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NOTICE

OF

MEETING

LICENSING PANEL

will meet on

TUESDAY, 3RD JULY, 2018

At 6.00 pm

in the

DESBOROUGH 4 - 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: 25 June 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 or contact the Panel Administrator **shilpa manek on 01753 796310**

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AGENDA

PART I

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
1.	<u>APOLOGIES FOR ABSENCE</u> To receive any apologies for absence.	
2.	<u>DECLARATIONS OF INTEREST</u> To receive any declarations of interest.	5 - 6
3.	<u>MINUTES</u> To confirm the Part I Minutes of the meeting held on 10 April 2018.	7 - 10
4.	<u>THE EQUALITY ACT 2010</u> To consider the above report.	11 - 22
5.	<u>THE USE AND EFFECTIVENESS OF PENALTY POINTS</u> To Consider the above report.	23 - 30
6.	<u>SAFEGUARDING TRAINING FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS AND OPERATORS</u> To Consider the above report.	31 - 54
7.	<u>DATES OF FUTURE MEETINGS</u> Panel Members to note dates of future meetings: <ul style="list-style-type: none">• 2 October 2018• 8 January 2019• 2 April 2019	
8.	<u>LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF PUBLIC</u> To consider passing the following resolution:- "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 NO</u>
9.	<u>PART II MINUTES</u> To confirm the Part II Minutes of the meeting held on 10 April 2018. <i>(Not for publication by virtue of Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972)</i>	55 - 56
10.	<u>SAFEGUARDING TRAINING FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS AND OPERATORS - APPENDIX D</u> To Consider the above report. <i>(Not for publication by virtue of Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972)</i>	57 - 58

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, 10 APRIL 2018

PRESENT: Councillors Carwyn Cox (Chairman), Malcolm Alexander, Hashim Bhatti, Geoff Hill, David Hilton, Maureen Hunt, Sayonara Luxton, Marion Mills, Julian Sharpe and Derek Wilson

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

APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Bowden, Richards and Sharp. Councillor Mills was substituting at the Panel.

DECLARATIONS OF INTEREST

No declarations of interest were received.

MINUTES

The minutes of the last meeting were **Unanimously Agreed** by the Panel.

Matters Arising

ACTION: Greg Nelson to present report on the penalty points at the next meeting.
This will be on the Agenda for next meeting.

ACTION: A report on CSE to be brought to the next Panel in April 2018.
On the Agenda.

ACTION: The Panel would discuss the Equality Act 2010 at the next meeting.

Greg Nelson updated the Panel. The RBWM Hackney Carriage Driver & Vehicle Policy and Conditions policy had already been in place since 2012. There were 107 wheelchair accessible taxis. RBWM had not yet published a list but the contact numbers for the three main ranks were published where residents could call to check and arrange. An extra or additional charge should not be made to wheelchair users. The policy would be amended to include what exemptions could be applied for a driver to refuse a wheelchair user. An example of an exemption badge was shown to the Panel.

It was **Unanimously Agreed** to delegate authority to Head of Communities and Lead Member, Councillor Grey to draw up new policy and bring back to Panel at next meeting.

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

In hand

SAFEGUARDING TRAINING FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS AND OPERATORS

Greg Nelson, Trading Standards/Licensing Lead presented the report to the Panel. Greg Nelson informed the Panel that there were two main providers in the report that could provide the safeguarding training, Personal Checks or Slough Borough Council. Since the Licensing Panel agenda was published, Greg Nelson had met with Achieving for Children (AfC) and they had also offered their services and had suggested that they could provide the training for the

borough. AfC had suggested that they would be able to complete the training within twelve months with groups of 60, 90 or 120 per session. The organisation and administration of the sessions would be shared between the borough and AfC. The cost of the training would be covered by the attendee as there currently was no budget held for training.

The Chairman informed the Panel that they would not award any contracts as this not in the remit of the Panel. The Panel could discuss and inform the Lead Member, Councillor Grey who could then recommend to Cabinet. A consultation was required in any event so this could go ahead.

The Panel discussed the effect of Uber on the Royal borough taxi's. Greg Nelson informed the Panel that Uber had instructed their drivers to work with only one of nine local authorities and RBWM was not one of the nine. Alternatively the drivers could transfer to the Public Carriage Office (PCO). The borough have approximately 200 RBWM licenced drivers who have access to the Uber app. Uber had allowed the borough to have 24-hour access to them.

The Chairman requested that the PCO regulations were checked for safeguarding training to reassure our residents.

ACTION: Licensing Team to check PCO regulations

The Panel Members discussed the following points:

- The Uber taxis using the borough taxi ranks, the borough could only take action if the taxi was an RBWM licenced vehicle.
- It was very important to vet the training providers before selection. All checks would be carried out as per council rules.
- The Panel felt strongly that a test, quiz or assessment be taken by the driver after the training to confirm their understanding.
- The Licensing Team would look into e-learning as a refresher every three years.

The Chairman summed up the discussion that the Licensing Team would look at all three options again, compare the options including the cost of training per person, the test implications, the numbers of drivers per session, the refresher options, the consultation and the recommendations for the Lead Member to present at Cabinet.

ACTION: A report to be presented to the Licensing Panel at the next meeting to consider before the report be presented to Cabinet. The consultation with the trade needed to be completed and results reported as part of the report.

ACTION: It was agreed Unanimously that the current policy to be amended to include that the Hackney Carriage and Private Hire drivers and operators need to have completed the safeguarding training. This would be delegated to Officers and the Lead Member.

ACTION: It was agreed Unanimously that the charge for the training should be levied against the driver.

Action: The Licensing team looked into refresher options, this was agreed Unanimously that a refreshed should be completed after three years or if the legislation changed.

DATES OF FUTURE MEETINGS

Members noted that the dates of future meetings were still to be confirmed.

LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF PUBLIC

The meeting, which began at 6.00 pm, finished at 7.00 pm

CHAIRMAN.....

DATE.....

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Report Title:	The Equality Act 2010
Contains Confidential or Exempt Information?	No
Member reporting:	Councillor Grey, Lead Member for Environmental Services (including Parking and Flooding)
Meeting and Date:	Licensing Panel 03 July 2018
Responsible Officer(s):	Andy Jeffs, Executive Director David Scott, Head of Communities, Enforcement and Partnerships
Wards affected:	All

REPORT SUMMARY

1. The Licensing Panel meeting of 10 April 2018 unanimously agreed to delegate authority to the Head of Communities, Enforcement and Partnerships and the Lead Member for Environmental Services to draw up proposals to amend RBWM licenced vehicles policies to provide for the adoption of sections 165 to 167 of the Equality act 2010, and to bring those proposals to this Panel meeting.
2. This report provides the details of the proposed amendments, and the results of the consultation with the trade on this matter, for the Panel's consideration.

1. DETAILS OF RECOMMENDATIONS

RECOMMENDATION: That the Licensing Panel notes the report and:

- i) Members consider and agree the proposed changes to Policy, taking into account the results of the consultation with the trade, and by doing so formally adopt sections 165 to 167 of the Equality Act 2010.
- ii) Members delegate to the Head of Communities, Enforcement and Partnerships the implementation of sections 165 to 167 of the Equality Act 2010.

2. REASONS FOR RECOMMENDATIONS AND OPTIONS CONSIDERED

- 2.1 In April 2017 sections 165-167 of the Equality Act 2010 (the Act) came into force. These provisions are not mandatory but if adopted by a local authority they impose duties on the drivers of "designated" hackney carriages and private hire vehicles (PHVs) licenced by that authority in respect how they carry, charge and assist wheelchair users.
- 2.2 "Designated" vehicles are those which are wheelchair accessible and which appear on a list published by the local authority. Drivers of such vehicles, unless exempt, will have the following duties;
 - to carry the passenger while in the wheelchair
 - not to make any additional charge for doing so

- if the passenger chooses to sit in a passenger seat, to carry the wheelchair
- to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort, and
- to give the passenger such mobility assistance as is reasonably required

2.3 There are many types of wheelchair, of varying sizes, so it is intended that RBWM follows the Government recommendation “... *that a vehicle should only be included in the authority’s list if it would be possible for the user of a “reference wheelchair” to enter, leave and travel in the passenger compartment in safety and reasonable comfort whilst seated in their wheelchair.*” **. A “reference wheelchair” is defined in Sch. 1 of the Public Service Vehicle Accessibility Regulations 2000.

** Dept. for Transport Access for Wheelchair Users to Taxis and Private Hire Vehicles – Statutory Guidance 2017 para 3.5

2.4 The current RBWM Hackney Carriage Driver and Vehicle Policy & Conditions requires that all new hackney carriages are purpose built (eg TX1, TX2, TX4, Metro Cabs and Eurocabs which are designed to be wheelchair accessible) or are otherwise wheelchair accessible. There are also requirements set out for vehicles modified to carry wheelchair passengers. There are currently 107 wheelchair accessible hackney carriages licenced by RBWM (out of a total of 177).

2.5 It is proposed that all such hackney carriages are deemed “designated” vehicles unless the driver is exempt (see 2.7 below). Training on how to work with wheelchair users will have been covered in the Practical Driving Test required to be taken by hackney carriage and combined badge drivers because this test is required to include a wheelchair assessment.

