

LICENSING COMMITTEE - 10 OCTOBER 2017

SURREY-WIDE CONVICTIONS POLICY

Executive Summary

This report details proposed changes to the Taxi and Private Hire Vehicle (PHV) Licensing Criminal Convictions Policy to help prevent the sexual exploitation of children by introducing consistent standards across Surrey.

Since the introduction of the Taxi and PHV Licensing Criminal Convictions Policy in June 2016, the Surrey Safeguarding Children Board (SSCB) and its partners including all 11 Surrey Local Authorities have agreed a Child Sexual Exploitation Strategy and action plan which proposes introducing further changes to protect vulnerable children across the county.

The key changes are:

- Adopting a consistent taxi and private hire convictions policy across Surrey
- Mandatory CSE training for all taxi and private hire drivers in Surrey

The report seeks approval to consult on the proposed changes. The Policy is attached as Appendix 1.

Reasons for Decision:

To obtain views on intended changes to the Taxi and PHV Licensing Criminal Convictions Policy and consider those opinions when proposing changes to the policy.

Recommendations

The Committee is requested to:

RESOLVE That

- (i) the Licensing Committee approves the draft changes to the Taxi and PHV Licensing Criminal Convictions Policy for public consultation over a 6 week period; and
- (ii) the Licensing Committee approves the implementation of mandatory CSE training for all taxi and private hire drivers in Surrey.

The Committee has authority to determine the above recommendations.

Background Papers:

Taxi and PHV Licensing Criminal Convictions Policy

<https://www.woking.gov.uk/planning/licensing/taxi/convictions/guidelines>

Report of Professor Jay into Child Sexual Exploitation in Rotherham (September 2014)

http://www.rotherham.gov.uk/downloads/file/1407/independent_inquiry_cse_in_rotherham

Casey report into Rotherham Metropolitan Borough Council (February 2015)

<https://www.gov.uk/government/publications/report-of-inspection-of-rotherham-metropolitan-borough-council>

Surrey Safeguarding Children Board, Child Sexual Exploitation Strategy 2016-17

<http://www.surreyscb.org.uk/wp-content/uploads/2016/05/SSCB-CSE-Strategy-2016-17.pdf>

Surrey Safeguarding Children Board, Child Sexual Exploitation Action Plan 2016-17

<http://www.surreyscb.org.uk/wp-content/uploads/2016/12/Updated-joint-Surrey-CSE-Plan-Dec-2016-v.4.0.pdf>

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1.0 Introduction

- 1.1 The report informs the Committee on the background to the proposed amendments to the Taxi and PHV Licensing Criminal Convictions Policy.
- 1.2 It asks the Committee to approve a public consultation on the proposed changes to the policy.

2.0 Background

- 2.1 The current Taxi and PHV Licensing Criminal Convictions Policy adopted on the 14 July 2016 introduced positive changes to protect public safety.
- 2.2 Since the introduction of the policy, Surrey Safeguarding Children Board (SSCB) and its partners including all 11 Surrey Local Authorities have agreed a Child Sexual Exploitation Strategy and action plan, which aims to develop a co-ordinated response to child sexual exploitation (CSE) across the County. Licensing targets include taxi and private hire licensing, premises licensed under the Licensing Act 2003, participation in Operation Make safe and information sharing.
- 2.3 Achieving the targets, helps enable Surrey Local Authorities to fulfil their statutory responsibilities defined in Section 11 of the Children's Act 2004 to safeguard children and to promote welfare effectively. Delivery of the strategy supports the SCCB's statutory duties to co-ordinate activities to safeguard and promote the welfare of children in Surrey, as well as ensuring the effectiveness of what is being done by partners.
- 2.4 Two actions identified within the CSE action plan and related to taxi and private hire are:
 - Adopting a consistent taxi and private hire convictions policy across Surrey
 - Mandatory CSE training for all taxi and private hire drivers in Surrey
- 2.5 The two changes will raise the standards of public safety across Surrey and build on the positive steps already taken to protect the most vulnerable in our communities.

3.0 Convictions Policy

- 3.1 Following recent cases of licensed drivers and operators across the country involved in sexual exploitation of children, it is important that Local Authorities take appropriate steps to prevent future cases by ensuring that licensed drivers are 'fit and proper'. Consideration of a person's criminal convictions and other relevant character or behaviour information is a key part of the 'fit and proper' assessment.
- 3.2 Local Authorities across Surrey are seeking to standardise the information taken into account when determining if someone is 'fit and proper' by adopting the same convictions policy. Whilst there are significant similarities in the majority of the conviction policies, there are some differences, and these could result in applicants being revoked or refused then being granted a licence in another Surrey Local Authority with different standards. The differences mainly relate to the number of years an offence is considered relevant.
- 3.3 As only 'fit and proper' persons must conduct these responsible duties, the convictions policy proposes to add that people banned from working with children or vulnerable adults will not normally be granted a licence.

