

REPORT OF THE EXECUTIVE DIRECTOR OF NEIGHBOURHOODS

REGULATORY COMMITTEE – 2 MARCH 2020

TRAINING FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS ON SAFE GUARDING CHILDREN AND VULNERABLE ADULTS AND DISABILITY AWARENESS

1.0 Purpose of the Report

- 1.1 To request the Committee to approve the imposition of new mandatory requirements that persons applying for a hackney carriage driver's licence and / or private hire vehicle driver's licence and existing licence holders undertake the Council's prescribed training course on safeguarding children and vulnerable adults and disability awareness, ("the Prescribed Training"), with refresher training undertaken every three years upon drivers' licence renewals.

2.0 Description of Decision (Recommendation)

- 2.1 The Committee is recommended to approve the following new policy requirements, namely, :-
 - (a) As from and including the 1st April 2020, that as part of the initial application process for a licence to drive hackney carriages and / or private hire vehicles that an applicant is required to undertake the Council's Prescribed Training and subsequent knowledge test prior to submitting their relevant application form for a licence, otherwise the applicant's initial application will be suspended and put on hold until such time as the Prescribed Training has been undertaken;
 - (b) As from and including the 1st April 2020, that all existing licensed hackney carriage drivers and / or private hire drivers are required to undertake the Council's Prescribed Training within a period of three months following receipt of a letter from the Council explaining such training arrangements, otherwise a driver's licence will be automatically suspended until such time as the Prescribed Training has been undertaken by the driver; and
 - (c) As from and including the 1st October 2020, that upon renewal application and every three years thereafter, all existing licensed hackney carriage drivers and / or private hire drivers are required to undertake a refresher course relating to the Prescribed Training.

3.0 Background

- 3.1 Statutory draft guidance issued by the Department for Transport (DfT) in February, 2019 in the document headed "Taxi and Private Hire Vehicles Licensing : Protecting Users" sets out important information about safeguarding issues and the key role that licensed drivers can and should play in safeguarding children and vulnerable adults. The following extracts are taken from the DfT document, :-

- (a) *"Licensing authorities should consider the role that those in the taxi and PHV industry can play in spotting and reporting the abuse, exploitation or neglect of children and vulnerable adults. As with any group of people, it is overwhelmingly the case that those within the industry can be an asset in the detection and*

prevention of abuse or neglect of children and vulnerable adults. However, this is only the case if they are aware of and alert to the signs of potential abuse and know where to turn if they suspect that a child or vulnerable adult is at risk of harm or is in immediate danger” : Paragraph 2.71; and

(b) It is the DfT’s “recommendation that licensing authorities provide safeguarding advice and guidance to the trade and that taxi and PHV drivers are required to undertake safeguarding training....These programmes have been developed to help drivers and operators :

- provide a safe and suitable service to vulnerable passengers of all ages;*
- recognise what makes a person vulnerable; and*
- understand how to respond, including how to report safeguarding concerns and where to get advice” : Paragraph 2.72.*

- 3.2 In response to the DfT’s recommendation, in June, 2019 the Licensing Section acquired the services of an appropriate external contractor, (in line with the Council’s Corporate Procurement procedures), to provide an appropriate training package entitled : “Introduction to Safeguarding Children & Adults Training for Taxi Drivers, Passenger Carrying Vehicle Drivers and Escorts”. The intention was that this training would be delivered to all those hackney carriage and private hire drivers who had been licensed by the Council.
- 3.3 Following consultations with hackney carriage and private hire trade representatives, arrangements were made for a series of training sessions delivering the Prescribed Training to be held at various times at Council premises at Hetton, Washington and the Civic Centre. On the 16th July, 2019 a letter was sent to all 1,250 currently licensed drivers setting out the purpose of the training and information about how to book on the Prescribed Training. The letter confirmed that whilst at that time there was no formal requirement for drivers to attend such training, it was anticipated that attendance would become mandatory in the future. The letter also urged drivers to take the opportunity to undertake the Prescribed Training whilst it was initially being provided to them free of charge. They were advised that in the future a charge may be applied for it. A copy of the letter is attached at Appendix 1 for Members’ information. The learning outcomes arising from the training include, understanding the types of abuse, understanding the concept of hate and mate crime, domestic violence in the context of safeguarding children and adults, sexual exploitation, trafficking, duty of care, how to record and raise a concern and working with vulnerable children and adults at risk of abuse and neglect.
- 3.4 Between the 30th July, 2019 and the 11th September, 2019 a total of 39 training sessions were held on 13 dates, with three courses held per day to deliver the Prescribed Training. These arrangements gave drivers ample opportunity to attend this important course.
- 3.5 Unfortunately, out of 1,250 drivers that were invited to attend the Prescribed Training only 670 drivers, (about 54%) attended the above sessions. Following this, on the 21st November, 2019 a further letter was sent to all drivers who had not attended a session. The letter reaffirmed the position set out in the previous letter that whilst training was not mandatory, it was likely to become so in the future. It was also stated that Officers would be intending to seek the Regulatory