2.6 The current RBWM Private Hire Driver and Vehicle Policy & Conditions does not require that all new PHVs are wheelchair accessible but some drivers choose to licence wheelchair accessible vehicles. It is proposed that all such vehicles will be required to be notified to RBWM Licensing and will be deemed “designated” vehicles unless the driver is exempt (see 2.7 below). Some provision for training on working with wheelchair users will have to be developed as the Practical Driving Test for PHV drivers does not currently include this.

2.7 Section 166 of the Act allows licensing authorities to exempt drivers from the duties set out in 2.2, above, if they are satisfied that it is appropriate to do so on medical grounds or because the driver’s physical condition makes it impossible or unreasonably difficult for him or her to comply with the duties. The exemption can be valid for as short or long a time period as the local authority thinks appropriate, bearing in mind the nature of the medical grounds or physical condition.

2.8 An application for an exemption must be supported by appropriate evidence. The statutory guidance recommends, as an absolute minimum, that the evidence provided should be in the form of a letter or report from a general practitioner, with independent medical assessors used where a long-term exemption is to be issued. This is reflected in the proposed amendment to Policy.

2.9 A driver who is exempted will be given an exemption certificate and will be permitted to display a valid exemption notice in the prescribed manner.

2.10 A driver who is refused an exemption has the right to appeal to the Magistrates court.

- 2.11 The adoption of sections 165 to 167 of the Act will require amending the RBWM Hackney Carriage Driver & Vehicle Policy and Conditions and the RBWM Private Hire Driver & Vehicle Policy and Conditions. Such an amendment requires consultation with the trade.
- 2.12 The proposed changes to the Policies and the consultation is set out in Appendix A. These take appropriate account the statutory guidance published by the Department of Transport (see 11.1, Background Documents, below).
- 2.13 There was one substantive response to the consultation, this is set out at Appendix B.
- 2.14 The proposed changes to the Policies for consideration by this Panel are the ones set out in Appendix A on pages 7 to 9 of this report.
- 2.15 Members are invited to discuss and consider the options set out in Table 1.

Table 1: Options considered

Option	Comments
<p>Members agree to amend the RBWM Hackney Carriage Driver and Vehicle Policy & Conditions and the RBWM Private Hire Driver and Vehicle Policy & Conditions as set out in Appendix A, and in so doing formally adopt sections 165 to 167 of the Equality Act 2010.</p> <p>Members further agree to delegate to the Head of Communities, Enforcement and Partnerships the implementation of sections 165 to 167 of the Equality Act 2010 based on the timetable set out in Appendix C.</p> <p>This is the recommended option</p>	<p>This will ensure that sections 165 to 167 of the Equality Act are formally adopted without delay and that the timetable for implementing these provisions can be put into place straight away.</p>
<p>Members agree to change the proposed amendments to the RBWM Hackney Carriage Driver and Vehicle Policy & Conditions and the RBWM Private Hire Driver and Vehicle Policy & Conditions as set out in Appendix A.</p> <p>Not the recommended option</p>	<p>If Members wish to change these amendments to Policy it is likely that it will have to be consulted on again. This would delay the adoption of the provisions until at least the next Panel meeting in October 2018.</p>
<p>Members do not agree to amend the RBWM Hackney Carriage Driver and Vehicle Policy & Conditions and the RBWM Private Hire Driver and Vehicle Policy & Conditions as set out in Appendix A and do not formally adopt sections 165 to 167 of the Equality Act 2010.</p> <p>Not the recommended option</p>	<p>Again, this would delay the adoption of the provisions until at least the next Panel meeting in October 2018</p>

3. KEY IMPLICATIONS

- 3.1 As was stated in the report to the Licensing Panel of 10 April 2018, all licensing authorities are highly likely to have adopted, or are in the process of adopting, the provisions of the Equality Act 2010 relating to wheelchair accessible hackney carriage and private hire vehicles.
- 3.2 It is not mandatory that the Royal Borough formally adopts these provisions but if it does not do so it will not provide the highest possible legal standards of protection for wheelchair users wanting to use RBWM licenced hackney carriage and private hire vehicles.

4. FINANCIAL DETAILS / VALUE FOR MONEY

- 4.1 The cost to RBWM of implementing these provisions and publishing a list of designated vehicles can be absorbed within existing budgets.
- 4.2 There should be little cost to the drivers of designated vehicles because they are designed to be wheelchair accessible and should therefore have all of the required fittings and facilities.

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 conditions under discussion in this paper and its legislative underpinning no legal challenge can reasonably be expected.

7. POTENTIAL IMPACTS

- 7.1 The Equality Act 2010 places a 'General Duty' on all public bodies to have 'due regard' to:
 - Eliminating discrimination, harassment and victimisation and any other conduct prohibited under the Act.
 - Advancing equality of opportunity between those with 'protected characteristics' and those without them.
 - Fostering good relations between those with 'protected characteristics' and those without them.
- 7.2 Disability is a "protected characteristic" under this Act. By adopting sections 165 to 167 of the Act RBWM will be fulfilling all three of these duties.

7.3 That being the case, although this report directly addresses matters of equality, no EQIA is anticipated at this stage because the proposed changes to policies will be of benefit to wheelchair users.

8. CONSULTATION

8.1 There was one substantive response to the consultation which is set out in Appendix B. There was also response querying whether this report applies to both hackney carriage and PHVs, it was confirmed that it does.

9. TIMETABLE FOR IMPLEMENTATION

9.1 If Panel agrees to adopt s165 to 167 of the Equality Act 2010 a proposed timetable for implementing these provisions is set out in Appendix C. Future Panel meetings can be kept up to date on progress.

10. APPENDICES

- Appendix A – Proposed Changes to Policy and Consultation
- Appendix B – Consultation Response
- Appendix C – Timetable for implementation

11. BACKGROUND DOCUMENTS

11.1 The Department for Transport Access for Wheelchair Users to Taxis and Private Hire Vehicles – Statutory Guidance 2017 can be found at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/593350/access-for-wheelchair-users-taxis-and-private-hire-vehicles.pdf

12. CONSULTATION (MANDATORY)

Name of consultee	Post held	Date sent	Commented & returned
Cllr Grey	Lead Member for Environmental Services, Including Parking	21/06/18	22/06/18
Cllr Cox	Chair of the Licensing Panel	21/06/18	24/06/18
Alison Alexander	Managing Director	12/06/18	15/06/18
Andy Jeffs	Executive Director	12/06/18	12/06/18
David Scott	Head of Communities, Enforcement and Partnerships	12/06/18	21/06/18

REPORT HISTORY

Decision type: Non-key decision	Urgency item? No
Report Author: Greg Nelson, Trading Standards & Licensing Lead 01628 683561	

Appendix A

Proposed Changes to Policy and Consultation

Consultation

i) Safeguarding Training for Hackney Carriage and Private Hire Drivers

ii) The Equality Act 2010

At the Licencing Panel meeting on 10 April 2018 two items were discussed relating to amendments to RBWM's Hackney Carriage Driver and Vehicle Policy and Conditions, the RBWM Private Hire Driver and Vehicle Policy and Conditions and the Private Hire Operators Policy and Conditions ("the Policies").

Both items were agreed in principle but are now required to go out to consultation with the trade.

The results of this consultation and proposals to amend the Policies are to be reported to the next meeting of the Licensing Panel of 03 July 2018.

This letter seeks your views on the two items as set out below.

i) Safeguarding Training for Hackney Carriage and Private Hire Drivers and Operators (NOT INCLUDED IN THIS REPORT)

ii) The Equality Act 2010

The Equality Act 2010 ("the Act") gives the power to local authorities to adopt sections 165 to 167 of the Act which introduces duties on certain hackney carriage and private hire drivers in respect of how they carry, assist and charge wheelchair users.

Whilst RBWM policies already provide some protection for wheelchair users the Licensing Panel of 10 April 2018 agreed that the RBWM Policies should be amended so that sections 165 to 167 of the Act and the duties that it brings are formally adopted and brought into force in RBWM.

Section 165 places duties on drivers of designated wheelchair accessible hackney carriages taxis and private hire vehicles (PHVs). "Designated" vehicles are those listed by the licensing authority under section 167 and drivers of these vehicles will have the following duties;

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

Section 166 allows licensing authorities to exempt drivers from the duties to assist passengers in wheelchairs if they are satisfied that it is appropriate to do so on

medical grounds or because the driver's physical condition makes 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 is, a list of wheelchair accessible hackneys and PHVs licenced in their area. The consequence of being on this list is that the driver must undertake the duties in section 165 and the driver's details (name, phone number, vehicle details) will be included in a list of "designated" vehicles on the RBWM website.

The proposed changes to the Policies are:

1) Hackney Carriage Driver and Vehicle Policy and Conditions

Hackney Carriage Vehicle Conditions

2. Wheelchair accessible and Purpose Built Vehicle Age Policy

Add the following paragraphs;

"All wheelchair accessible/purpose built hackney carriages will be regarded as "designated" vehicles for the purposes of section 167 of the Equality Act 2010.

Drivers of these vehicles will have the following duties;

- to carry the passenger while in the wheelchair;
- not to make any additional charge for doing so;
- if the passenger chooses to sit in a passenger seat, to carry the wheelchair;
- to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
- to give the passenger such mobility assistance as is reasonably required.
- to have their name, contact telephone number and vehicle details included in a list of drivers who are available for wheelchair users. This list will appear on the RBWM website

Drivers can be exempted from these requirements under section 166 of the Equality Act if the Licensing Officer is satisfied that it is appropriate to do so on medical grounds or because the driver's physical condition makes it impossible or unreasonably difficult for him or her to comply with the duties.

