

SAFEGUARDING: HUMAN TRAFFICKING – EXPLOITATION OF VULNERABLE PERSONS

Human Trafficking is the crime of moving a person (adult or child) from one place to another into conditions of exploitation, using deception, coercion, the abuse of power or the abuse of someone's vulnerability.

Unfortunately vulnerable persons can be "moved" by criminals who chose to have the journeys carried out in licensed vehicles, without the drivers having any reason to believe that such a person is a victim of such a crime.

Taxi and Private Hire Drivers are the eyes and ears of their communities through the work they do and the contacts they have, and if you are able to spot the signs of human trafficking and know how to report this crime, you can be a major force in tackling this terrible activity.

There are three main elements involved with Human Trafficking:

- **Movement:** recruitment, transportation, transfer, harbouring or receipt of people (adults or children).
- **Control:** threat, use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability, or the giving of payments or benefits to a person in control of the victim.
- **Purpose:** exploitation of a person (adult or child), which includes prostitution and other sexual exploitation, forced labour, slavery or similar practices, street crime, forced marriage and the removal of organs forced to work, beaten, abused and too scared to escape.

HOW CAN YOU SPOT IF SOMEONE MAY BE VULNERABLE AND BEING EXPLOITED AND TRAFFICKED?

There are various tell-tale signals to look for. One sign on its own does not mean someone has been trafficked, but several signs together should give you cause for concern. Perhaps the person shows signs of the following:

- Does not know their home or work address
- Allows others to speak for them when addressed directly
- Live or travel in a group, sometimes with other persons who do not speak the same language
- They are collected very early and/or returned late at night on a regular basis
- May have inappropriate clothing for the work they are performing, and/or a lack of safety equipment
- Their physical appearance may show signs of injury, malnourishment, unkempt
- They may be isolated from the local community and/or appear to be under the control or influence of others
- Have no cash of their own
- Be known to work at a brothel and be frequently moved from one site to another

HOW TO REPORT YOUR CONCERNS?

If you suspect that a person (adult or child) is vulnerable and may be the victim of abuse, exploitation and/or trafficking, you can report your concerns in confidence by telephoning:

- **Thames Valley Police:** 101 (or if an emergency 999)
- **Crimestoppers:** 0800 555 111

WHY DO I NEED TO KNOW ABOUT SAFEGUARDING?

Everyone is becoming aware of the well-publicised issues relating to Child Sexual Exploitation and Human Trafficking that have occurred throughout the country. These are abhorrent crimes, and the Licensing Authority has a duty to assist the Taxi and Private Hire Trade and the public in tackling this issue, and to protect those who are vulnerable and / or being exploited. We need the help of taxi and private hire drivers and operators to identify those who commit these crimes, and protect those who most need our help.

This page and our website are devoted to helping you as a license holder or applicant to be aware of those who may be vulnerable or being exploited, and questions relating to this subject are posed within the Local Knowledge & Safeguarding Test that all new applicants must undertake as part of the criteria for the grant of a licence.

However, there is always more that can be done by everyone to help promote a better understanding of this subject, and we hope that this page and our website will assist you in being able to identify those at risk, how to protect those who may be vulnerable or being exploited, how to ensure that your actions do not negatively contribute to such persons becoming victims, and to whom to report your concerns.

WHERE CAN I FIND MORE INFORMATION ON SAFEGUARDING?

A full page devoted to Safeguarding, designed with help from the National Working Group and Oxfordshire County Council can be found on the Council website: <http://www.oxford.gov.uk/PageRender/decB/TaxiandPrivateHireSafeguarding.htm>

If you are a new applicant, many of the questions posed in the Local Knowledge & Safeguarding Test will be more familiar to you if you have studied our online Safeguarding page. As an existing licence holder, the information on the website will help you identify and support those persons in most need of help and in turn support the authorities in tackling these abhorrent crimes and protecting the most vulnerable in our society.

Safeguarding Children and Vulnerable Persons – Taxi & Private Hire Trade

Human Trafficking & Child Sexual Exploitation:

Everyone is becoming aware as to the well-publicised issues relating to Child Sex Exploitation and Human Trafficking that have occurred throughout the country. These are abhorrent crimes, and the Licensing Authority has a duty to assist the Taxi & Private Hire Trade and the public in tackling this issue, and to protect those who are vulnerable and / or being exploited, and we need your help to identify those who commit these crimes, and protect those who most need our help.

