

Report of Assistant Chief Executive (Citizens and Communities)

Report to Executive Board

Date: 17 December 2014

Subject: Safeguarding in Taxi and Private Hire Licensing

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Is the decision eligible for Call-In?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. The Independent Inquiry into Child Sexual Exploitation in Rotherham (1997 – 2013) led by Alexis Jay OBE, highlighted significant concerns regarding safeguarding controls for Taxi and Private Hire Licensing in Rotherham. It was found that taxi and private hire vehicles had been used extensively by those directly involved in the sexual exploitation of children to move children around the city and to other cities. Given the issues raised in the report, it seemed prudent to review current arrangements in Leeds to ensure existing controls regarding safeguarding in Taxi and Private Hire Licensing were robust and to identify any areas for improvement.
2. The review has determined that there are robust safeguarding procedures in place for Taxi and Private Hire Licensing in Leeds, but further improvements would help strengthen those procedures.
3. This report gives an overview for Executive Board of measures being taken to improve safeguarding issues in Taxi and Private Hire Licensing and the progress to date.

Recommendations

4. Executive Board are asked to: -
 - 4.1. Endorse the direction officers and Members of Licensing Committee are taking regarding improvements for safeguarding in Taxi and Private Hire Licensing; and

- 4.2. Agree that Member, MP and senior officer references should no longer be considered as part of taxi and private licensing decision making processes.

1 Purpose of this report

- 1.1 Officers have reviewed existing safeguarding measures in Taxi and Private Hire Licensing in Leeds in response to the findings of the independent enquiry into child sexual exploitation (CSE) in Rotherham.
- 1.2 This report assures Executive Board that the existing safeguarding controls are robust, and provides an overview of additional measures being taken to improve safeguarding issues in Taxi and Private Hire Licensing and the progress to date.

2 Background information

- 2.1 The Independent Inquiry into CSE in Rotherham (1997 – 2013) led by Alexis Jay OBE, highlighted significant concerns regarding safeguarding controls for Taxi and Private Hire Licensing in Rotherham. It was found that taxi and private hire vehicles had been used extensively by those directly involved in the sexual exploitation of children to move children around the city and to other cities.
- 2.2 Given the issues raised in the report, it seemed prudent to review current arrangements in Leeds to ensure existing controls regarding safeguarding in Taxi and Private Hire Licensing were robust and to identify any areas for improvement. Officers from a number of agencies including Taxi and Private Hire Licensing, West Yorkshire Police and Children's Services have been meeting on a regular basis to review current licensing practice and procedure, and develop stronger links and information sharing.
- 2.3 The work highlighted in this report is complimentary to the work being undertaken by the Leeds Safeguarding Children Board, Cross Council Safeguarding Board, and Adult Safeguarding Board on safeguarding issues across Leeds.

3 Main issues

- 3.1 At present there are robust safeguarding processes in place in Taxi and Private Hire Licensing in Leeds, but it was important to reflect on these and to consider how they could be further improved. As a result of this the following actions are being progressed: -
- 3.2 Licensing
 - 3.2.1 All drivers (c 5,800) in Leeds have been subject to a CRB/DBS check. In June 2014, Licensing Committee recommended the introduction of reassessment of all taxi drivers every three years via DBS checks. This is being managed over a three year period with checks being prioritised accordingly. Officers have prioritised Escorts, Permit holders and Contract drivers as these people work directly with children and vulnerable adults. Officers will then progress to those licence holders who have not undertaken a DBS check for the longest period of time. As at 14 November, we have invited 126 individuals to undertake their DBS check & have received and processed 84 of these.