Committee's approval in early 2020 to make the Prescribed Training a mandatory requirement. The letter again urged drivers to take the opportunity to attend the training whilst it was still being offered free of charge. A copy of the letter is attached at Appendix 2. On three dates in December 2019, a further nine training sessions were provided. A total of 229 drivers attended these sessions.

- 3.6 In February 2020, a decision was taken by Officers to provide those drivers who had not attended the Prescribed Training with a final opportunity to attend a free session. On the 7th February, 2020 a further letter was therefore sent to all such drivers inviting them to attend one of eight sessions scheduled to be held over three dates starting on the 21st February, 2020. The letter stated that as had been advised in November 2019, Officers would now be seeking the Regulatory Committee's approval in March, 2020 to make the Prescribed Training mandatory. It was also stated that following on from this failure to attend the Council's Prescribed Training would result in the suspension of a hackney carriage, or private hire driver's licence until the training has been completed. A copy of such letter is attached at Appendix 3. This letter was sent to a total of 325 drivers.

4.0 Current Position

- 4.1 Unfortunately, at the time of preparation of this report, a number of drivers have not undertaken the Prescribed Training, and only 82 drivers had made a booking to attend one of the training sessions scheduled to be held shortly. However, Members will be updated on the progress with drivers' bookings at the meeting. Given the importance of this training as highlighted by the DfT, it is essential that appropriate arrangements are now implemented to ensure that all hackney carriage and private hire drivers undertake the Prescribed Training and refresher training as a mandatory requirement.
- 4.2 Arrangements are being made for further training sessions to be provided in the coming weeks to deliver the Prescribed Training. Accordingly, post the 1st April, 2020 it is proposed that a letter will be sent to all drivers who have not yet attended the Council's Prescribed Training requiring them to undertake this training within a period of three months following receipt of a letter from the Council explaining such training arrangements, otherwise their driver's licence will be automatically suspended until such time as the training has been undertaken by the driver. Whilst earlier training sessions were provided to existing drivers free of charge by the Council, in view of budgetary constraints, moving forward drivers will be required to contribute to the costs of future courses. It is estimated that a charge in the region of £10.00 to £15.00 per attendee will be sufficient to cover the course cost per attendee, although the exact figure is to be confirmed.
- 4.3 Similarly, post the 1st April, 2020 that as part of the initial application process for a hackney carriage driver's licence and / or private hire vehicle driver's licence that an applicant is required to undertake the Council's Prescribed Training prior to submitting their relevant application form for a licence, otherwise the applicant's initial application will be suspended and put on hold until such time as the Prescribed Training has been undertaken.
- 4.4 However, with regard to the provision of safeguarding training for new drivers, Officers have also recognised the need to include disability awareness training as an essential part of the training programme. Having held discussions with

colleagues from the Council's E-learning service, Officers recommend that moving forward, the most efficient and cost-effective way to deliver the Prescribed Training would be for drivers to undertake an E-learning training module at an estimated cost of £10.00 for each driver. At present, all new applicants for a hackney carriage and / or a private hire driver's licence are required to pass a knowledge test. Such test currently assesses a driver's understanding of the requirements of the taxi legislation, the Council's licensing rules and knowledge of the area. Under the proposed new training arrangements for new drivers, it is proposed that the knowledge test should be extended to cover also a driver's understanding of safeguarding children and vulnerable adults and disability awareness. The knowledge test would be carried out following a driver's completion of the relevant E-learning module.