Contained within the Hackney Carriage & Private Hire Driver Licence Application Pack ([insert link to DRIVER APPLICATION PACK](#)) you will find a page devoted to helping you as a license holder or applicant to be aware of those who may be vulnerable or being exploited, and questions relating to this subject are posed within the Local Knowledge Test that all new applicants must undertake as part of the criteria for the grant of a licence.

However, there is always more that can be done by everyone to help promote a better understanding of this subject, and we hope that this page will assist you in being able to identify those at risk, how to protect those who may be vulnerable or being exploited, how to ensure that your actions do not negatively contribute to such persons becoming victims, and to whom to report your concerns.

What You Can Do To Help Those At Risk:

By following the **Good Safeguarding Practices** below ([click here for the full Taxi & Private Hire Safeguarding Presentation – INSERT LINK TO PDF PRESENTATION](#)), you will be helping to protect those who are vulnerable and / or being exploited. We need your help to bring to task those who commit these crimes.

- ***Check at the point of booking if there are any vulnerability issues. This will allow you to prepare for the journey in the right way.***
- ***Ask the person booking if an escort for the vulnerable passenger is required and if they are providing one.***
- ***Let your head office know (or keep a record) of the time you picked up the vulnerable passenger, the time and place you dropped them off and whether there was any incident or anything significant on the journey.***
- ***If you refuse to take a passenger inform someone that you can't take them so they can deal with the person another way (e.g. hospital staff; family; security staff if a club/pub)***
- ***Record incidents and refusals***
- ***Be professional – try not to be over-friendly or talk about personal or intimate issues, don't exchange personal contact information such as passenger's telephone numbers or Facebook address.***
- ***Avoid swearing or aggressive behaviour.***
- ***Do not touch passengers.***

- ***Never accept an offer of a sexual favour instead of payment.***
- ***Make sure you are wearing ID, (your licence badge and your company uniform)***
- ***Sit lone passengers in the back unless otherwise agreed.***
- ***Ask or explain to passengers if using a centralised locking system – don't just put it on without an explanation.***
- ***DON'T ASSUME that your passenger wants help – ALWAYS ASK***
- ***Never follow a passenger into the house unless previously agreed / properly authorised***
- ***ASK before making a journey shorter by going off the main roads/using isolated country roads, explain and give the passenger (or person booking) a choice of route.***
- ***NEVER set off with a passenger without a specific destination address***
- ***NEVER double up on a booking – even if passengers are travelling in a similar direction, they may pose a threat or risk to the other passenger***
- ***If you think the passenger is afraid, offer to ring head office to tell them you have a passenger named XXXX with you and give the address and approximate time of arrival; this reassures the person that they are safe and someone is monitoring the trip.***
- ***As with all professions if you are concerned about another driver's conduct report your concerns to your manager or the relevant agency.***
- ***Organisations should have a lead member of staff for safeguarding; this person should be able to advise colleagues about how to manage vulnerable passengers and any incidents arising.***
- ***ALWAYS KEEP A RECORD either in your cab or at head office, of ANY incidents or situations you were not happy with – the record should include a description of what happened and what you did to keep yourself and your passenger safe.***

WHO TO CONTACT:

If you think you may be carrying someone who is vulnerable and / or the victim of exploitation:

Phone 999: Call the Police emergency number if you believe that the risk is imminent / assault happened or likely to.

Record and report concerns to the Police 101 and / or the safeguarding services if a child or vulnerable adult is involved. Further information on the different options available to report your concerns can be found on the Thames Valley Police website (**INSERT LINK TO <http://www.thamesvalley.police.uk/reptcr.htm>**)

Signpost if safe to do so – offer the passenger information (for example make contact cards or window stickers visible) – stickers and cards can be obtained from the Council Offices.

