



Waverley Borough Council
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To: All Members of the LICENSING AND
REGULATORY COMMITTEE
(Other Members for Information)

When calling please ask for:

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Policy and Governance

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Calls may be recorded for training or monitoring

Date: 24 June 2016

Membership of the Licensing and Regulatory Committee

Cllr Maurice Byham
Cllr Patricia Ellis
Cllr John Fraser
Cllr Tony Gordon-Smith
Cllr Mike Hodge
Cllr Simon Inchbald

Cllr Peter Isherwood
Cllr Carole King
Cllr Robert Knowles
Cllr Libby Piper
Cllr Bob Upton
Vacancy

Substitutes

Cllr Anna James
Cllr Nick Williams

Cllr John Williamson

Dear Councillors

A meeting of the LICENSING AND REGULATORY COMMITTEE will be held as follows:

DATE: THURSDAY, 7 JULY 2016

TIME: 10.00 AM

PLACE: COUNCIL CHAMBER, COUNCIL OFFICES, THE BURYS,
GODALMING

The Agenda for the meeting is set out below.

Yours sincerely

ROBIN TAYLOR
Head of Policy and Governance

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This meeting will be webcast from the conclusion of Informal Question Time and can be viewed by visiting www.waverley.gov.uk

NOTE FOR MEMBERS

Members are reminded that contact officers are shown at the end of each report and members are welcome to raise questions etc in advance of the meeting with the appropriate officer.

AGENDA

1. **APPOINTMENT OF CHAIRMAN**

To confirm the appointment of Councillor Simon Inchbald as Chairman of the Licensing and Regulatory Committee for the Council Year 2016/17.

2. **APPOINTMENT OF VICE-CHAIRMAN**

To confirm the appointment of Councillor Patricia Ellis as Vice-Chairman of the Licensing and Regulatory Committee for the Council Year 2016/17.

3. **MINUTES**

To receive the minutes of the meeting held on 24 March 2016 (to be laid on the table half an hour before the meeting).

4. **APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

To receive apologies for absence and to report any substitutions

5. **DECLARATIONS OF INTEREST**

To receive from members declarations of interest in relation to any items included on the agenda for this meeting, in accordance with the Waverley Code of Local Government Conduct.

6. **QUESTIONS**

The Chairman to respond to any questions received from members of the public in accordance with Procedure Rule 10.

7. **ACTION AUTHORISED**

To receive any action taken by the Executive Director after consultation with the Chairman and Vice-Chairman since the last meeting.

LICENSING ACT 2003 ITEMS

There are no items for discussion under this heading

OTHER LICENSING ITEMS

8. UPDATE REGARDING SAFEGUARDING AND FUTURE PROPOSAL FOR MANDATORY SAFEGUARDING TRAINING FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS AND OPERATORS
(Pages 5 - 8)

The purpose of this report is to update the Sub-Committee on Child Sexual Exploitation (CSE) training and future proposals for mandatory training regarding CSE and safeguarding for licensed Hackney Carriage and Private Hire drivers/operators

Recommendation

It is recommended that:

- 1. The Committee notes the work currently being undertaken by officers on Child Sexual Exploitation and asks officers to report back with any proposed amendments to the Council's Tax Licensing Policy in due course; and**
- 2. Officers be instructed to investigate options for the provision of a training resource for all drivers to undertake and report back.**

9. SCHEME OF DELEGATION - VEHICLE PLATE EXEMPTIONS

Private Hire Vehicles and their drivers may be pre-booked only via a licensed private hire operator. Each of the three licences, for the operator, the vehicle and the driver, must be issued by the same licensing authority, i.e. the licences must 'match'. Under Section 48(6) of the Local Government (Miscellaneous Provisions) Act 1976, private hire vehicle proprietors (licensees) are required to exhibit on their vehicles the vehicle licence plates provided by the Council.

Section 75(1) of the Act enables the Council, generally, to grant an exemption from the requirement to display licence plates on private hire vehicles on occasions specified by the authority, or on any occasion, provided that the notice of exemption is carried in the vehicle (Section 75(3)). If an exemption from display on specified occasions/any occasion is granted, the driver of the vehicle is also exempted from the requirement in Section 54(2)(a) that he should wear his private hire driver's badge. The driver must, however, be a private hire driver licensed by the Council. For the Committee's information, no such exemptions exist for hackney carriages (taxis).

