

**To:** General Purposes Licensing Committee

**Date:** 20 September 2016

**Report of:** Head of Community Services

**Title of Report:** Hackney Carriage & Private Hire: Proposals to amend the criteria and conditions applicable to the licensing of the Hackney Carriage and Private Hire trades in light of the Oxfordshire Joint Operating Framework for Taxi Licensing.

## Summary and Recommendations

**Purpose of report:** To seek the approval of amendments to the criteria applicable to the Hackney Carriage and Private Hire trades in order to promote safeguarding and awareness of safeguarding.

**Report Approved by:**

Finance: Paul Swaffield

Legal: Daniel Smith

**Policy Framework: Vibrant Sustainable Economy**

**Cleaner, Greener Oxford**

**Policy on the Relevance of Warnings, Offences,  
Cautions and Convictions**

**Recommendation(s):**

The Committee is recommended to:

- i) approve the proposed amendments to the criteria and conditions applicable to licensed drivers as detailed within this report; and
- ii) recommend the amendments to Council for adoption.

**Additional Papers:** None

**Appendix One:** Revised Driver Application Pack

## Introduction

1. The Serious Case Review into Child Sexual Exploitation in Oxfordshire (known as Bullfinch) made a series of recommendations regarding Taxi Licensing functions across Oxfordshire.
2. This Authority put a significant number of measures in place both prior to and since the Serious Case Review findings were published, and has developed a

Joint Operating Framework with the other Oxfordshire district councils, and Oxfordshire County Council.

3. The proposals in this report further promote the safeguarding of children, vulnerable persons and the public within Oxford, and will also be adopted by our neighbouring authorities in due course.

## **Background**

4. Since 1<sup>st</sup> March 2011 a robust vetting process for all applications has been in place within the Taxi Licensing functions, and any concerns are put before the Hackney Carriage and Private Hire Licensing Sub-Committee to determine.
5. Since June 2014, a basic safeguarding awareness training has been introduced within our criteria for all new applicants by way of the Local Knowledge and Safeguarding Test and the Disability Awareness and Safeguarding Awareness Course, and the criteria put in place locally has been adopted by our neighbouring authorities.
6. The Joint Operating Framework developed across the county requires all of the Licensing Authorities to work to similar standards. Our neighbouring authorities are committed to the mandatory training and will be amending their policies accordingly. The proposals that require the approval this Committee and Council are:
  - ***The introduction of Mandatory Safeguarding Awareness Training to be attended by all licensed drivers.***
  - ***Requiring all drivers to sign up to the Enhanced Disclosure and Barring Service (DBS) Update Service.***

## **Mandatory Safeguarding Awareness Training**

7. In response to the recommendation of the Serious Case Review that all licensed drivers across Oxfordshire undertake the same level of Safeguarding Awareness Training, Oxfordshire County Council tendered for and appointed a training provider.
8. The content of this training has been approved by Oxfordshire County Council's Local Designated Officer for child safeguarding and the Serious Case Review recommends that all licensed drivers across all of the Oxfordshire District Council complete such training.
9. The County Council will only finance the training for those drivers who provide School Transport Services, and whilst this should account for the majority of licence holders, steps need to be taken to ensure that all Oxford City Council licensed drivers have attained this enhanced level of training.
10. The cost of this Safeguarding Awareness Training is £15.00 per attendee. Whilst the County Council will meet the costs associated with all those who provide School Transport Services, it is proposed that the Licensing Authority meet these costs for those remaining licence holders who do not provide

School Transport Services (the majority of licence holders do provide School Transport Services).

11. It is proposed that this Safeguarding Awareness Training becomes a “pre-application” requirement for applicants prior to their appointment to submit their completed application to the Licensing Officer. This will be implemented with immediate effect for any person yet to submit an application to the Licensing Authority.
12. The cost per attendee that the Licensing Authority will incur for applicants to attend this training will be built into the charges associated with the new applicant application process, and charged at cost recovery (£15).
13. It is proposed that the Head of Community Services write to all existing licence holders informing them of this training requirement, and that no licence will be renewed until this training has been completed.
14. In order to allow time for the trade to digest this information and book onto the Training course, it is proposed that the requirement on existing licence holders take effect from 3<sup>rd</sup> April 2017 in order that the costs incurred by the Licensing Authority be met within the 2017/18 Council year.