Phone Crimestoppers – 0800 555 111

Contact the Oxford Safer Communities Partnership – visit our Safer Oxford website for further details **(INSERT LINK TO: http://www.saferoxford.org.uk/sex_exploit.html)**

Contact the Oxfordshire County Council Family Information Service– 01865 335276 or make an online enquiry via their website. **(INSERT LINK TO <https://www.oxfordshire.gov.uk/cms/content/child-sexual-exploitation>)**

OXFORD CITY COUNCIL

HACKNEY CARRIAGE & PRIVATE HIRE

SAFEGUARDING CHILDREN & VULNERABLE PEOPLE



INTRODUCTION:

Everyone is becoming aware of the well-publicised issues relating to Child Sexual Exploitation and Human Trafficking that have occurred throughout the country. These are abhorrent crimes, and the Licensing Authority has a duty to assist the Taxi and Private Hire Trade and the public in tackling this issue, and to protect those who are vulnerable and / or being exploited. We need the help of taxi and private hire drivers and operators to identify those who commit these crimes, and protect those who most need our help.

Contained within your Hackney Carriage & Private Hire Driver Licence Application Pack you will find a page devoted to helping you as a new applicant or existing licence holder to be aware of those who may be vulnerable or being exploited, and questions relating to this subject are posed within the Local Knowledge & Safeguarding Test that all new applicants must undertake as part of the criteria for the grant of a licence.

However, there is always more that can be done by everyone to help promote a better understanding of this subject, and we hope that this page will assist you in being able to identify those at risk, how to protect those who may be vulnerable or being exploited, how to ensure that your actions do not negatively contribute to such persons becoming victims, and to whom to report your concerns.

GOOD PRACTICE GUIDELINES:

This document is designed to provide guidance to you as licensed Hackney Carriage & Private Hire Driver engaged in transporting children and / or vulnerable people.

It is a guide to help you spot the signs of when someone may be at risk, and what actions you should take in order to help the person who may be at risk.

Situations will inevitably arise which cannot be anticipated and in such circumstances the driver will need to rely on his or her own initiative in order to decide what the is the appropriate action to take, but by having an understanding of the information provided within this document, the driver will be much better informed as to what the appropriate actions should be.

WHAT IS SAFEGUARDING?

Safeguarding is the word we use to describe the protection of children and vulnerable people from human trafficking and child sexual exploitation.

WHAT IS HUMAN TRAFFICKING?

Human trafficking is a very serious crime where vulnerable people are exploited and taken advantage of through forced labour, domestic servitude, sexual exploitation, street crime and other types of abuse.

WHAT IS CHILD SEXUAL EXPLOITATION?

Child Sexual Exploitation is when:

- *Young people receive something in return for engaging in sexual activities.*
- *Offenders have power over victims due to their age, gender, intellect, physical strength and/or economic or other resources.*
- *Violence, coercion and intimidation are common.*

WHY ARE YOU TELLING ME THIS?

Sadly, taxis and private hire vehicles are used by criminals to “traffick” people from one location to another in order to exploit that person. The licensed driver will be completely unaware that he / she is an unwitting accomplice to the crime.

We all have a duty to protect those who are vulnerable and / or being exploited. We need your help to identify those who commit these crimes, so that we can protect those who most need our help.

If a taxi driver transports a child knowing or believing that child will be sexually exploited then the driver is committing the offence of Human Trafficking – the maximum sentence for which is 14 years imprisonment.

HOW WILL I BE ABLE TO IDENTIFY SOMEONE WHO MAY BE AT RISK?

There are tell-tale signs that may help you be able to identify that the passenger in your vehicle or someone else you know may be a person whose welfare is at risk.

These signs include, but are not limited to, a passenger appearing:

- *Distrustful, fearful, anxious or traumatised*
- *To be controlled, threatened or spoken for by someone else*
- *To have injuries such as cuts, bruises, or cigarette burns*
- *To be travelling to or from overcrowded properties*
- *To be confirmed or isolated in the workplace or only leaves at odd times*
- *To be unaware of the address of where they live or work*
- *To have little interaction with family or the wider community*
- *To speak very little English*

Other matters which may give you suspicions that your passengers is at risk include:

- *Concerns about locations and venues you drop young people off at.*
- *Concerns about adults paying for young peoples’ taxi fares.*
- *Concerns about young person’s conversations in your vehicle.*

WHAT CAN I DO TO MAKE SURE MY PASSENGERS DO NOT FEEL AT RISK?