Currently, there is no delegation to officers to grant an exemption from the requirement to display a private hire licence plate and drivers must wait until the next Licensing (General Purposes) Sub-Committee for their application to be considered. This places an additional burden on the Licensing Sub-Committee and can also be a lengthy process for drivers. The applications are generally very straightforward and it is therefore recommended that authority be delegated to officers to be able to grant plate exemptions, subject to the receipt and consideration of supporting documentation and evidence from the applicant as to why it is essential to their chauffeur or executive business.

In order to reassure Councillors that there will continue to be member involvement in the decision making process, it is proposed that any decision taken by officers is in consultation with the chairman and vice-chairman of the Licensing (General Purposes) Sub-Committee.

Recommendation

It is recommended to the Council that authority be delegated to the Head of Policy and Governance, Democratic Services Manager, Licensing Manager, in consultation with the Chairman and Vice-Chairman of the Licensing (General Purposes) Sub-Committee, to grant an exemption from the requirement to display a vehicle licence plate on a private hire vehicle, and the Scheme of Delegation be amended accordingly.

10. EXCLUSION OF PRESS AND PUBLIC

To consider the following recommendation on the motion of the Chairman:-

Recommendation

That pursuant to Procedure Rule 20 and in accordance with Section 100B(5) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following items on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the items, there would be disclosure to them of exempt information (as defined by Section 100I of the Act) of the description specified in the appropriate paragraph(s) of the revised Part 1 of Schedule 12A to the Act (to be identified, as necessary, at the meeting).

11. LEGAL ADVICE

To consider any legal advice relating to any items in the agenda.

**For further information or assistance, please telephone
Ema Dearsley, Democratic Services Officer, on 01483 52334 or by email at
ema.dearsley@waverley.gov.uk**

WAVERLEY BOROUGH COUNCIL

LICENSING AND REGULATORY COMMITTEE

7 JULY 2016

Title:

UPDATE REGARDING SAFEGUARDING AND FUTURE PROPOSAL FOR MANDATORY SAFEGUARDING TRAINING FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS AND OPERATORS

[Wards Affected: All]

Summary and purpose:

The purpose of this report is to update the Sub-Committee on Child Sexual Exploitation (CSE) training and future proposals for mandatory training regarding CSE and safeguarding for licensed Hackney Carriage and Private Hire drivers/operators.

How this report relates to the Council's Corporate Priorities:

Taxis play an important part in the overall public transport network in the Borough, and contribute to policies on the environment and improving lives.

Equality and Diversity Implications:

There are no equality implications

Resource/Value for Money implications:

The resource implications would be the cost associated with the consultation process for amending the policy, the possible cost of training following adoption and the printing (internal) and posting of approximately 300 updated policy booklets to licensees.

Legal implications:

Once granted, licences are classed as a possession under Article 1 of the First Protocol of the European Convention on Human rights (enshrined in UK law under the Human Rights Act 1998), which states that every person is entitled to the peaceful enjoyment of his possessions. Policies or guidelines should not be established by the Body (in this case, the Licensing and Regulatory Committee) which regulates or determines a function. Accordingly, this Committee is asked to address the Policy issues around such licensing, in conjunction with the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847, and make recommendations to the Executive to update Waverley's policy regarding taxi and private hire licensing.

1. Introduction:

- 1.1 In recent years there has been greater awareness about the issue of Child Sexual Exploitation (CSE). High profile media coverage of specific cases in the North of England has highlighted failures within social services and other public sector bodies. These failures often allowed the abuse of vulnerable children to carry on without being detected or acted upon.
- 1.2 In the wake of such incidents and as a result of the attention that grooming and other forms of exploitation is now receiving, the Government has put an additional focus on combating CSE. Professor Alexis Jay's Independent Inquiry into Child Sexual Exploitation in Rotherham was commissioned by Rotherham Metropolitan Borough Council in October 2013 and published on 26th August 2014. This covered the periods 1997-2009 and 2009-2013, and looked at how Rotherham Borough Council's Children's Services dealt with child sexual exploitation cases. On 10th September 2014, the Government appointed Louise Casey to carry out a Report of Inspection of Rotherham Borough Council specifically in relation to its functions on governance, children and young people, and taxi and private hire licensing. The Government responded to these reports in March 2015 with publication of the document Tackling Child Sexual Exploitation.
- 1.3 One of the main conclusions drawn from research into the experience and handling of CSE in Rotherham has been the identification that many in the council and its local partners had continued to deny the scale of the problem; that not enough action was taken to stop the abuse; and that there was not enough communication, collaboration and joint working between local government, the police, the different agencies responsible for child protection, and the communities in which CSE occurs.
- 1.4 Tackling Child Sexual Exploitation set out a number of actions designed to address the failures seen in Rotherham and other areas, including a new whistleblowing portal for child abuse related reports; a national taskforce and centre of expertise to assist public sector bodies in combating CSE; changes to promote accountability and end a culture of denial; and giving child sexual abuse the upgraded status of a national threat in the Strategic Police Requirement, so it is prioritised by every police force.