An exemption can be valid for as short or long a time period as the Licensing Officer thinks appropriate, bearing in mind the nature of the medical issue.

Drivers wishing to claim an exemption from the duties set out above must apply in writing using a form which will be provided by the Licensing Officer. On this form the person applying for an exemption must set out

- why they should be exempted from the duties set out above, and
- the independent evidence that supports this exemption.

Independent medical evidence should, as an absolute minimum, be in the form of a letter or report from a general practitioner.

Where a long-term exemption is to be issued, medical assessments should be undertaken by professionals who have been specifically trained in the relevant field and who are independent of the applicant. Up to the age of 65 long term exemptions will be reviewed every five years at the same time that a medical certificate is required. From the age of 65 long term exemptions will be reviewed every year at the same time that a medical certificate is required.

If the exemption application is unsuccessful the applicant will be informed in writing within a reasonable timescale and with a clear explanation of the reasons for the decision.

Drivers granted an exemption will be issued with an exemption certificate.

Drivers granted an exemption will be permitted to display in their vehicle, when being operated by the exempt driver, a notice prescribed by the Equality Act 2010 (Taxis and Private Hire Vehicles) (Passengers in Wheelchairs – Notices of Exemption) Regulations 2017 or by any subsequent legislation that this is replaced by.

If a designated vehicle is operated by more than one driver, one or more of whom has been granted an exemption, the Notice of Exemption must only be displayed in the vehicle when being operated by an exempted driver.

If a Notice of Exemption is displayed in a designated vehicle being operated by a driver to whom an exemption has not been granted, that driver will be in breach of this Policy and subject to action by the Licensing Officer.

If the display of a Notice of Exemption in a designated vehicle being operated by a driver to whom an exemption has not been granted causes the driver to fail to comply with the duties set out above, that driver commits a criminal offence.”

2) Private Hire Driver and Vehicle Policy and Conditions

Private Hire Vehicle Conditions

Add a new paragraph 2 and renumber subsequent paragraphs;

2. Wheelchair Accessible Vehicles

a) All RBWM Private Hire Vehicle Licence holders must inform the Licensing Officer if their existing, or any new, vehicle is purpose built as a wheelchair accessible vehicle. All purpose built wheelchair accessible private hire vehicles will be regarded as “designated” vehicles for the purposes of section 167 of the Equality Act 2010.

b) Drivers of these vehicles will have the following duties;

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

- to have their name, contact telephone number and vehicle details included in a list of drivers who are available for wheelchair users. This list will appear on the RBWM website

c) Drivers can be exempted from these requirements under section 166 of the Equality Act if the Licensing Officer is satisfied that it is appropriate to do so on medical grounds or because the driver's physical condition makes it impossible or unreasonably difficult for him or her to comply with the duties.

d) An exemption can be valid for as short or long a time period as the Licensing Officer thinks appropriate, bearing in mind the nature of the medical issue.

e) Drivers wishing to claim an exemption from the duties set out above must apply in writing using a form which will be provided by the Licensing Officer. On this form the person applying for an exemption must set out

- why they should be exempted from the duties set out above, and
- the independent evidence that supports this exemption.

f) Independent medical evidence should, as an absolute minimum, be in the form of a letter or report from a general practitioner.

g) Where a long-term exemption is to be issued, medical assessments should be undertaken by professionals who have been specifically trained in the relevant field and who are independent of the applicant. Up to the age of 65 long term exemptions will be reviewed every five years at the same time that a medical certificate is required. From the age of 65 long term exemptions will be reviewed every year at the same time that a medical certificate is required.

h) If the exemption application is unsuccessful the applicant will be informed in writing within a reasonable timescale and with a clear explanation of the reasons for the decision.

i) Drivers granted an exemption will be issued with an exemption certificate.

j) Drivers granted an exemption will be permitted to display in their vehicle, when being operated by the exempt driver, a notice prescribed by the Equality Act 2010 (Taxis and Private Hire Vehicles) (Passengers in Wheelchairs – Notices of Exemption) Regulations 2017 or by any subsequent legislation that this is replaced by.

k) If a designated vehicle is operated by more than one driver, one or more of whom has been granted an exemption, the Notice of Exemption must only be displayed in the vehicle when being operated by an exempted driver.

l) If a Notice of Exemption is displayed in a designated vehicle being operated by a driver to whom an exemption has not been granted, that driver will be in breach of this Policy and subject to action by the Licensing Officer.

m) If the display of a Notice of Exemption in a designated vehicle being operated by a driver to whom an exemption has not been granted causes the driver to fail to comply with the duties set out above, that driver commits a criminal offence.

Your views are sought on the following questions

1. Do you have any comments to make on the adoption by RBWM of sections 165 to 167 of the Equality Act 2010, and the amendments to Policy as set out above?
2. What, if any, difficulties would the adoption by RBWM of sections 165 to 167 of the Equality Act 2010 cause you?
3. Do you have any questions about the process for applying for an exemption?
4. Do you have any other comments?

Your replies to the questions at the end of items i) and ii) should be sent by Monday 11 June 2018;

By e-mail to licensing@rbwm.gov.uk with the subject heading "Consultation Response"

By post to Consultation Reply
 RBWM Licensing
 Town Hall
 St Ives Road
 Maidenhead
 SL6 1RF

Appendix B

The Consultation Results

ii) The Equality Act 2010

1. *Do you any comments to make on the adoption by RBWM of sections 165 to 167 of the equality Act 2010, and the amendments to Policy as set out above?*

No, I feel that this is fair and it should be adopted. But how this will prove to be practical in real terms is how I would like this to go forward.

2. *What if any, difficulties would the adoption by RBWM of sections 165 to 167 of the Equality Act 2010 cause you?*

No, it would not cause any difficulties.

3. *Do you have any questions about the process for applying for an exemption?*

I feel that it is perfectly straight forward and as a Hackney Carriage Driver with a wheelchair access. I feel that this policy was needed but it needs to be proven how it works for benefit for all and to those applying for exemptions.

4. *Do you have any other comments?*

No

I hope that this is taken into consideration and included in the consultation

Thank you

Appendix C

Timetable for implementation

3 July 2018	RBWM formally adopts sections 165 to 167 of the Equality Act 2010 and agrees appropriate policies
July/August 2018	RBWM Licensing prepares draft lists of designated wheelchair accessible vehicles
September 2018	RBWM Licensing informs owners that their vehicles will be placed on the list, alerts drivers to their upcoming duties and invites applications for exemptions
Oct/Nov 2018	Drivers apply for exemptions where necessary
Dec/Jan	RBWM Licensing issues exemptions
February 2019	RBWM Licensing publishes list of designated wheelchair accessible vehicles in the Licensing area of https://www3.rbwm.gov.uk/ and duties on drivers take effect

Report Title:	The Use and Effectiveness of Penalty Points
Contains Confidential or Exempt Information?	No
Member reporting:	Councillor Grey, Lead Member for Environmental Services (including Parking and Flooding)
Meeting and Date:	Licensing Panel 03 July 2018
Responsible Officer(s):	Andy Jeffs, Executive Director David Scott, Head of Communities, Enforcement and Partnerships
Wards affected:	All



REPORT SUMMARY

1. The Licensing Panel meeting of 4 April 2017 unanimously agreed a one year trial period for five new infringements for which hackney carriage and private hire drivers could receive penalty points under the respective driver and vehicle policies.
2. This report provides information on how these penalty points have been used and makes a recommendation for their future use.
3. Drivers receiving penalty points have a right of appeal. The appeals process has been examined and a recommendation made as to how appeals should be heard in the future.

1. DETAILS OF RECOMMENDATIONS

RECOMMENDATION: That the Licensing Panel notes the report and:

- i) **Members agree that the penalty point infringements introduced in April 2017 for a one year trial period are added to the respective hackney carriage and private hire policies permanently.**
- ii) **Members agree to consider amending the RBWM Hackney Carriage Driver and Vehicle Policy & Conditions and the RBWM Private Hire Driver and Vehicle Policy & Conditions respectively such that appeals against the imposition of penalty points are heard by a Senior Officer of RBWM instead of an Appeals Panel made up of elected Members from the Licensing Panel**

2. REASONS FOR RECOMMENDATIONS AND OPTIONS CONSIDERED

- 2.1 It was reported to the Licensing Panel of 4 April 2017 that licensing officers had received complaints about a number of illegal or anti-social driving practices being perpetrated by hackney carriage or private hire drivers over which no direct action could be taken. This was because these practices were not

included in the extant list of infringements for which penalty points could be imposed under the respective hackney carriage and private hire policies.