By following these examples you will be helping to protect those who are vulnerable from being exploited:

- *Check at the point of booking if there are any vulnerability issues. This will allow you to prepare for the journey in the right way.*
- *Ask the person booking if an escort for the vulnerable passenger is required and if they are providing one.*
- *Let your head office know (or keep a record) of the time you picked up the vulnerable passenger, the time and place you dropped them off.*
- *Be professional - try not to be over-friendly or talk about personal or intimate issues.*
- *Avoid swearing or aggressive behaviour and do not touch passengers.*
- *Make sure you are wearing your licence badge in a prominent position and (if applicable) your company uniform.*
- *Sit lone passengers in the back unless otherwise agreed.*
- *Explain to passengers if you are using a central door-locking system.*
- *If you are concerned about another driver's conduct report your concerns to your manager or the relevant agency.*
- *Never accept an offer of a sexual favour instead of payment.*
- *DON'T ASSUME that your passenger wants help - ALWAYS ASK.*
- *Never follow a passenger into the house.*
- *ASK before making a journey shorter by going off the main roads/using isolated country roads, explain and give the passenger (or person booking) a choice of route.*
- *NEVER set off with a passenger without a specific destination address.*
- *If you think the passenger is afraid, offer to ring head office to tell them you have a passenger named XXXX with you and give the address and approximate time of arrival; this reassures the person that they are safe and someone is monitoring the trip.*
- *ALWAYS KEEP A RECORD either in your vehicle or at head office, of ANY incidents or situations you were not happy with – the record should include a description of what happened and what you did to keep yourself and your passenger safe.*

HOW CAN I HELP SOMEONE WHO MAY BE AT RISK?

Your work as a Hackney Carriage or Private Hire Driver will bring you into daily contact with children and adults across Oxfordshire, some of whom may be at risk or harm.

We are not expecting you to make the decisions on whether a child or an adult is at risk but we do want to help you to be confident on spotting the signs that someone may be vulnerable, being exploited or being trafficked, so that you are able to know what to report and who to report your concerns to.

What you see and report could help save someone from slavery, exploitation and abuse.

If you suspect that someone might be a victim of human trafficking, or if something seems 'not quite right' it is very important that you report this to the appropriate Authorities

WHO TO REPORT YOUR CONCERNS TO:

If you think that your passenger may be vulnerable or at risk, then please contact these Agencies listed below:

Thames Valley Police:

Call 999: the Police emergency number if you have concerns for your passengers immediate safety.

Call 101: Call the Police non-emergency number if you have any concerns about a child or vulnerable person who is not in immediate danger or visit the **Thames Valley Police website** to report your concerns by email.

CrimeStoppers: Call **0800 555 111** or visit their website at: **www.crimestoppers-uk.org**

Multi-Agency Safeguarding Hub: Call **0845 050 7666** or visit their website at: **www.oxfordshire.gov.uk/cms/content/safeguarding-hub**

Safeguarding Vulnerable Passengers from the Risk of Human Trafficking and Child Sexual Exploitation

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Partnership with the Taxi/Private Hire Trade

Learning Outcomes

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- Be aware of what child sexual exploitation is
- Be aware of what human trafficking is
- Be able to recognise and report a vulnerable person at risk
- Understand how child sexual exploitation and human trafficking can relate to their business
- Know how to protect ^ [ˇ |•^|~as æ|á^} •^áÁ driver and demonstrate due diligence

What makes a passenger vulnerable?

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What are your responsibilities to a vulnerable passenger?

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What is human trafficking?

Human Trafficking is a process

- Recruitment (Grooming)
- Pre travel
- Travel
- Arrival
- Exploitation
- Rescue/escape

What is human trafficking the Law?

Section 59(A) Sexual offences act 2003

- A person intentionally arranges or facilitates:
- The travel of a person within the UK For the purposes of sexual exploitation
- During or after the journey
- Believes that another person is likely to sexually exploit the person
- During or after the journey

What does this mean?

- If a taxi driver transports a child knowing or believing that child will be sexually exploited
- During or after the journey
- That driver will commit the offence of Human Trafficking
- Maximum sentence 14 years imprisonment

Consent

1. The international definition of Human Trafficking has 3 elements
2. The Act, what is done, Recruitment, transportation, transfer, harbouring, receipt of a person.
3. The means, how you get someone to consent to the act. Children cannot consent to be exploited so this is not needed
4. The purpose, why it is done, Sexual Exploitation
5. As a child cannot consent to be exploited the only elements of the definition that need to be present to identify that an act of Human Trafficking has been committed are one of the elements at 2 above and the purpose Sexual Exploitation.

