training and advice provided.

Whilst including a test will make the implementation of safeguarding training even more of a challenge in RBWM because of the number of drivers and operators involved, RBWM officers recommend that a test is included in the training provided. Indeed, it is argued that it is because RBWM has such a large number of licenced drivers and operators that a test is essential because this would ensure that the highest standards of public safety are being applied to the highest number of drivers.

**Q3 – Does the Licensing Panel support the inclusion of a test element in compulsory safeguarding training?**

However the training is presented there will be a cost to cover the trainer's fees, room hire, paperwork and training materials, administration and so on. There is no money to cover this in existing budgets.

It is not known at this time what these costs will be but Bracknell Forest are looking to charge a cost-recovery-only fee of £20 per person. RBWM officers recommend that we take a similar approach.

**Q4 – Does the Licensing Panel agree that a charge should be made for compulsory safeguarding training, on a cost-recovery-only basis?**

There are other vehicles involved in transporting children and young persons, for example home-to-school and other similar transport activities.

**Q5 – should all transport providers who carry children and young persons be included in compulsory safeguarding training?**

As and when a training system is introduced we will look to see whether other safeguarding issues can be included, such as disability awareness, the carrying of use of wheelchair users and the carrying of assistance dogs.



# Agenda Item 7

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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