- 2.2 This meant that there was no effective action that licensing officers could take to deal with these activities and complainants could not be provided with a satisfactory response to their grievances.
- 2.3 Members agreed to add to the respective policies, initially for a one year trial period, five new infringements for which penalty points could be imposed, subject to their being sufficient evidence to do. The trade was consulted on this matter.
- 2.4 A list of the infringements that were introduced is set out at Appendix A.
- 2.5 Since that time a number of penalty points have been imposed on hackney carriage and private hire drivers. The details are set out in Appendix B.
- 2.6 The issuing of penalty points for the “new” infringements and the consistent use of the ones in place before April 2017 have provided officers with a quick and effective means of cracking down on illegal and anti-social driving practices. They have also allowed officers to provide complainants with a swift and satisfactory outcome which shows that proportionate action has been taken to address a matter of immediate concern.
- 2.7 No driver has received penalty points on more than one occasion (although one driver was issued with two sets of points at the same time, for waiting on a double yellow line and not displaying his plate). This suggests that this is an effective enforcement tool, offenders learn their lesson and they do not reoffend.
- 2.8 Members are now asked to decide whether the infringements introduced in April 2017 should be permanently added to the respective hackney carriage and private hire policies. The options are set out in Table 1.

Table 1: Options for Licensing Panel Members

Option	Comments
<p>Members agree that the penalty point infringements introduced in April 2017, as set out in Appendix A, are permanently added to the RBWM Hackney Carriage Driver and Vehicle Policy & Conditions and the RBWM Private Hire Driver and Vehicle Policy & Conditions respectively.</p> <p>This is the recommended option</p>	<p>Having penalty points available to deal with activities which are knowingly carried out and are of immediate concern, inconvenience or annoyance to local residents and road users has proved very useful and effective as far as licensing officers are concerned.</p> <p>No driver has received more than one set of penalty points so it would appear that they are having the desired effect.</p> <p>Drivers who act professionally and responsibly, which accounts for the vast majority, have nothing to fear from these penalties.</p>

Option	Comments
<p>Members agree that only some of the penalty point infringements introduced in April 2017, as set out in Appendix A, are permanently added to the RBWM Hackney Carriage Driver and Vehicle Policy & Conditions and the RBWM Private Hire Driver and Vehicle Policy & Conditions respectively.</p> <p>Not the recommended option</p>	<p>Members may wish to give permanent status only to some, rather than all of the infringements listed in Appendix A.</p>
<p>Members do not agree that the penalty point infringements introduced in April 2017, as set out in Appendix A, are permanently added to the RBWM Hackney Carriage Driver and Vehicle Policy & Conditions and the RBWM Private Hire Driver and Vehicle Policy & Conditions respectively.</p> <p>Not the recommended option</p>	<p>This will mean that no quick and effective action can be taken against drivers who knowingly indulge in the specific illegal or anti-social practices identified.</p> <p>This will leave officers effectively powerless and unable to satisfy complainants.</p>

- 2.9 One matter that has arisen from the use of penalty points is the right of drivers to appeal against them. This right has existed in the hackney carriage and private hire policies as long as penalty points have been available to officers as an enforcement tool. It allows a driver who has received penalty points to appeal that decision to an appeals panel, that panel being a sub-committee of the Licensing Panel made up of three Members.
- 2.10 An appeal requires a report to be written by a licensing officer and the input of Democratic Services to organise the appeal. It then requires the attendance of the three Members on the Panel, the licensing officer, a Democratic Services officer and a legal advisor. This makes the process time consuming and costly.
- 2.11 Since April 2017 an appeals panel has been convened for this purpose on just one occasion, to hear appeals by two drivers against the issuing of penalty points against them. Unfortunately neither appellant turned up. The appeals were rejected and the penalty points upheld.
- 2.12 This has prompted the question, should the right of appeal against penalty points be granted automatically?
- 2.13 A legal opinion on this has been sought. The question asked was whether a driver has a legal right to an appeal when penalty points (PP) are imposed. The answer given was:
 “.... yes, even though the imposition of PP do not have an immediate effect on their licence. The reason is that under the Regulators Compliance Code, which covers taxi licences, there is an expectation that where any sanction is imposed by a Regulator and no statutory right of appeal exists then there should be some form of internal, impartial appeal and that the route to that appeal should be clearly set out”.

- 2.14 The legal opinion goes on to say that the requirement for an appeals process does not stipulate that the appeal must be heard by panel of elected members. It could instead be heard by an impartial senior officer, such as the Head of Communities, Enforcement and Partnerships.
- 2.15 Officers believe that this would be a better use of resources. This can be researched further but if this is to be implemented it would require amendments be made to the RBWM Hackney Carriage Driver and Vehicle Policy & Conditions and the RBWM Private Hire Driver and Vehicle Policy & Conditions respectively. It would also require consultation with the trade.
- 2.16 Members are asked to consider the following options, as set out in Table 2.

Table 2.

Option	Comments
<p>Members agree that research is completed and the trade consulted on amending the RBWM Hackney Carriage Driver and Vehicle Policy & Conditions and the RBWM Private Hire Driver and Vehicle Policy & Conditions respectively, such that appeals against the imposition of penalty points are heard by a Senior Officer of RBWM instead of an Appeals Panel made up of elected Members on the Licensing Panel.</p> <p>This is the recommended option</p>	<p>This will lead to a change in the appeals process such that appeals by drivers against the imposition of penalty points will be heard by a senior officer within RBWM instead of a Sub Committee of the Licensing Panel made up of three Members.</p>
<p>Members do not agree to any changes to the RBWM Hackney Carriage Driver and Vehicle Policy & Conditions and the RBWM Private Hire Driver and Vehicle Policy & Conditions in respect of appeals against the imposition of penalty points.</p> <p>Not the recommended option</p>	<p>This will maintain the status quo and allow Members on the Licensing Panel to continue to be responsible for hearing appeals the imposition of penalty points.</p>

3. KEY IMPLICATIONS

- 3.1 Permanently adopting the five infringements in Appendix A will ensure that complaints received about these practices can be quickly and effectively addressed when there is sufficient evidence to do so.
- 3.2 Not adopting the infringements will mean that no action can be taken in response to complaints regarding these practices from residents, businesses and other road users.

4. FINANCIAL DETAILS / VALUE FOR MONEY

- 4.1 The only cost implications are those connected to the appeals process discussed in paragraphs 2.9 to 2.15. Otherwise the activities discussed in this report are covered by existing budgets.

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 policies is in theory subject to challenge or judicial review.
- 6.2 The use of penalty point systems by local licensing authorities has been examined by the courts who held that such a system is in principle lawful. The infringements that are the subject of this report are matters of immediate concern, annoyance or inconvenience to residents and the use of penalty points is a reasonable and proportionate response. Points are only issued when there is the evidence to do so and there is a right of appeal.
- 6.3 The possibility of any challenge to the permanent adoption of these infringements is therefore extremely remote.

7. POTENTIAL IMPACTS

- 7.1 No EQIA is anticipated at this stage.

8. CONSULTATION

- 8.1 The trade was consulted when the five new penalty point infringements were introduced. The infringements were added to the RBWM Hackney Carriage Driver and Vehicle Policy and the RBWM Private Hire Driver and Vehicle Policy in April 2017 at the start of the trial period so as to give them legal status.
- 8.2 If Members agree to add the five infringements to policies permanently no changes to those policies will be required and no further consultation will be needed.

9. TIMETABLE FOR IMPLEMENTATION

- 9.1 If Members agree to add the five infringements to policies permanently they will come into force immediately.

10. APPENDICES

Appendix A – List of Infringements Introduced in April 2017

Appendix B – Breakdown of Penalty Points Issued from April 2017 to 31 May 2018

11. BACKGROUND DOCUMENTS

None.

12. CONSULTATION (MANDATORY)

Name of consultee	Post held	Date sent	Commented & returned
Cllr Grey	Lead Member for Environmental Services, Including Parking	21/06/18	22/06/18
Cllr Cox	Chair of the Licensing Panel	21/06/18	24/06/18
Alison Alexander	Managing Director	12/06/18	15/06/18
Andy Jeffs	Executive Director Communities Directorate	12/06/18	12/06/18
David Scott	Head of Communities, Enforcement and Partnerships	12/06/18	21/06/18

REPORT HISTORY

Decision type: Non-key decision	Urgency item? No
Report Author: Greg Nelson, Trading Standards & Licensing Lead 01628 683561	

Appendix A
List of Infringements Introduced in April 2017

Private Hire Driver or Hackney Carriage Driver waiting in a marked disabled bay	6 Points
Private Hire Driver or Hackney Carriage Driver waiting in a bus stop	6 Points
Private Hire Driver or Hackney Carriage Driver waiting in any other restricted space	3 Points
Private Hire Driver or Hackney Carriage Driver driving erratically and / or without due care and attention to pedestrians or other road users	6 Points
Private Hire Driver or Hackney Carriage Driver blocking the driveway or entrance of any residence, business, school or any other public building or space	3 Points

Appendix B
Breakdown of Penalty Points Issued 04/04/2017 to 31/05/2018

Infringements Introduced in April 2017

Infringement	No of Sets of Points Imposed
Private Hire Driver or Hackney Carriage Driver waiting in a marked disabled bay	5
Private Hire Driver or Hackney Carriage Driver waiting in a bus stop	1
Private Hire Driver or Hackney Carriage Driver waiting in any other restricted space	1
Private Hire Driver or Hackney Carriage Driver driving erratically and / or without due care and attention to pedestrians or other road users*	2
Private Hire Driver or Hackney Carriage Driver blocking the driveway or entrance of any residence, business, school or any other public building or space	2
Total	11

* The evidence used to impose points for driving erratically and / or without due care and attention to pedestrians or other road users was:

- "dash- cam" footage from a member of the public showing them being cut up on a roundabout, and
- CCTV from a school where the driver was doing a three point turn in the school bus stop despite the area being crowded with children

Infringements Already in Existence in April 2017

Infringement	No of Sets of Points Imposed
Driver failing to notify they have received DVLA points	1
Not displaying plate properly	16
Failing to notify of change of address	2
Waiting on double yellow lines	14
Not using the meter so as to inflate the fare	2
Total	35

Report Title:	Safeguarding Training for Hackney Carriage and Private Hire Drivers and Operators
Contains Confidential or Exempt Information?	No except Appendix D - 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 Grey, Lead Member for Environmental Services (including Parking and Flooding)
Meeting and Date:	Licensing Panel 3 July 2018
Responsible Officer(s):	Andy Jeffs, Executive Director David Scott, Head of Communities, Enforcement and Partnerships
Wards affected:	All

REPORT SUMMARY

1. The Licensing Panel meeting of 10 April 2018 unanimously agreed that the current 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 ("the policies") be amended to include a requirement that hackney carriage and private hire drivers and operators must complete safeguarding training as a condition on their licence.
2. The Licensing Panel meeting of 10 April 2018 also agreed that a report be presented to the next Licensing Panel which would look in more detail at the potential training options previously discussed, and then make a recommendation for the Lead Member for Environmental Services (including Parking and Flooding) to implement.
3. It was further agreed that consultation with the trade needed to be completed and the results presented as part of the report.
4. This report provides the detail required on the potential training options and the results of the consultation with the trade, and makes a recommendation for the Lead Member for Environmental Services (including Parking and Flooding) to implement.

1. DETAILS OF RECOMMENDATIONS

RECOMMENDATION: That the Licensing Panel notes the report and:

- i) **Members consider the options set out in Table 1 and confirm that the officer's recommendation is supported, and that this is implemented by the Lead Member for Environmental Services (including Parking and Flooding).**
- ii) **Members consider and agree the proposed changes to the policies, taking into account the results of the consultation with the trade.**

2. REASONS FOR RECOMMENDATIONS AND OPTIONS CONSIDERED

- 2.1 The Licensing Panel meeting on 10 April 2018 discussed and agreed the proposal to introduce mandatory safeguarding training for existing RBWM licenced hackney carriage and private hire drivers and operators, and for new licence applicants.
- 2.2 Four potential providers of safeguarding training were included in the report to that meeting. One of these organisations will not be able to provide the training so that leaves three, a business called Personnel Checks Ltd, Slough Borough Council and Achieving for Children (AfC).
- 2.3 The type of training that each of these organisations can provide and the impact this would have on the RBWM Licensing team is set out at Appendix A.
- 2.4 Whichever supplier is chosen there will be logistical and organisational matters to iron out but the cost of the training that each of these organisations can provide is set out in Appendix D in Part 2 of this report.
- 2.5 As discussed at the Licensing Panel meeting on 10 April 2018 drivers and operators will also require refresher training at appropriate intervals. Three years was agreed as an appropriate length of time. It is hoped that this will be achieved by an e-learning module but this will be researched and reported to a future Panel before the first refresher training sessions are due.
- 2.6 The options for this Panel to consider as the preferred supplier of the safeguarding training for the Lead Member for Environmental Services (including Parking and Flooding) to implement are set out in Table 1.

Table 1: Options considered

Option	Comments
<p>Personnel Checks Ltd is chosen as the preferred supplier of safeguarding training</p> <p>This is the recommended option</p>	<p>This is a high quality “off the shelf” product being used by a number of Berkshire LAs and other LAs around the country.</p> <p>It will require the least amount of input from RBWM Licensing staff although they will have to provide logistical support.</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. The Panel meeting of 10 April 2018 agreed that the training should have a test element.</p> <p>Attendees have shown very high levels of satisfaction with the training.</p>

Option	Comments
<p>Slough Borough Council is chosen as the preferred supplier of safeguarding training Not the recommended option</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 to attendees but there would be a high demand on RBWM Licensing staff to administer the training programme. This would be very time-consuming and take licensing staff away from other duties when staff do not have the capacity for this extra work.</p> <p>This training does not currently include a test element. This would have to be developed and added.</p> <p>Attendees are required to complete a questionnaire at the end of the training.</p> <p>Questionnaire results from attendees indicate very high levels of understanding of and satisfaction with the training provided.</p>
<p>Achieving for Children is chosen as the preferred supplier of safeguarding training. Not the recommended option</p>	<p>A training programme designed specifically to meet the purposes of this report has not yet been agreed but AfC carry out similar training for other clients so a suitable programme can be developed.</p> <p>The numbers of attendees at each session may reduce the impact of the training.</p> <p>This is estimated to be a cheaper option than other options in terms of direct costs to attendees but there would be a high demand on RBWM Licensing staff in developing and administering the training programme.</p> <p>AfC would assist with this but it would still take licensing staff away from other duties.</p>

2.7 The introduction of mandatory safeguarding training for hackney carriage and private hire drivers and operators will require amendments to the respective policies. Any such changes need to be consulted on with the trade and the Licensing Panel of 10 April agreed that consultation with the trade needed to be completed and results reported as part of this report.

- 2.8 The proposed changes to the policies and the consultation is set out in Appendix B.
- 2.9 The results of the consultation with the trade are set out at Appendix C. They mainly concern:
- whether safeguarding training is necessary
 - the cost of the training being met by the drivers
 - whether the same training requirements should be required of horse drawn hackney carriage drivers as of motor hackney carriage drivers
- 2.10 The policy amendments to be considered by this Panel are as set out in Appendix B on pages 11 to 15 of this report.
- 2.11 In brief, these policy amendments require that from 01 October 2018 drivers and operators must undertake mandatory safeguarding training as follows:
- the training should be mandatory for all existing hackney carriage and private hire drivers and operators, and for new applicants
 - the training is to include a test or assessment to confirm the attendee's understanding of the training
 - the cost of the training will be met by the drivers and operators attending
 - training for existing drivers must be completed by 31/12/2019
 - should an existing driver or operator fail to attend the training and attain a certificate by 31/12/2019 they will not be regarded as fit and proper to hold a licence and their licence will be suspended until the training is completed
 - equivalent training will be accepted in lieu of attending a training session
 - refresher training will be required every three years or if there are changes to legislation
- 2.12 This Panel is invited to agree to these amendments. The options are set out in Table 2.

Table 2: Options considered

Option	Comments
Members agree to the proposed amendments to 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, as set out in Appendix B. This is the recommended option	This will ensure that the safeguarding training becomes a mandatory condition on hackney and private hire driver and operator licences.
Members agree to revised amendments to 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. Not the recommended option	Panel members may wish to make some revisions to the proposed amendments before they are implemented. Any revisions making a meaningful difference to those that were consulted on may require further consultation.

Option	Comments
<p>Members do not agree to the proposed amendments to 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, as set out in Appendix B.</p> <p>Not the recommended option</p>	<p>Without this Panel's agreement to the proposed amendments to the policies the mandatory safeguarding training cannot be introduced.</p>

3. KEY IMPLICATIONS

- 3.1 As was stated in the report to the Licensing Panel of 10 April 2018, 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.
- 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 could 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.
- 3.3 The recommended option for the training provider, Personnel Checks, best balances the capacity of the Licensing Team to deliver day to day services and Panel's decision to implement safeguarding training. Opting for one of the other training suppliers will place too big a burden on the Licensing Team, This will in turn affect the team's ability to deliver day to day licensing services.

4. FINANCIAL DETAILS / VALUE FOR MONEY

- 4.1 The costs to attendees of the potential suppliers of safeguarding training are set out in Appendix D in part 2 of this report. These charges are to cover the cost of the training only and RBWM will make zero income from it.

5. LEGAL IMPLICATIONS

- 5.1 Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 provides that a local authority shall not grant a private hire driver's licence unless they consider that person to be fit and proper. This section also provides that conditions considered reasonably necessary can be attached to a private hire driver's licence.
- 5.2 Section 59 of the Local Government (Miscellaneous Provisions) Act 1976 provides that a local authority shall not grant a hackney carriage driver's licence unless they consider that person to be fit and proper.
- 5.3 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 conditions under discussion in this paper, the reason for their introduction and the widespread, 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 The proposed changes to Policy and the consultation with the trade are set out in Appendix B. The results of the consultation are set out in Appendix C.

9. TIMETABLE FOR IMPLEMENTATION

- 9.1 This will be dependent on the decisions made by this Licensing Panel and will be reported to a future Panel meeting but the target for completing training for existing drivers and operators is 31/12/2019.

10. APPENDICES

- Appendix A – Training Details and the Impact on RBWM Licensing
Appendix B – Proposed Changes to Policy and Consultation
Appendix C – The Consultation Results
Appendix D – The Cost of Safeguarding Training – Part II

11. BACKGROUND DOCUMENTS

None.