Palermo Protocol

“The recruitment, transportation, transfer, harbouring or receipt of persons...

...by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person...

...for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs“

A child cannot consent to be exploited

Act Means Purpose

What is Sexual Exploitation?

- Young people receive something in return for engaging in sexual activities.
- Offenders have power over victims due to their age, gender, intellect, physical strength and/or economic or other resources.
- Violence, coercion and intimidation are common.

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How Are Young People Targeted?

- Vulnerable
- Befriended by offender
- Grooming process
- Blackmail/threats
- Isolation from support

Indicators of Risk

- Going missing from home
- Relationships with older males or females
- Concern that young person is sexually active
- Breaking away from family, friends or professionals
- Not attending school
- Experimenting with drugs and/or alcohol

Indicators of Risk

- Secretive
- Involved in offending behaviour
- Unexplained mobile phones/credit
- 96 ■ Accepting lifts in different cars
- Sending and receiving inappropriate images
- Spending increasing time on social networking sites

Who are the Offenders?

- Individuals who control adult sex workers
- Drug dealers with links to violent crime
- Groups of males who exploit for their own sexual gratification
- Males who pass young people on to others for sex
- Female offenders
- Other young people

What are we doing to stop this?

- Professionals and Partners trained to spot signs of exploitation.
- Young people warned of risks.
- Those at risk supported by youth workers.
- Information passed to police to disrupt activities and prosecute offenders.

How Could this Affect You?

- Concerns about young people in your vehicle.
- Concerns about locations/venues you drop young people off at.
- Concerns about adults paying for young peoples' taxi fares.
- Concerns about young person's conversation in your vehicle

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What can you do to help?

- Be aware of indicators of risk.
- Be aware of young people you think may be at risk.
- Be aware of addresses you are taking young people to.
- Pass on any information/concerns you have.

Scenario

You work in a city centre and often pick up passengers from pubs and clubs. You notice that there are often high numbers of young people who appear to be drunk and underage coming out of a particular night club at weekends.

101

On this occasion when you arrive to pick up your passenger you see a young girl leaving the premises. The girl seems to be about 14 or 15 years of age and is very intoxicated. She is with three significantly older men and the group is walking towards your vehicle.

Scenario

An intoxicated 14 year old offers you sex in place of a taxi fare. She is dropped off at a children's home.

Scenario

You are called to a job at a massage parlour at 3.15am where you pick up an adult female who looks about 23 years old, she has a young girl and a boy with her who look about 13. They are escorted to the car by two older men who address the woman in a foreign language. The children appear afraid and the woman seems upset. The men are in a hurry and ask you to take the passengers to an address they give you.

How to report your concern

- **Phone 999** if risk is imminent / assault happened or likely to
- **Record and report concerns to the police 101** and / or the safeguarding services if a child or vulnerable adult is involved.
- **Signpost if safe to do so** – offer the passenger information (for example make contact cards or window stickers visible)
- **Crimestoppers** – insert info

Protecting yourself

- Risks
- Code of Good Safeguarding Practice

Good Safeguarding Practice (1)

- Check at the point of booking if there are any vulnerability issues. This will allow you to prepare for the journey in the right way.
- Ask the person booking if an escort for the vulnerable passenger is required and if they are providing one
- Let head office know (or keep a record) of the time you picked up the vulnerable passenger, the time and place you dropped them off and whether there was any incident or anything significant on the journey.
- If you refuse to take a passenger inform someone that you can't take them so they can deal with the person another way (eg hospital staff; family; security staff if a club/pub)
- Record incidents and refusals
- Be professional – try not to be over-friendly or talk about personal or intimate issues, don't exchange personal contact information such as passenger's telephone numbers or facebook address. Avoid swearing or aggressive behaviour. Do not touch passengers.
- Never accept an offer of a sexual favour instead of payment.
- Make sure you are wearing ID, either a badge or company uniform.
- Sit lone passengers in the back unless otherwise agreed.
- Ask or explain to passengers if using a centralised locking system – don't just put it on without an explanation.