#### **Mandatory requirement for Drivers to sign up to the Disclosure and Barring Service (DBS) Update Service**

15. The DBS Update Service is an online service provided by the DBS that allows applicants to keep their DBS certificates up to date, and for employers and approved organisations (i.e. a Licensing Authority) to check a DBS certificate without the need for a new DBS Mandate to be completed and sent for processing.
16. The benefit to drivers and to the Licensing Authority of the Update Service is that the driver does not need to apply for a new Enhanced DBS check and wait for the DBS certificate to be issued and posted to him/her when a re-check on an individual’s status is required. Further details as to the Update Service can be found online at: **<https://www.gov.uk/db-update-service>**
17. The Committee is asked to note that should the Update Service reveal a change to a person’s DBS status (i.e. that new information relating to his/her criminal record is available), then in order for Officers to acquire the relevant information that caused the change of status, the driver will be required to complete a new Enhanced Disclosure and Barring Services Mandate. The driver must then await the issue of a new DBS Certificate before any decision on his/her suitability to continue to hold a licence can be made.
18. Since 1<sup>st</sup> March 2011 this Authority has maintained a robust vetting process for all applications made within the Taxi Licensing function, and this vetting process is used as a benchmark across the County as a result of the findings of the Serious Case Review, and the requirements of the Joint Operating Framework.

19. An issue that has frequently arisen when applications to renew a licence coincide with the requirement for an Enhanced DBS Disclosure to be renewed. The time taken for the DBS to issue the Disclosure can exceed the period of time between the applicant attending an appointment with the Licensing Officer and the date upon which the licence expires.
20. Various different solutions to this problem have been trialled, however none have been found to be satisfactory, owing to a small proportion of drivers failing to inform the Licensing Authority of matters that have occurred of a criminal or motoring matter during the period that the licence had effect.
21. In order to not delay the processing of licence renewal applications, and to further enhance our already robust approach when carrying out background checks, it is proposed to make it a mandatory requirement of all driver applicants to sign up to the DBS Update Service by way of the addition of a condition to a licence.
22. By making the above a mandatory requirement, it will immediately remove the problems faced by both Officers and licence holders relating to the slow processing of Disclosure applications. This in turn will provide confidence to the Licensing Authority and the general public that no drivers will be driving a licensed vehicle on an expired Hackney Carriage and Private Hire Driver Dual Licence or Private Hire Driver Licence whilst the Licensing Authority awaits the return of their DBS Disclosure.
23. The cost of enrolling to the Update Service (currently an annual payment of £13.00) is payable by the applicant directly to the Disclosure and Barring Services.
24. The condition that is proposed reads as follows (this will be included as Condition 73 of a Hackney Carriage and Private Hire Dual Licence, and included as Condition 68 of a Private Hire Driver Licence):

***The driver shall enrol with the Disclosure and Barring Services (DBS) Update Service and maintain any necessary agreements and arrangements with that Service so as to ensure that the Licensing Authority (should it have a reasonable requirement to do so) may access the licence holders DBS record in order to promote the objectives of public safety and safeguarding, and to prevent delay in the determination of the renewal of this licence.***

25. It is proposed that with effect from 2<sup>nd</sup> April 2018 that it be a mandatory requirement for all licence holders to have signed up to the DBS Update service.
26. In order that the Trade is fully aware of this requirement, the communication detailing the Mandatory Safeguarding Awareness Training will also provide information relating to the DBS Update service requirement.
27. A copy of the Driver Application Pack is attached at **Appendix One**, and Members will find at Pages 1, 2, 3, 4, 9, 12 and 17 (and highlighted in yellow

to assist) the necessary amendments that will be made should the proposals contained within this report be approved.

### **Financial Considerations**

28. Any financial matters contained within this report are met through the Licensing Authorities own budgets, without any costs being passed on to existing licence holders. A charge of £15.00 for new applications is to be implemented to recover the cost of the Mandatory Safeguarding Awareness Training that the Authority will be recharged by Oxfordshire County Council (such a charge is only applicable to “new applications” for a Hackney Carriage and Private Hire Driver Dual Licence or a Private Hire Driver Licence).

### **Legal Considerations**

29. A district council shall not grant a licence to drive a Hackney Carriage or Private Hire vehicle unless satisfied the applicant is a fit and proper person to hold a driver’s licence ((Local Government (Miscellaneous Provisions) Act 1976 sections 51 & 59)). The Licensing Authority may be guided by its own policy and criteria in assessing the fitness of applicants.
30. The Local Government (Miscellaneous Provisions) Act 1976 at sections 51 (Drivers of Private Hire Vehicles – as we issued dual licences this also applies to those who drive Oxford licensed Hackney Carriage Vehicles) allows the Licensing authority to attach to licences such conditions as it considers reasonably necessary.
31. Any licence holder aggrieved by any condition attached to their licence may appeal to the Magistrates’ Court.

### **Recommendations**

32. The Committee is recommended to:
- i) approve the proposed amendments to the criteria and conditions applicable to licensed drivers as detailed within this report; and
  - ii) recommend the amendments to Council for adoption.

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