- 3.2.2 Officers have taken proposals to Licensing Committee in October 2014 to move to online DBS checks for all drivers. This service will inform the authority if a driver's DBS status remains clear or give us an indication that an item has now been added to their status. For us to know exactly what that item is, the licence holder would need to undertake a full enhanced disclosure (paying the applicable fee) and officers would be reliant on the individual producing their certificate before we can continue on the decision making process. A condition will be placed upon the driver's licence that requires them to sign up to the online service and provide us with (and gives permission to use) their reference number to carry out a status check on an annual basis. The proposals have been subject to public consultation with a further report presented to Licensing Committee on 9 December 2014. Licensing Committee will consider proposals for required resources, including support for the trade potentially through use of facilities in the community hubs.
- 3.2.3 If an applicant was born outside of the UK and came to the UK as an adult (over 16yrs) they are required to provide a Non-UK DBS certificate from the country of their birth. If this cannot be produced, the applicant must provide a letter stating the reasons why. A character reference must also be provided from a former employer who has known them for at least one year and a reference from an upstanding member of the community i.e. religious leader, community leader, Councillor, MP, Solicitor, accountant, college tutor, etc, who has known them for at least one year. Once the letter and two references have been approved, we arrange a Non-UK DBS meeting to discuss the references. However, if an applicant came to the UK as a child (under 16yrs) they must provide evidence of this. Examples of proof include a parent's passport from when they first came to the UK, proof of school attendance in the UK, or a letter from their GP stating how long they have been registered with the NHS. If they are unable to provide any of this, the two references as mentioned above must be provided. Legal advice is being sought in relation to options to impose more robust checking measures.
- 3.2.4 Work has completed on a complete audit and review of the checks and systems in Taxi and Private Hire Licensing. This work has been carried out by an experienced fraud officer. The audit has not identified any major issues, but has recommended further training for staff in detecting fraud and a review of resources to ensure that there is sufficient staff to cope with service demands.
- 3.2.5 Members and officers continue to make representations to Government about the need to establish legislation that will ensure a consistent approach to taxi and private hire licensing without reducing the high standards already recognised in Leeds. The law currently allows drivers licensed as hackney carriage drivers in other authorities the ability to be employed to undertake private hire work for private hire operators in different authorities. This means that drivers who have not been subject to our own checks and controls, even those who have been refused a licence in Leeds or had a licence revoked, could legally carry out private hire work for operators in Leeds. Licensing Committee have already introduced a range of additional measures in November 2014, following a briefings programme with licensed Operators, for Private Hire Operator licence conditions which seeks to control use of hackney carriage drivers licensed in other authorities. Consideration is now being given to developing a common Taxi and Private Hire

application process across West Yorkshire with a view to widening strategy and/or different approaches to improving minimum standards. Wakefield is expected to submit a joint report to the West Yorkshire Chief Executives Meeting in December 2014 with recommendations for a joint approach across West Yorkshire.

3.3 Role of Members

- 3.3.1 In Leeds, Members agree and set taxi and private hire licensing policy and officers are responsible for implementing the administration procedures for those policies. There are no proposals to change this approach in Leeds.
- 3.3.2 There is an issue as to whether or not it is appropriate for Members, MPs and Senior Officers when providing references for drivers when, for example, they are applying for a taxi or private hire licence. There are significant risks, especially if the author does not know the history of the driver they are representing. There have been reports in the media recently where Members in other authorities have had to step down from their positions when they have supported a driver who has later been found to have a serious criminal record. It is therefore recommended that references from Members, MPs and senior officers should no longer be considered as part of taxi and private licensing decision processes.
- 3.3.3 This recommendation does not affect a Member or MP's ability to continue to represent a constituent during the licensing process.

3.4 Intelligence

- 3.4.1 Considerable work is taking place to understand how to improve safeguarding intelligence, and in particular how to share intelligence between police, licensing and other licensing authorities. There are gaps in intelligence, e.g. around recording when an individual has a second occupation as a taxi driver. There is currently no dedicated police analysis in this area which would allow research where and when needed.
- 3.4.2 The police are keen to work more closely with taxi licensing and both sides are considering how links between them can be strengthened and, in particular, are keen to develop a model to show what operational support by the police to the taxi licensing team might look like. Funding has been agreed to create an additional police analyst post which will be dedicated to coordinating taxi and private hire intelligence between the police and Taxi and Private Hire Licensing. It is expected that this post will be in place by the end of January 2015.
- 3.4.3 The police have assured officers there is no evidence that taxi or private hire drivers in Leeds are linked to any previous or on-going CSE investigations. Further reflection recognised that most taxi and private hire drivers could add useful intelligence and insight into some of the issues being discussed.
- 3.4.4 Whilst there is sharing between different agencies in relation to high level issues, a focus on lower level complaints could assist in early recognition and prevention of issues. Work is taking place to develop a local protocol on intelligence sharing. Recent concerns regarding disclosure of information from the police are being addressed. There is currently a backlog of disclosure requests within the

disclosure process which is taking 8 weeks to clear, this backlog is expected to clear soon. Improvements to the current level of information being disclosed is also being addressed so Taxi and Private Hire officers have the correct level of information to make an informed licensing decisions. Recent changes to common law disclosure pose a potential threat and need to be worked through with partners from the police.

3.4.5 Currently in the Leeds district there is a pilot running within the police around the use of out of court disposals. This new process needs to be understood as it may have implications in relation to cautioning and criminal justice outcomes. This pilot does present opportunities for us to influence our control around criminal behaviour within taxi and private hire licensing.