Good Safeguarding Practice (2)

- DON'T ASSUME that your passenger wants help – ALWAYS ASK
- Never follow a passenger into the house unless previously agreed / properly authorised
- ASK before making a journey shorter by going off the main roads/using isolated country roads, explain and give the passenger (or person booking) a choice of route.
- NEVER set off with a passenger without a specific destination address
- NEVER double up on a booking – even if passengers are travelling in a similar direction, they may pose a threat or risk to the other passenger
- If you think the passenger is afraid, offer to ring head office to tell them you have a passenger named XXXX with you and give the address and approximate time of arrival; this reassures the person that they are safe and someone is monitoring the trip.
- As with all professions if you are concerned about another driver's conduct report your concerns to your manager or the relevant agency.
- Organisations should have a lead member of staff for safeguarding, this person should be able to advise colleagues about how to manage vulnerable passengers and any incidents arising.
- ALWAYS KEEP A RECORD either in your cab or at head office, of ANY incidents or situations you were not happy with – the record should include a description of what happened and what you did to keep yourself and your passenger safe.

Keeping children and vulnerable people safe from abuse

Keeping children and vulnerable people safe is all our responsibility. That's what safeguarding is about.

We all want to stop vulnerable people being trafficked and taken advantage of through forced labour, domestic servitude, sexual exploitation and street crime and other types of abuse.

No one should have to live with or live under the threat of abuse, violence, sexual exploitation or trafficking. If we all work together, we stand a better chance of putting a stop to it.

Your work brings you into daily contact with children and adults across Oxfordshire, some of them may be at risk or being hurt or exploited. You may not know it, but you could be used by criminals to 'traffic' people from one location to another.

We need your help in identifying the people who commit these terrible crimes so we can protect those who need our help. We need you to speak up if you think someone is being hurt or exploited.



See something.
Say something.

www.oxford.gov.uk



Numbers to Call

Thames Valley Police:

- **Call 999:** the Police emergency number if the person is in immediate danger
- **Call 101:** Call the Police non-emergency number if you are concerned about a child or vulnerable person but they are not in immediate danger.
- **Email** your concerns to:
Peoplesafe@oxfordxxxxxxxxxxxxxxxx
- **Text** your concerns to:
xxxxxxxxxxxxxxxxxxxxxxxx

CrimeStoppers T: 0800 555 111

Multi-Agency Safeguarding Hub

T: 0845 050 7666 or visit

www. xxxxxxxxxxxxxxxxxxxxxx

This leaflet was produced by: Oxford City Council
St Aldate's Chambers, 109-113 St Aldate's, Oxford OX1 1DS

Hackney Carriage and Private Hire Licensing

www.oxford.gov.uk



See something



Say something

Keeping children and vulnerable people safe from slavery, violent and sexual abuse






See something Say something

What to look-out for

These are some tell-tale signs to help you spot if your passenger may be at risk or a victim of harm or abuse:



- distrustful, fearful, anxious or traumatised
- controlled, threatened or spoken for by someone else
- injured – they have cuts, bruises or cigarette burns
- travelling to or from overcrowded properties
- confined or isolated in their workplace or only leave at odd times
- unable to say the address of where they live or work

And they may speak very little English
What you see and what you tell us could help save someone from slavery, sexual exploitation and abuse.

If you suspect that someone might be ctim of human trafficking or if you feel something is 'not quite right' please ring one of the numbers on the card attached or on the back panel of this leaflet.

How you can help

You can help protect children and vulnerable people from being abused, trafficked or exploited by:

- Telling your boss or head office about  your concerns
- Keeping a record of where and when you picked up the passenger you are worried about and the time and place you dropped them off 
- Reporting any concerns you may have about another driver to your manager or one of the agencies listed over the page

When you are working you should always:

- Be professional, don't be over-friendly or talk about personal or intimate issues
- Avoid swearing or aggressive behaviour and do not touch passengers
- Wear your ID, your licence badge and your company uniform (if you have one)
- Sit lone passengers in the back of your taxi
- Tell your passengers if you use a central door-locking system.