12. CONSULTATION (MANDATORY)

Name of consultee	Post held	Date sent	Commented & returned
Cllr Grey	Lead Member for Environmental Services, Including Parking	21/06/18	22/06/18
Cllr Cox	Chair of the Licensing Panel	21/06/18	24/06/18
Alison Alexander	Managing Director	12/06/18	15/06/18
Andy Jeffs	Executive Director Communities Directorate	12/06/18	12/06/18
David Scott	Head of Communities, Enforcement and Partnerships	12/06/18	21/06/18

REPORT HISTORY

Decision type: Non-key decision	Urgency item? No
Report Author: Greg Nelson, Trading Standards & Licensing Lead 01628 683561	

Appendix A

Training Details and Impact on RBWM Licensing

The three potential training providers are

1. Personnel Checks Ltd t/as Personnel Checks
One Cathedral Square
Cathedral Quarter
Blackburn
BB1 1FB

Registered in England, number 08101751
2. Slough Borough Council
Licensing
Landmark Place
High Street
Slough
SL1 1JL
3. Achieving for Children Community Interest Company
Gifford House
67c St Helier Avenue
Morden
SM4 6HY

Company number: 08878185

The following table sets out the of the details of the training for direct comparison

	Personnel Checks	Slough Borough Council	Achieving for Children
Type of training for existing drivers and operators / training providers	<p>A fully CPD accredited training campaign called Trust2Ride</p> <p>Training in a class room environment, interactive two hours sessions with role play and group discussions</p> <p>Training provided by professionals from training, police or enforcement background</p>	<p>Training in a class room environment presented by Slough BC licensing and safeguarding officers.</p> <p>Two hour sessions which are interactive with presentations and group discussions</p>	<p>One hour training sessions each presented by two AfC staff fully trained in safeguarding.</p> <p>Interactive</p>

	Personnel Checks	Slough Borough Council	Achieving for Children
Number per session	Up to 40	Up to 60	Up to 120
Support material provided	Information pack containing handbook, car sticker, certificate, passenger information laminate	Training manual, certificate, leaflet and window sticker	No current material specifically for this target group. Existing material can be adapted, some new material would have to be designed.
Test / assessment included	Yes	There is no test element included in this training. Instead a questionnaire is completed by attendees asking how effective they thought the training was.	Yes, an appropriate assessment will be developed
Estimated time to start training	Within approximately six weeks of being appointed	Within approximately eight weeks of being appointed	Within approximately eight to ten weeks of being appointed
Provision for new applicants	New applicants would be held until there are sufficient numbers to put on a training course and the course would then then be provided Personnel checks is being used by other LAs in Berkshire so training sessions will be widely available	New applicants would be held until there are sufficient numbers to put on a training course and the course would then then be provided	New applicants would be held until there are sufficient numbers to put on a training course and the course would then then be provided
Other information	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 although some organisational input would be required from RBWM licensing staff. Two training sessions could be run	Attendees to this training are required to complete a questionnaire at the end. Questionnaire results indicate very high levels of understanding of and satisfaction with the training provided. This training would be provided by licensing officers and would therefore be given by trainers with specific and detailed insight into the world of licenced	AfC already provides safeguarding training for “home to school” drivers and passenger assistants (who are not necessarily part of the hackney carriage and private hire drivers and operators group). This compulsory safeguarding training comprises two elements, the role of the driver/passenger assistant and safeguarding/CSE. AfC would assist with the development and

	simultaneously by two trainers which would reduce the time it would take to train all of our existing drivers and operators.	drivers and operators	administration of training designed specifically to meet the purposes of this report
Impact on RBWM Licensing	<p>Minimal. Required would be room booking for training sessions held within RBWM and updating driver and operator records to include safeguarding training.</p> <p>All other admin done by Personnel Checks, including providing a bookings and payment system and the provision of all training materials</p>	<p>Major. All administration would be carried out by RBWM licensing staff, this would include room booking, booking each individual onto a training session (there is currently no on-line facility), taking payments, chasing up non attendees, providing training materials and so on.</p> <p>The licensing team does not have the capacity to take on this major new piece of work</p>	<p>Significant. AfC would assist with the administration but the bulk is likely to be carried out by RBWM licensing staff.</p> <p>This would include room booking, booking each individual onto a training session, (there is currently no on-line facility), taking payments, chasing up non attendees, providing training materials and so on.</p> <p>The licensing team does not have the capacity to take on this major new piece of work</p>

Appendix B Proposed Changes to Policy and Consultation

Consultation

- i) Safeguarding Training for Hackney Carriage and Private Hire Drivers**
- ii) The Equality Act 2010**

At the Licencing Panel meeting on 10 April 2018 two items were discussed relating to amendments to RBWM's Hackney Carriage Driver and Vehicle Policy and Conditions, the RBWM Private Hire Driver and Vehicle Policy and Conditions and the Private Hire Operators Policy and Conditions ("the Policies").

Both items were agreed in principle but are now required to go out to consultation with the trade.

The results of this consultation and proposals to amend the Policies are to be reported to the next meeting of the Licensing Panel of 03 July 2018.

This letter seeks your views on the two items as set out below.

i) Safeguarding Training for Hackney Carriage and Private Hire Drivers and Operators

ii) The Equality Act 2010 (NOT INCLUDED IN THIS REPORT)

i) Safeguarding Training for Hackney Carriage and Private Hire Drivers and Operators

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

Following several high profile independent enquiries into cases of child sexual exploitation (CSE) in a number of places in the UK, there has been a call for mandatory safeguarding training for hackney carriage and private hire drivers and operators.

This is primarily because hackney carriage and private hire drivers and operators work in and with the community and are very well placed to be able to see and report any concerns they have about vulnerable people, particularly children.

The training is therefore intended to raise awareness within the hackney carriage and private hire trade of the lessons learnt from the CSE enquiries. 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 and other vulnerable people.

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 across the country, provide RBWM licenced drivers and operators with high quality training on a vital topic and, most importantly, ensure the highest possible levels of protection for children and young people.

The exact details of the training and the training provider have yet to be finalised. However the Licensing Panel on 10 April 2018 agreed that;

- the training should be mandatory for all existing hackney carriage and private hire drivers and operators, and for new applicants
- the training is to include a test, quiz or assessment be taken by the driver to confirm their understanding
- the cost of the training would be met by the drivers and operators
- refresher training would be required every three years or if there are changes to legislation

The proposed changes to the Policies are:

1) Hackney Carriage Driver and Vehicle Policy and Conditions

- Hackney Carriage Drivers and Licensing Requirements

- Section 2 – Application Requirements

After paragraph 8 (“All applicants must have completed and passed a Driving Standards Agency Hackney Test Assessment”) insert the following paragraph;

“From 01 October 2018 all applicants must have attended, at their own expense, mandatory classroom based safeguarding training as prescribed by the Head of Communities, Enforcement & Partnerships and achieved a satisfactory score in the test included in the training.

Applicants who can provide evidence that they have attended equivalent safeguarding training will be exempt from the requirement to attend this mandatory safeguarding training. “Equivalent” in this case means

- training in a classroom or group environment
- with a test requiring a minimum pass mark
- with a certificate of attendance or completion

Applicants will then be required to undergo refresher training every three years as prescribed by the Head of Communities, Enforcement & Partnerships”

- Section 3 – Fit and Proper

Add the following paragraphs;

“3.7 From 01 October 2018 existing hackney carriage drivers must undertake mandatory classroom based safeguarding training as prescribed by the Head of Communities, Enforcement & Partnerships and achieve a satisfactory score in the test included in the training. “Existing hackney carriage drivers” includes

any applicant who has started, but not completed, the application process on this date.

3.8 Full details of the training and how to arrange to attend will be provided by the Licensing Officers. Drivers attending the training and achieving a satisfactory score in the test will be issued with a certificate.

3.9 This training must be completed by 31/12/2019 and the original of the certificate provided to the Licensing Officers by that date.

3.10 Should an existing driver fail to attend the training and attain a certificate by 31/12/2019 they will not be regarded as fit and proper to hold a Hackney Carriage Drivers Licence. As a result their licence will be suspended until the training is completed and a certificate produced to the Licensing Officer.

3.11 There is a right of appeal against any such suspension to the Council's Appeals Panel.

3.12 The cost of the training is to be met by the person attending the training. This will be on a cost recovery only basis.

3.13 Existing drivers who can provide evidence that they have attended equivalent safeguarding training will be exempt from the requirement to attend this mandatory safeguarding training. "Equivalent" in this case means

- training in a classroom or group environment
- with a test requiring a minimum pass mark
- with a certificate of attendance or completion

3.14 Drivers will then be required to undergo refresher training every three years as prescribed by the Head of Communities, Enforcement & Partnerships. Full details of this refresher training and how to complete it will be provided by the Licensing Officers.

2) Private Hire Driver and Vehicle Policy and Conditions

- Section 2 – Application Requirements

Insert new paragraph (i) to (k) (and re-number subsequent paragraphs) as follows;

“(i) All applicants must have attended, at their own expense, mandatory classroom based safeguarding training as prescribed by the Head of Communities, Enforcement & Partnerships and achieved a satisfactory score in the test included in the training.

(j) Applicants who can provide evidence that they have attended equivalent safeguarding training will be exempt from the requirement to attend this mandatory safeguarding training. "Equivalent" in this case means

- training in a classroom or group environment
- with a test requiring a minimum pass mark
- with a certificate of attendance or completion

(k) Applicants will then be required to undergo refresher training every three years as prescribed by the Head of Communities, Enforcement & Partnerships”

- Section 3 – Fit and Proper

Add the following paragraphs;

“(f) From 1 October 2018 existing private hire drivers must undertake mandatory classroom based safeguarding training as prescribed by the Head of Communities, Enforcement & Partnerships and achieve a satisfactory score in the test included in the training.