3.5 Training

3.5.1 Safeguarding training for taxi and private hire operators is being developed in conjunction with the Leeds Safeguarding Children Board, and will focus as a priority on operators i.e. those providing transport services to the council, along with permit drivers, escorts and the regular private hire contract drivers. This training will be rolled out commencing in February 2015. All new taxi and private hire drivers will also receive safeguarding training. A rolling programme of training will then follow with all remaining licensed taxi and private hire drivers receiving training.

3.5.2 The Leeds Safeguarding Children Board is taking forward training for school staff and those working in care homes, and this is complemented by the cross council approach which also involves the Cross Council Safeguarding Board and Adult Safeguarding Board.

3.6 Legislation

3.6.1 Proposed changes to legislation includes deregulation and this will increase safeguarding risks. Licensing Committee provided a robust response to the consultation explaining why many of the changes proposed would significantly increase risk to the travelling public. In response the government has now dropped plans to allow unlicensed drivers to drive private hire vehicles for social, domestic and pleasure uses. Licensed private hire vehicles can only be driven by licensed private hire drivers. In addition, in the current climate, there is an opportunity to lobby for private hire and hackney carriages regulation being brought into line with each other.

3.6.2 A letter has been sent by Rt Hon Eric Pickles MP, Secretary of State, Department for Communities and Local Government, to all local authorities asking for a review of processes in place which impact on this area. Because of the urgency of the situation Officers emailed the Rt Hon Eric Pickles MP and Rt Hon Nicky Morgan MP directly, drawing their attention to the proximity of dangers between the events at Rotherham and the proposal to let any person drive a licensed vehicle. Officers also expressed their concern about the failure of the Department for Transport and the Law Commission to present legislation which had not been the subject of an appropriate impact assessment.

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.3 Changes to taxi and private hire policy have been subject to full public consultation before a final recommendation agreed by Licensing Committee. Details of the outcome of each consultation can be found in the relevant Licensing Committee reports.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 Separate screenings have been carried out proposed changes to taxi and private hire policy and considered before a final recommendation agreed by Licensing Committee. Copies of those screenings are attached at appendices 1 to 4.

4.2.2 The recommendation proposed in this paper that Member/MP/Senior Officer references should no longer be considered as part of taxi and private licensing decision processes, has been the subject of a separate screening which is attached at appendix 5. That screening noted the risks involved to the authors of such references, and noted that applicants would not be disadvantaged as they would still be able to provide employment references or other suitable character evidence.

4.3 Council policies and City Priorities

4.3.1 The taxi and private hire licensing policies contribute to the following outcomes in the Best Council Plan 2013-17, particularly towards being an enterprising council:-

Our Best Council Outcomes

Make it easier for people to do business with us.

Our Best Council Objectives

Building a child-friendly city and Delivering the Better Lives programme – with a focus on children and vulnerable adults travelling in taxis.

Promoting sustainable and inclusive economic growth – Improving the economic wellbeing of local people and businesses. With a focus on: -

- Helping people into jobs;
- Boosting the local economy; and
- Generating income for the council.

Ensuring high quality public services – improving quality, efficiency and involving people in shaping their city. With a focus on: -

- Getting services right first time; and
- Improving customer satisfaction.

4.3.2 The Taxi and Private Hire Licensing policies contribute to the following council priorities: -

- Reduce crime levels and their impact across Leeds; and
- Effectively tackle and reduce anti-social behaviour in communities.

4.4 Resources and value for money

4.4.1 There are no specific resource or value for money implications in this report.

4.5 Legal Implications, Access to Information and Call In

4.5.1 Some of the issues detailed in this report are in the process of being considered separately by Licensing Committee before recommending any change to existing taxi and private hire policy. Details can be found in the relevant Licensing Committee reports.

4.6 Risk Management

4.6.1 This report identifies potential risks as a result of the Rotherham Report and seeks to reassure Members how those risks are being managed in Leeds.

5 Conclusions

5.1 At present there are robust safeguarding processes in place in Taxi and Private Hire Licensing, and further improvements highlighted in this report will help strengthen those processes.

6 Recommendations

6.1 Executive Board are asked to: -

6.1.2 Endorse the direction officers and Members of Licensing Committee are taking regarding improvements for safeguarding in Taxi and Private Hire Licensing; and

6.1.3 Agree that Member, MP and senior officer references should no longer be considered as part of taxi and private licensing decision making processes.

7 Background documents¹

7.1 None.

Appendices:

1. Impact assessment screening - Driver Application Process - Jul 2012
2. Impact assessment screening - 3 Yearly DBS checks - Nov 2013
3. Impact assessment screening - Convictions Criteria - May 2014
4. Impact assessment screening - Annual DBS checks - Nov 2014
5. Impact assessment screening - References - Dec 2014

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.