- 4.4 Once drivers have completed their first Prescribed Training, it is proposed that with effect from the 1st October, 2020 refresher training will be required to be undertaken upon renewal of a driver's licence and every three years thereafter. For this purpose, drivers will be required to again complete the same E-learning module as that undertaken upon their initial application, or a modified version as may be deemed appropriate.

5.0 Reason for the Decision

- 5.1 Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 provides that the Council shall not grant a driver's licence to drive a private hire vehicle, or hackney carriage unless satisfied that an applicant is a fit and proper person. If the Committee approves the matters set out at Paragraph 2.1 above, then in establishing whether an applicant is a fit and proper person will be extended to include the provision of evidence that they have undertaken the Council's Prescribed Training. In real terms, this adds another check in deciding whether an applicant is a fit and proper person to hold the relevant licence.

- 5.2 Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 provides that the Council may suspend, or revoke the licence of a driver of a hackney carriage, or private hire vehicle, or may refuse the renewal of such a licence on any of the following grounds, :-

- a) that since the grant of the licence a driver has been convicted of an offence involving dishonesty, indecency or violence; or
- b) any other reasonable cause.

Subject to the Committee's approval of the matters set out at Paragraph 2.1 above, the ground of reasonable cause would be relied upon, ie. a driver's licence is suspended, or the renewal of their licence is suspended and put on hold until such time as the Council's Prescribed Training, (including refresher training, as appropriate), has been undertaken by a driver.

- 5.3 The approach which is being proposed by the Council is one which is being adopted by other Licensing Authorities within England and Wales. In due course, when consideration is given to introducing a new document setting out the Council's Hackney Carriage and Private Hire Licensing Policy the issue of making the Prescribed Training mandatory for drivers will be detailed in that document. The

matters which are proposed in this Report are designed to reflect the importance of safeguarding, thereby seeking to promote the welfare of children and vulnerable adults.

6.0 Alternative Options

- 6.1 None submitted.

7.0 Relevant Considerations/Consultation

- 7.1 In the event of any hackney carriage, or private hire driver's licence being suspended under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 for failing to attend the Prescribed Training, they would have the right of appeal to Sunderland Magistrates' Court.
- 7.2 For Members' information, the subject of safeguarding and disability awareness training for drivers has been discussed by Officers at meetings held with representatives of the hackney carriage and private hire drivers over the past few months. At such meetings the trade representatives have expressed their support for the training measures proposed in this report.

8.0 Appearance before Committee

- 8.1 Not applicable.

9.0 List of Appendices

- 9.1 Appendix 1 - Copy of letter sent to all hackney carriage and private hire drivers regarding arrangements for safeguarding training dated the 16th July, 2019.

Appendix 2 – Copy of letter sent to certain hackney carriage and private hire drivers regarding arrangements for safeguarding training dated 21st November, 2019.

Appendix 3 – Copy of letter sent to certain hackney carriage and private hire drivers regarding arrangements for safeguarding training dated 7th February, 2020.

10.0 Background Papers

- 10.1 Department for Transport document headed "Taxi and Private Hire Vehicle Licensing : Protecting Users" : Statutory Guidance for Licensing Authorities, February, 2019.

Appendix 1

«FULLNAME»
«ADD»



Neighbourhoods Directorate
Housing Services
Jack Crawford House
Commercial Road
Sunderland
SR2 8QR



Date: 16 July 2019
Our ref: «REFVAL»
Your ref:

This matter is being dealt with by:

Licensing Section, 0191 5205550, licensing@sunderland.gov.uk

Dear Sir/Madam

**SAFEGUARDING TRAINING FOR HACKNEY CARRIAGE AND PRIVATE HIRE
VEHICLE DRIVERS LICENCE HOLDERS**

Statutory draft guidance has been issued to the Council by the Department for Transport which recommends those involved in functions identified above undertake safeguarding training. Free training will be made available to you which will assist you to recognise what makes a person vulnerable and understand how to respond, including how to report safeguarding concerns and where to get advice. I am sure that you will agree that you can be an asset in the detection and prevention of abuse and neglect of children and vulnerable adults.