(g) Full details of the training and how to arrange to attend will be provided by the Licensing Officer. Drivers attending the training and achieving a satisfactory score in the test will be issued with a certificate.

(h) This training must be completed by 31/12/2019 and the original of the certificate provided to the Licensing Officer by that date.

(i) Should an existing driver fail to attend the training and attain a certificate by 31/12/2019 they will not be regarded as fit and proper to hold a Private Hire Drivers Licence. As a result their licence will be suspended until the training is completed and a certificate produced to the Licensing Officer.

(j) There is a right of appeal against any such suspension to the Council’s Appeals Panel.

(k) The cost of the training is to be met by the person attending the training. This will be on a cost recovery only basis.

(l) Existing drivers who can provide evidence that they have attended equivalent safeguarding training will be exempt from the requirement to attend this mandatory safeguarding training. “Equivalent” in this case means

- training in a classroom or group environment
- with a test requiring a minimum pass mark
- with a certificate of attendance or completion”

(m) Drivers will then be required to undergo refresher training every three years as prescribed by the Head of Communities, Enforcement & Partnerships. Full details of this refresher training and how to complete it will be provided by the Licensing Officers.

3) Private Hire Operators Policy and Conditions

Section 1 – General Conditions

Add the following paragraphs;

“From 1 October 2018 existing Operators, and all staff working for them who have direct contact with the public, must undertake mandatory classroom

based safeguarding training as prescribed by the Head of Communities, Enforcement & Partnerships and achieve a satisfactory score in the test included in the training.

Full details of the training and how to arrange to attend will be provided by the Licensing Officers. Operators and their staff attending the training and achieving a satisfactory score in the test will be issued with a certificate.

This training must be completed by 31/12/2019 and the original of the certificate provided to the Licensing Officers by that date.

Should an existing Operator or Operator's staff fail to attend the training they will not be regarded as fit and proper to hold an Operator's licence. As a result their licence will be suspended until the training is completed.

There is a right of appeal against any such suspension to the Council's Appeals Panel.

The cost of the training is to be met by the person attending the training. This will be on a cost recovery only basis.

Existing Operators and their staff who can provide evidence that they have attended equivalent safeguarding training will be exempt from the requirement to attend this mandatory safeguarding training. "Equivalent" in this case means

- training in a classroom or group environment
- with a test requiring a minimum pass mark
- with a certificate of attendance or completion

Operators and their staff will then be required to undergo refresher training every three years as prescribed by the Head of Communities, Enforcement & Partnerships. Full details of this refresher training and how to complete it will be provided by the Licensing Officers.

Section 4 – Touting and Soliciting

Rename "Touting, Soliciting and Training" and insert new paragraphs (e) to (g) (and re-number subsequent paragraphs);

"(e) All applicants and new members of staff who deal with the public must have attended mandatory classroom based safeguarding training as prescribed by the Head of Communities, Enforcement & Partnerships and achieved a satisfactory score in the test included in the training.

(f) Applicants and members of staff who can provide evidence that they have attended equivalent safeguarding training will be exempt from the requirement to attend this mandatory safeguarding training. "Equivalent" in this case means

- training in a classroom or group environment
- with a test requiring a minimum pass mark
- with a certificate of attendance or completion

(g) Applicants will then be required to undergo refresher training every three years as prescribed by the Head of Communities, Enforcement & Partnerships

Your views are sought on the following questions

- 1. Do you have any comments to make on the introduction of mandatory safeguarding training for all RBWM licenced hackney carriage and private hire drivers and operators, and new applicants?**
- 2. Do you have any comments on the form that the training should take or the fact that the costs must be met by the driver or operator attending the training?**
- 3. Do you have any suggestions for subjects which should be included in the mandatory safeguarding training?**
- 4. Do you have any other comments?**

Your replies to the questions at the end of items i) and ii) should be sent by Monday 11 June 2018;

By e-mail to licensing@rbwm.gov.uk with the subject heading “Consultation Response”

**By post to Consultation Reply
RBWM Licensing
Town Hall
St Ives Road
Maidenhead
SL6 1RF**

Appendix C The Consultation Results

a)

-----Original Message-----

From:

Sent: 26 May 2018 18:40

To: Licensing <Licensing@RBWM.gov.uk>

Subject: Safeguard training Hackney carriage/ private hire driver

Dear sir/madam,

I have been a Hackney carriage driver for 25 years and the financial pressures that I and many have faced due to the council policy changes in the recent years have almost bankrupt us. I have a family to feed, clothe and to have a roof over their head and I am finding it extremely difficult to make ends meet therefore please please do not make us face extra difficulties.

Regarding your consultation I am happy to do the training for safeguarding children and vulnerable people. I am happy to give my time to do the training.

But please do not make us pay for the training.

Hackney carriage driver

b)

-----Original Message-----

From:

Sent: 01 June 2018 10:43

To: Licensing <Licensing@RBWM.gov.uk>

Subject: Consultation

Dear sir /madam

I refuse to become part of this case

It is not my job I am a taxi driver not a policeman It is already bad enough and you want us to pay for it Do not force this on me Thank you

c)

From:

Sent: 07 June 2018 10:26

To: Licensing <Licensing@RBWM.gov.uk>

Subject: Consultation Response

We allready have , disclousure

D.V.L.C., Medicals . Criminal records updates etc.

Don't see the need for this

And no mention of the cost..?

Thanks

d)

From:

Sent: 31 May 2018 14:08

To: Greg Nelson <Greg.Nelson@RBWM.gov.uk>; steve.garelick@gmbdrivers.org; Sarah Conquest <Sarah.Conquest@RBWM.gov.uk>; Cllr Grey <jesse.grey@btinternet.com>; Cllr Bicknell <Cllr.Bicknell@RBWM.gov.uk>; Cllr Cox <cllr.Cox@RBWM.gov.uk>

Subject: Consultation letter

Afternoon,

In regards to the consultation letter drivers are asking how much this will the course cost if it goes ahead.....

Kind regards,

From: Greg Nelson

Sent: 31 May 2018 15:24

To:

Subject: RE: Consultation letter

Good afternoon

The training provider has not yet been decided upon, this will hopefully be done at the next Panel meeting on 3 July. It is likely to be in the region of between £15 and £25 but I cannot be more specific at this time.

From:

Sent: 04 June 2018 16:04

To: Greg Nelson <Greg.Nelson@RBWM.gov.uk>

Subject: Re:

Thank you for your reply Mr Greg,

.....Regards to your consultation letter, driver's are not happy as other boroughs are paying for this course. I have informed Steve (GMB Rep) he will be in touch soon. Thank you.

Kind regards

From: Greg Nelson

Sent: 06 June 2018 08:48

To:

Subject: RE:

Thank you for that

You are correct in saying that some other local authorities provide safeguarding training at no charge to their drivers whilst some do impose a charge. That is a decision for each local authority to decide on and our members have decided that in our case the drivers must meet the cost.

I will of course welcome any comments that Steve has to make and include it in the consultation if I hear from him before the deadline which is next Monday. If you have anything further to contribute on the consultation please let me have it on or before that date.

Regards

Greg

e)

Consultation

Safeguarding Training for Hackney Carriage and Private Hire Drivers and Operators

1. *Do you have any comments to make on the introduction of mandatory safeguarding training for all RBWM licenced hackney carriage and private hire drivers and operators, and new applicants?*

Having gone to Legoland Windsor to learn more about safeguarding. I feel that it is a good idea to introduce this to all Hackney Carriage drivers and Private Hire Drivers to new and existing Drivers. This is a way to help us understand what role we can play and what we can use at our disposal if something like this ever arises. This could be from phoning the police or contacting a local authority or charities. Also, it should only be mandatory if the council is willing to pay for the course.

2. *Do you have any comments on the form that training should take or the fact that the costs must be met by the driver or operator attending the training?*

The form of training that I feel should be done is like the Reading Model. Which is a presentation to 50 drivers and certificate to show that they have attended the course. I feel that the council should be more than willing to cover this cost of the course. If you look at the number of vehicle in the borough which is 1700 and each will pay £20 (your estimate of the cost for course) so the total cost will be £34000. The council receives enough licence fee from drivers to cover that and should be more than able to incur cost of the course. We are already paying too much for our licence fees and feel that this extra burden does not justify us to pay. We pay for Licence badge - Licence plate – DBS check - medical and CRB. In terms of Hackney Carriages in the Borough there are 170 plus vehicles. The work is very tough and there is not much to go around. The other boroughs in and around RBWM in which you are mentioning do not have the same number of vehicles operating in their areas. Nor do they have to pay £1000's of money towards getting their car white and purple which in turn has devalued the car by £3000 immediately. They cannot go out to find work and if they do customers do not like to sit in those vehicles. If we were in that situation like the other boroughs I feel that we would not mind to pay but the council has continued with their own ethos. Back in 2012 in preparation for the Olympics the council gave us free training into how to deal with tourist coming into our town and welcoming them. If the council could pay for this course then why, cannot they not pay for this.

3. *Do you have any suggestions for subjects which should be included in the mandatory safeguarding training?*

I have not fully taken any course of this nature so would not be able to recommend what subjects to include.