Police: Emergency: **999**
Police: Non-emergency: **101**
Police Crime Stoppers: **0800 555 111**
Text:  xxxxxxxxxxxxxxxxxxxxxxxxx
Multi-Agency Safeguarding Hub: 
0845 050 766
 www. xxxxxxxxxxxxxxxxxxxxxxxxxxxxx

See something, Say something card

Please peel off this contact card and keep it handy.

Full details of what you can do to help, **Good Safeguarding Practice  for taxi drivers and operators**, is available on our website: www.oxford.gov.uk/taxisafeguarding

To: General Purposes Licensing Committee

Date: 14 September 2015 **Item No:**

Report of: Head of Community Services

Title of Report: Deregulation Act 2015

Summary and Recommendations

Purpose of report: To inform Committee of the Deregulation Act 2015 and its impact on the Taxi Licensing function.

Report Approved by:

Finance: Paul Swaffield
Legal: Daniel Smith

Policy Framework: Vibrant Sustainable Economy
Policy on the Relevance of Warnings, Offences,
Cautions and Convictions

Recommendation(s):

The Committee is recommended to:

- (i) note the contents of the report; and**
- (ii) endorse the movement to a presumption in favour of a 3 year driver licence as required by the Deregulation Act 2015 and the steps being taken in that context to ensure that the council has adequate up to date information to inform the licensing process.**

Additional Papers:

Appendix One: Deregulation Act 2015 Section 10 and Section 11

Introduction

1. The Deregulation Act 2015 provides for the removal or reduction of burdens on businesses, civil society, individuals, public sector bodies and the taxpayer.
2. These include measures relating to general and specific areas of business, companies and insolvency, the use of land, housing, transport, communications, the environment, education and training, entertainment and alcohol, public authorities and the administration of justice.

3. In addition, the Act repeals legislation that, in the view of Parliament, is no longer of any practical use. The Act comes into force on 1st October 2015 and two sections of this Act relate to the Hackney Carriage and Private Hire Trade that will impact on the Taxi Licensing function. A copy of the relevant sections of the 2015 Act is attached at Appendix One.

Background

4. Presently, this Authority licences drivers, vehicles and operators annually. This enables the Authority to review on an annual basis that all applicants and licence holders are “fit and proper” to hold a licence
5. Section 10 of the 2015 Act requires a Licensing Authority to work on the presumption that the grant of a Hackney Carriage or Private Hire Driver licence will be for a maximum duration of three years, and a maximum duration of five years for a Private Hire Operator licence. The licensing of vehicles is not included in the 2015 Act.
6. The Act permits an Authority to reduce the maximum duration, but only on a “case by case” basis, rather than determine that all licences or categories of applicants will be subject to a shorter duration.
7. Section 11 relates to the provision for a Private Hire Operator to sub-contract a “booking” to any other licensed Private Hire Operator whether or not the secondary Operator is locally licensed or licensed by another Authority. This Section amends the current wording of the Local Government (Miscellaneous Provisions) Act 1976 Part II.
8. Furthermore, Section 11 provides guidance in relation to the first Operator will be committing an offence if he/she knows that the secondary Operator is using unlicensed vehicles or drivers.

Relevant Considerations

9. On the face of it the requirement of Section 10 appears to be in direct opposition to the requirements of the Serious Case Reviews and inquiries carried out in various cities following the investigations and convictions of those linked to sexual exploitation of children.
10. The reviews have called for Licensing Authorities to implement or continue to carry out a robust vetting of all applicants and current licence holders in order to promote public safety and to promote public confidence in the Authority’s vetting of licence holders, and to introduce Safeguarding and Awareness Training.
11. Our current annual vetting process meets with the recommendations of these Serious Case Reviews and we provide a level of Safeguarding and Awareness Training deemed to be “best practice” by the National Working Group, for all new driver and operator applications.
12. Officers are of the opinion that any weakening of our current procedures could impact on the objectives we seek to promote, and undermine the findings and recommendations of the Serious Case Reviews.

13. In order to assist this Committee, the views of the Local Government Association (published in April 2015) are provided below, which echo the concerns raised by local Officers in relation to the licensing of drivers:

“Section 10 of the Bill extends the standard duration of a taxi or private hire driver licence to three years. The LGA supported this proposal in principle as it has the effect of reducing burdens for law-abiding firms and drivers who provide a quality service. However, we raised concerns that it was being introduced without first addressing the existing gaps in vetting drivers. The LGA briefed the Government on the importance of councils being able to check drivers against the barred lists and the police sharing information about criminal investigations into drivers.