Currently there is no requirement for an applicant for a licence to drive either a hackney carriage or private hire vehicle to attend safeguarding training prior to the grant of either licence, however it is anticipated that it will soon be a requirement, for both new and renewal licences. I would therefore strongly advise you to take this opportunity and undertake the training as it is currently free, moving forward there may be a charge, as is the case with many other Councils.

Trade representatives have been consulted and recommended training should be no longer than 90 minutes. Sessions will be available during July, August and September on a Tuesday, Wednesday or Thursday. In order to book onto a session please visit www.sunderland.gov.uk/safeguarding-training or telephone 0191 5205550.

Please note that the number of attendees to each session is limited and I would advise you to book as soon as possible.

Yours faithfully

A handwritten signature in black ink, appearing to read "MDixon", written over a horizontal line.

Marion Dixon
Acting Assistant Head of Housing
Neighbourhoods Directorate

Appendix 2

Addressee
Address line 1
Address line 2
Address line 3
Address line 4
Address line 5
Address line 6
Postcode



Date: November 2019
Our ref: Type reference here
Your ref: Type reference here

This matter is being dealt with by:
(Steve Wearing, Principal Licensing Officer)

Dear Sir/Madam

IMPORTANT INFORMATION

SAFEGUARDING TRAINING FOR ALL HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER LICENCE HOLDERS

In July 2019, you received a letter regarding the Council's provision of free training relating to the safeguarding of children and vulnerable adults for **all** hackney carriage and private hire drivers. A total of 39 free sessions were provided. Our records show that you did not attend a session.

We advised in July that whilst training was not mandatory it was likely to become so. We intend to seek the Regulatory Committee's approval in early 2020 to make safeguarding training a mandatory requirement. Following on from this, failure to attend the Council's approved safeguarding training will result in the suspension of a hackney carriage or private hire driver's licence until training has taken place. Safeguarding our residents is a high priority to us all, as a licensed driver I am sure you are aware you have a key role to play to help keep the public safe.

With this in mind I request you to take advantage of the training which is currently still free. The training will be held at the Sunderland Civic Centre with the first sessions commencing on 6 December 2019. Moving forward all future training sessions provided after this series will be charged.

In order book on to a session please visit www.sunderland.gov.uk/safeguarding-training or telephone 0191 5205550

All taxi drivers must complete this 'Approved' training session, no other historic training courses will be considered or accepted as an alternative.

I strongly urge you to book on to a training session without delay to avoid the possibility of your driver's licence being potentially suspended, and to also avoid being charged an attendance fee once the offer of free training has been withdrawn.

Yours faithfully,

Steve Wearing

Principal Licensing Officer

Appendix 3

Addressee
Address line 1
Address line 2
Address line 3
Address line 4
Address line 5
Address line 6
Postcode



Date: February 2020
Our ref: Type reference here
Your ref: Type reference here

This matter is being dealt with by:
(Steve Wearing, Principal Licensing Officer)

Dear Sir/Madam

IMPORTANT INFORMATION

SAFEGUARDING TRAINING FOR ALL HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER LICENCE HOLDERS

In July and November 2019, you received letters regarding the Council's provision of free training relating to the safeguarding of children and vulnerable adults for **all** hackney carriage and private hire drivers. A total of 48 free sessions were provided. Our records show that you did not attend a session.

As we advised in November 2019, we will now be seeking the Regulatory Committee's approval in March 2020 to make safeguarding training a mandatory requirement. Following on from this, failure to attend the Council's approved safeguarding training will result in the suspension of a hackney carriage or private hire driver's licence until training has taken place. Safeguarding our residents is a high priority to us all, as a licensed driver I am sure you are aware you have a key role to play to help keep the public safe.

Once again, I request you to take advantage of the training which is currently still free. The training sessions will be held at Sunderland Civic Centre with the first sessions commencing on 21 February 2020. Moving forward all future training sessions provided after this series will be charged.

In order book on to a session please visit www.sunderland.gov.uk/safeguarding-training or telephone 0191 5205550

All taxi drivers must complete this 'Approved' training session, no other historic training courses will be considered or accepted as an alternative.

I strongly urge you to book on to a training session without delay to avoid the possibility of your driver's licence being potentially suspended, and to also avoid being charged an attendance fee once the offer of free training has been withdrawn.

Yours faithfully,

Steve Wearing

Principal Licensing Officer