4. *Do you have any other comments?*

No

f)

-----Original Message-----

From:

Sent: 10 June 2018 21:53

To: Licensing <Licensing@RBWM.gov.uk>

Subject: Consultation Response

To whom it may concern,

I think what the Authority proposes is a very valuable approach and entirely appropriate for Hackney Carriages & Private Hire drivers of motor vehicles who are carrying the public from point to point and may have regular repeat business such as School runs etc.

The studies found that CSE occurs where there is repeated contact which enables 'grooming' leading to CSE.

Whilst supporting this approach I would like to point out that Safeguarding and risk of CSE is very different in the case of Horse drawn vehicles (licensed as Hackney Carriages) that provide short circular tours of Windsor to tourist.

We are licensed to operate a horse drawn hackney carriage and I would like to ask the Panel to consider 'that the licensed operators of Horse drawn vehicles ' should be exempt from 'safeguard training' for the following reasons :

- Our business is providing Tourists with short horse drawn carriage trips on a circular route around Windsor of around 15 minutes duration, returning to the starting point.
- Tourists we carry are typically family groups who are either day- trip or short stay visitors to Windsor.
- A Horse drawn Carriage requires 2 people to operate and that of itself acts as a safeguarding function.
- The Carriages are open, only operate during the hours of daylight and thus are under Public Scrutiny at all times.
- The passengers compartment is separated from the driver and the co driver.
- The well known circumstances of CSE have invariably involved Hackney Carriage and Private Hire drivers, operating 'Motor Vehicle's as taxi involving regular or repeat customer contact.
- Horse drawn hackney carriage operation is seasonal as it depends on the time of year, tourist numbers and the weather; we operate and open carriage.
- As such income is very variable and the cost of safeguarding training would impose a financial burden on a small business that presents no determinable risk for the reason above and particularly as there is no repeat contact with customers.

Given the difference between the type of operations of the Motor Vehicles and Horse drawn vehicles, the Panel can hopefully see no risk attached to the Horse drawn carriage operators. As such the Panel is asked to agree that there would be no public benefit from 'Safeguarding Training' for Horse drawn carriage operators and to Exempt them from any requirement for Safeguarding Training.

Kind Regards

g)

02/06/18

Dear Mr Chairman,

This letter is regarding the recent proposal regarding safeguarding training for Hackney Carriage and Private hire drivers and operators put out to consultation to the trade. The trade have various concerns regarding this proposal. We understand the importance of safeguarding given recent cases in the media, but disagree this should be imposed on our trade given it isn't a legal requirement.

Your consultant document clearly states Safeguarding training isn't a legal requirement; it is the RBWM who wish to introduce this, so we disagree that the cost should be met by drivers and operators. Other sectors and authorities fund the training such as when Reading introduced the training in 2017, they fully funded the training for the drivers. The same applies to Slough they don't charge an additional fee for safeguarding training- it is free of charge. So your consultation states you wish to be consistent with other local authorities, so the same consistency should apply to cost being met directly by RBWM.

Regarding form of the training other sectors including the NHS accept e-learning for safeguarding which again is fully funded, as well as classroom based sessions which don't involve any formal assessments. If health workers where safeguarding is even more important have these options, we don't understand why it would need to be more rigorous for hackney carriage/ private drivers to exclude e-learning modules as an option and have formal tests. With Slough, no tests take place as you can see from Appendix A (*see below*) directly from their licensing authority.

So if RBWM wish to be consistent with other licensing authorities, you should be consistent with neighbouring authorities in all points, not just with implementing training, this should include, the cost being with RBWM and no formal test.

Please find attached signatures of drivers

Yours sincerely

Mohammad Yasin

Chairman of RB taxi association

APPENDIX A

11th January 2018

Department: Licensing
Contact Name: Michael Sims
Contact No: 01753 477337
Email: Michael.sims@slough.gov.uk

Our Ref: MANDATORY SAFEGUARDING TRAINING
Your Ref:

Dear

Re: Final Request - Mandatory Safeguarding Awareness Training Sessions

The Licensing Committee approved mandatory Safeguarding Awareness Training for all currently licensed hackney carriage and private hire drivers and operators and all new applicants in July 2015.

The training is **MANDATORY** and you **MUST** attend one of the remaining training sessions.

As you have so far failed to attend any of the previous training sessions despite having been written to on several occasions as well as the dates and locations having been published in the Taxi and Private Hire Newsletter this is a final request that you do undertake the training.

I will be putting a report to the Licensing Committee as soon as possible requesting approval to automatically suspend any drivers licence who has repeatedly failed to book on or attend the mandatory training, so please be advised that if you do not book on or attend one of the remaining sessions (dates and locations detailed below) your driver licence may well be suspended.

The training sessions are free, run for a maximum of 2 hours per session and you do not have to take a test.

To book your session place **YOU MUST**:

1. Choose a date and time from the list printed on the back of this letter
2. Call Licensing on 01753 875864, or
3. Email your choice to licensing@slough.gov.uk

Please bring one of the following with you:

1. Private Hire or Hackney Carriage badge (current licensed drivers), or
2. DVLA driving licence (operators / new applicants), or
3. Passport (operators / new applicants)

Source:

<http://www.sloughboroughcouncil.net/Moderngov/documents/s50409/Safeguarding%20Training%20Report.pdf>

TAXI and minicab drivers will be required to undertake training on child safeguarding issues before being awarded a licence under new regulations being introduced by Reading Borough Council.

A two-hour training session on Safeguarding Children & Child Sexual Exploitation (CSE) will form part of the application process for both Hackney Carriage Vehicle (HCV) and Private Hire Vehicle (PHV) licences.

All Reading licensed drivers are being invited to a limited number of free training sessions throughout 2017.

Taxi and private hire drivers are currently required to undergo Disclosure and Barring Service (DBS) checks and complete a two-part council theory test, which includes questions on licence conditions, Highway Code, transportation of disabled passengers and safeguarding/CSE.

Members of the Licensing Application Sub-Committee 3 agreed earlier this month to strengthen the safeguarding/CSE aspect of the application process for the renewal of these licences.

Licensing officers will initially work in conjunction with the Council's Children's Services team to provide free training sessions, starting in April. The sessions will cover how taxi drivers can safeguard themselves and passengers, report suspected abuse and CSE, provide scenarios which drivers may find themselves in or recognise indicators of possible abuse.

Source: <http://news.reading.gov.uk/cse-taxi>

License no. Badge number	Name / Signature	License no. Badge number	Name / Signature
1. CD7110	M. YASIN	247	M. B. S.
2. HD7037	Signature	HD337	Signature
2. HD0145	M. Signature	HD7006	m. Azah
4. HD0343	Z. IQBAL	HD6824	Signature
5. CD7151	M. SULAIMAN	HD6995	Signature
6. HD6959	M. ATAFI B	HD6910	P. Q.
7. HD6883	Ashraf	CD7072	M. Mushtaq
8. CD7124	M. Signature	CD7159	Signature
9. HD6801	Zafar Razaq	HD697H	S. Nureed
10. CD7073	Arif Aali	CD7086	M. Signature
11. HD6978	Sajid M	HD7046	Arif Aali
12. HD6885	Signature	HD0143	M. Signature
13. HD6726	S. Kiani	HD9052	Signature
14. HD6796	Signature	FD Signature HD0340	F. Signature
15. HD7019	M. Ashraf	CD7043	Imam A. Muneer
16. HD6556	Sherif	CD6307	Signature
17. HD7053	ABDUL SAJJAD	HD0148	Signature
18. CD7112	M. Signature	HD6974	Signature
19. CD7134	A. Signature	CD5990	Signature
20. HD6908	Signature	HD6946	m. Signature
21. HD6949	M. Signature	HD7051	S. Signature
22. HD6981	A. Signature	HD6970	J. Signature
23. CD7140	Signature	HD0048	M. Signature
24. HD0306	M. Signature	HC853	M. Rushid

	License Plate Badge number	Signature
49.	HD 0254	
50.	HD 8032	A. WAHID
51.	HD 0013	M. S. Aneek
52.	CD 7120	Kamran H
53.	HD 6915	
54.	HD 6943	Saeed
55.	HD 975	X. Hussain
56.	HD 165	All
57.	CD 7163	A. H. Qureshi
58.	CD 7681	APSAH ALI
59.	HD 268	
50	HD 7031	Kamran Beehri
61	HC 833	W. Malik
62	HC 802	David
63	HC 965	S. Mahmood
64	HC 928	M. Anif
65	HC 828	A. Mahmood
36	HC 816	Sajad Akhtar

	License Plate number	Signature
67.	HD 6900	U. IQBAL
68.	HD 7040	Naseer
69.	HD 0859	
70.	HD 0281	Jay
71.	HD 6927	Farm Khan
72.	HD 0011	Nervaz Mahmood
73.	CD 7153	Amir Ali
74.	HD 6869	Bash
75.	HD 6999	S. Qureshi
76.	CD 5223	S. Anif
77.	CD 7131	Naveed Akhtar
78.	CD 5746	
79.	HC 826	Tariq Mahmood
80.	HC 869	Amir Ali
81.	HC 832	M. Azam
82.	HC 807	M. Sajid
83.	HC 846	Amir Ali
84.	HC 903	S. Qureshi
85.	HC 813	Mahboob

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Agenda Item 9

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

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

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