Section 11 allows minicab firms to subcontract bookings to firms licensed in a different district. Previously, sub-contracting could only take place between firms licensed in the same district. The LGA strongly opposed the clause on the grounds that it had been brought forward without the accompanying safeguards deemed necessary by the Law Commission’s review of taxi licensing. For example, a requirement for the firm with whom the booking is made to advise the customer if it is being sub-contracted.

The LGA proposed amendments which would mitigate against the risk of subcontracting. These would have required the consent of the hirer before passing on the booking and allowed a licensing authority to exercise its powers over a licensed PHV or taxi operating in their area, even if the licence was issued by another licensing authority. After a vote, these amendments were unfortunately taken no further. However, the Government said it would continue to work on a programme of reform based on the Law Commission’s full report. The LGA intends to lobby the next government to bring forward a reform bill based on the Law Commission’s report at the earliest opportunity.”

14. The Committee will note from other reports provided at this meeting that the proposals put forward by the Law Commission were not included in this Government’s Queens Speech.

Compliance with the 2015 Act

15. The Committee is informed that the Authority will implement the requirements of the 2015 Act, with effect from 1st October 2015 and adopt the statutory presumption in favor of the granting of three year licences.
16. There are no plans to set reduced fees for the issue of a licence of a longer duration than currently issued, as Officers wish to take a longer term view of the income levels over the next few years, in order to ensure the service is adequately resourced.
17. However, in order for the Authority to be satisfied that a three year driver licence may be awarded, we recommend that the applicant must be able to demonstrate a higher awareness of the issues relating to safeguarding by having undertaken the Safeguarding Awareness and Training to be

hosted by the Oxfordshire Safeguarding Children Board (OSCB).

18. Furthermore, should a driver apply for a three year licence, he or she will be required to provide a new Enhanced Disclosure & Barring Services Disclosure and Medical Report. This is to ensure that the initial issue of the three year licence has been carried out with all relevant background checks (including the Enhanced Disclosure & Barring Services Report) having been satisfied, and are synchronized to the start and expiry dates of the licence.
19. Any applicant seeking a three year licence will also be required to undertake an annual appointment (no later than the anniversary of the grant of the licence) with the Licensing Officer to submit a written declaration that he or she has not been nor are currently, the subject of any criminal or motoring offences since the grant of the licence.
20. Such a procedure will enable the Authority to maintain the current robust vetting processes and ensure that any relevant matters arising are promptly dealt with in accordance with the Council's Policy on the Relevance of Warnings, Offences, Cautions and Convictions.
21. The necessary amendments will be made to the Hackney Carriage & Private Hire Driver Licence Application Pack to detail the above mentioned matters.
22. Officers do not hold such concerns in relation to extending the licence duration of a Private Hire Operator to a maximum of 5 years, and the option of applying for such a licence will be listed within the Private Hire Operator Application Pack.
23. Officers do not hold concerns in relation to Section 11 of the Act, as this Authority already experiences drivers and vehicles licensed as Hackney Carriage elsewhere working in the city through our Private Hire Operators, and Officers do not envisage Oxford licensed operators passing work to operators licensed beyond the city boundaries as the local operators appear to look to increase the size of their own fleets, rather than sub-contract work to other companies.
24. Furthermore, data provided to this Committee in relation to Officers proposals to amend the current criteria applicable to licensed vehicles reveals that the number of Private Hire drivers and vehicles licensed by our neighbouring authorities is significantly small when compared to those licensed with them as Hackney Carriage (many of whom already predominantly work in the city).

Legal Implications

25. Any legal implications are already detailed within this report, and the legal advisor to the Committee will be available to provide advice at this meeting.

Financial Implications

26. Any financial implications contained within this report will be met within existing budgets.

Recommendations

27. The Committee is recommended to:
- (i) note the content of the report; and
 - (ii) endorse the movement to a presumption in favour of a 3 year driver licence as required by the Deregulation Act 2015 and the steps being taken in that context to ensure that the council has adequate up to date information to inform the licensing process.

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Version 1.0