- 3.4 Currently, those banned from working with children and vulnerable person would not be permitted to drive under a Surrey County Council contract but could potentially be granted a licence by a Surrey District or Borough Council. This is an unacceptable risk, as taxis and private hire vehicles are likely to transport children at times other than to school plus elderly and disabled users often rely on taxis and private hire vehicles to access local services.
- 3.5 The sample Convictions Policy produced by the Local Government Association has been referred to in the production of this policy.
- 3.6 When applying the convictions policy, all Licensing Authorities are mindful that each case must be considered on its merits and where the circumstances demand, the Council may depart from its policy.

4.0 Mandatory CSE and Safeguarding Training

- 4.1 Surrey Local Authorities want to take appropriate steps to protect the most vulnerable in our society by introducing mandatory CSE and safeguarding training for taxi and private hire drivers. Following the recent examples of the sexual exploitation of children in our communities, a number of Local Authorities have already introduced this requirement.
- 4.2 The training would include how to spot signs of child sexual exploitation and how to report concerns of children or vulnerable persons at risk using agreed Surrey processes. There will be a multiple-choice assessment to ensure understanding of the subject matter.
- 4.3 If adopted, it is proposed that all new drivers would be required to pass the CSE training in advance of first being licenced and all existing drivers to pass within one year of adopting the requirement.

5.0 Consultation Hosting

- 5.1 Reigate and Banstead Borough Council will host the six week web based consultation on behalf of all 11 Surrey Local Authorities. The results will be reported separately for each Local Authority and in total.

6.0 Consultations

- 6.1 Surrey Safeguarding Children Board has been involved throughout and endorse these proposals.
- 6.2 The Surrey Licensing Officers Group and Surrey Solicitors Group have both been consulted on the proposed convictions policy and training package.
- 6.3 The Surrey Chief Executives Group are in support work of the proposed changes and have made resources available and a financial contribution to help ensure that the project is delivered in a timely manner.

7.0 Implications

Financial

- 7.1 There are no financial implications of conducting the public consultation as another Local Authority is hosting the web-based consultation for all Surrey Local Authorities.

Human Resource / Training and Development

- 7.2 There are no human resource implications arising from these proposals.

Community Safety

- 7.3 The introduction of a Surrey wide policy and mandatory training will increase the safety of the community.

Risk Management

- 7.4 There are no risk management implications in consulting on the proposed changes to the policy.

Sustainability

- 7.5 There are no sustainability implications in consulting on the proposed changes to the policy.

Equalities

- 7.6 There are no equality and diversity implications in consulting on the proposed changes to the policy.

Legal

- 7.7 The basis for the changes within the policy is to ensure that the Council fulfils its statutory safeguarding obligations to prevent the exploitation of children and vulnerable persons more effectively.
- 7.8 There is no statutory requirement to have a Taxi and PHV Licensing Criminal Convictions Policy; however, it is good practice to do so. A policy assists with consistent decision-making; however each case must be considered on its own merits with the decision maker being prepared to make exceptions to the policy in appropriate circumstances.
- 7.9 In relation to taxi and private hire licensing, there are specific powers contained in the Town Police Clauses Act 1847, Transport Act 1985 and Local Government (Miscellaneous Provisions) Act 1976. These allow the Council to specify the requirements that vehicles and drivers must meet in order to be licensed, and to refuse a licence to drivers if we are not satisfied that the drivers are fit and proper persons to hold a licence. They also allow conditions to be attached to licences (with the exception of hackney carriage driver's licences).

8.0 Summary of Options

- 8.1 There are two options available after considering the information in this report:
1. Approve a 6-week consultation on the proposed changes to the taxi and private hire policy.
 2. Approve a modified recommendation.
- 8.2 Officers consider that recommendation 1 is appropriate, as it will ensure we conduct a suitable consultation for consideration in advance of proposing changes to the Taxi and PHV Licensing Criminal Convictions Policy.

8.3 Licensing Committee will receive a report on the findings of the consultation.

9.0 Conclusions

9.1 Approving consultation on the changes to the Taxi and PHV Licensing Criminal Convictions Policy and the introduction of mandatory training will help ensure a co-ordinated and consistent response across to prevent the sexual exploitation of children in Surrey.