2. Taxis, Licensed Vehicles and CSE

- 2.1 Several conclusions and recommendations have emerged from the various reports commissioned by the Government into CSE. A key recommendation has been that councillors should have a greater appreciation of issues around CSE, and have greater interest in and awareness of how these issues may impact the communities they represent.
- 2.2 One area of concern identified within Louise Casey's Report of Inspection was whether Rotherham Borough Council had made sufficient efforts to ensure that only 'fit and proper' persons were permitted to hold a taxi or private hire

licence. Professor Jay described the prominent role of taxi drivers in facilitating or engaging in CSE as a 'common thread' across England, while inspectors have raised concerns that the licensing and enforcement side of taxi and private hire regulation are often unable or uninterested in getting to grips with the issue and using their powers to good effect.

- 2.3 Those with a responsibility for confronting and tackling CSE therefore need to be aware of the potential role that taxis can play in facilitating abuse, ensure that only those who are fit and proper hold a licence, and that there are robust procedures in place for dealing with complaints. Public safety must be the first and most important priorities when determining policy, setting standards and determining enforcement of issues related to taxi and private hire licensing.
- 2.4 It is also important that those with responsibility for overseeing the taxi and private hire licensing functions of local authorities are aware of the challenges that those operating within the trade may face when asked to transport children or vulnerable young adults. Taxi drivers fall under the scope of Section 59(A) of the Sexual Offences Act 2003, which makes it an offence to intentionally arrange or facilitate the travel of a person within the UK for the purposes of sexual exploitation; or believes that another person is likely to abuse the passenger during or after the journey. This means that if a driver transports a child knowing or believing that the child will be sexually exploited, that driver will commit the offence of human trafficking and could face a maximum sentence of 14 years imprisonment.
- 2.5 There is therefore a responsibility, shared between the Council, taxi operators, and individual drivers to ensure that licensed drivers are aware of the warning signs that could indicate when a passenger is at risk of trafficking or CSE, and that training is available or has been undertaken to assist those in the taxi trade to deal with such scenarios and report them to the relevant authorities.

3. Waverley Taxi Policy

- 3.1 Waverley Borough Council has recently adopted a revised Taxi Licensing Policy but this does not currently include specific safeguarding statement or policy with regard to CSE. Nor does the Council offer or provide training on CSE as part of the requirements of obtaining or retaining a licence. However, partnership working is currently underway between all Surrey District and Borough Councils in this area of work with the objective of agreeing a consistent approach across the county. Officers are involved and will report back to a future meeting of the Committee with any proposed amendments to the Policy.
- 3.2 Part of Surrey Multi-Agency Strategic Child Exploitation action plan, is to agree consistent procedures with district and borough councils for vetting and licensing of premises and taxis and agree standards for revoking licenses.

4. Training

- 4.1 On 20 August 2015 all licensed Hackney Carriage and Private Hire Drivers/Operators were invited to attend a Safe-Guarding Course delivered by Surrey Police. Of the approximate 290 licensees, 45 attended the one day training course.
- 4.2 Officers are now looking at proposing mandatory for all licensed Hackney Carriage and Private Hire Drivers/Operators to undertake an appropriate training course.
- 4.3 It is envisaged that new applicants would have to undertake the training as part of their application whilst existing drivers would be given a period of time to complete this training.
- 4.4 Officers are looking at a number of options regarding safeguarding and CSE training.
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Recommendation

It is recommended that:

1. The Committee notes the work currently being undertaken by officers on Child Sexual Exploitation and asks officers to report back with any proposed amendments to the Council's Taxi Licensing Policy in due course; and
 2. Officers be instructed to investigate options for the provision of a training resource for all drivers to undertake and report back.
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Background Papers

There are no background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to this report.

CONTACT OFFICER:

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