

**WEST OXFORDSHIRE DISTRICT COUNCIL**  
**MISCELLANEOUS LICENSING SUB-COMMITTEE**

**THURSDAY 15 DECEMBER 2016**

**MANDATORY SAFEGUARDING TRAINING FOR ALL LICENSED DRIVERS AND**  
**REQUIREMENT FOR DISCLOSURE AND BARRING SERVICE (DBS) UPDATE**  
**SERVICE REGISTRATION**

**REPORT OF THE GROUP MANAGER ENVIRONMENTAL AND REGULATORY**  
**SERVICES**

**(Contact: Michelle Bignell, Tel: (01993) 861000)**

(The decisions on this matter will be resolutions)

**1. PURPOSE**

- (a) To raise the Committee's awareness of the Joint Operating Forum (JOF) that West Oxfordshire District Council has committed to along with all Oxfordshire Councils.
- (b) to seek approval of amendments to the criteria applicable to the Hackney Carriage and Private Hire driver application process in order to promote safeguarding and awareness of safeguarding and the requirement of registration to the DBS update service.
- (c) To inform the Committee of the changes to licensing made by the Immigration Act 2016.

**2. RECOMMENDATIONS**

- (a) That the information contained within the report be noted.
- (b) That all existing drivers and new applicants be required to undergo mandatory safeguarding training.
- (c) That all licensed drivers are required to register for the Disclosure and Barring Service (DBS) update service.

**3. BACKGROUND**

**JOINT OPERATING FRAMEWORK (JOF)**

- 3.1. The Oxfordshire Joint Operating Framework (JOF) for Transporting Children/Adults with care and support needs and taxi licensing was commissioned by the Child Sexual Exploitation (CSE) Sub-Group of the Oxfordshire Safeguarding Children Board and is the result of collaboration between the City and District Councils, the County Council and the Police.
- 3.2. It provides a single set of minimum standards for agencies with responsibilities for transporting children/adults with care and support needs in Oxfordshire, including addressing vetting, training, awareness raising, information sharing, policy alignment, enforcement activity and quality assurance and monitoring.
- 3.3. It is also a direct result of the learning from the Bullfinch investigation into historical child sexual exploitation in Oxford, the subsequent Serious Case Review and the findings of the Stocktake Report set up to review Oxfordshire's current approach to tackling child sexual exploitation (published in July 2015).
- 3.4. The review recommended that taxi licensing authorities in Oxfordshire seek harmonisation of licensing standards across the county and a JOF be produced.

Overall the 2015 Stocktake Report was positive about the local progress made and it included a recommendation relating to transport and taxi licensing: “Oxfordshire County Council and all District Councils must work more closely together to ensure that the regulation of the contracts to transport vulnerable children and taxi licensing across Oxfordshire is more robust”.

- 3.5. The 5 Councils have been working closely together and using information sharing sheets which are reported monthly so that information about drivers can be shared amongst the authorities. This has proved to be an invaluable tool and one of the positives that the JOF has delivered.
- 3.6. A copy of the Joint Operating Framework is attached at Appendix A.

### **MANDATORY REQUIREMENT FOR SAFEGUARDING TRAINING**

- 3.7. The Chief Executives of all the District Councils and the County Council have agreed in principle to the JOF of which includes mandatory training for licensed drivers.

### **Consultation**

- 3.8. In order to understand the thoughts of the licensed trade regarding this potential change a consultation with the trade took place over the summer period (agreed by the Licensing Sub Committee on 14 June 2016). We received 19 responses from all 3 of the Environmental and Regulatory Services partners (Cotswold District Council, Forest of Dean District Council and West Oxfordshire District Council), which gave less than a 1% return. A copy of the results can be seen at Appendix B.
- 3.9. The main concern was the cost to the licence holder and the duplication of undergoing training should the licence holder also hold a County Council driver badge.

### **Training provider/costs**

- 3.10. 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.
- 3.11. 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 Councils complete such training.
- 3.12. 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 West Oxfordshire District Council licensed drivers have attained this enhanced level of training as they can also provide a service to vulnerable children and adults.
- 3.13. 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).
- 3.14. 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 Authority. This will be implemented with immediate effect for any person yet to submit an application to the Licensing Authority.

- 3.15. 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).
- 3.16. Existing drivers that need to complete the training will be funded by a grant from Oxfordshire County Council.

### **Implementation**

- 3.17. It is proposed that the Service Leader for Business Support Services will write to all existing licence holders informing them of this training requirement, and that training has to be completed by December 2017.
- 3.18. 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 1 April 2017 and must be completed by 31 December 2017.
- 3.19. Any driver that has already gained the certificate through the County Council will be asked to provide certification to the Licensing Authority.

### **MANDATORY REQUIREMENT FOR DRIVERS TO SIGN UP TO THE DISCLOSURE AND BARRING SERVICE (DBS) UPDATE SERVICE**

- 3.20. The JOF also sought the agreement that all drivers are registered for the Disclosure and Barring Service (DBS) update service
- 3.21. 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.
- 3.22. 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/dbs-update-service>
- 3.23. 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 submitting their application and the date upon which the licence expires.
- 3.24. 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.
- 3.25. 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.
- 3.26. 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.
- 3.27. Any driver who cannot provide a valid DBS check at the time of renewal will not be relicensed until this certificate is provided.

- 3.28. It will be a requirement from 1 April 2017 to register for the online update service and this will be a condition attached to the driver licence. By 31 March 2020, all licence holders will be registered.
- 3.29. In order that the Trade is fully aware of this requirement, a communication detailing the DBS Update service requirement will be sent to all licenced drivers and information placed on the Council's website.

#### **IMMIGRATION ACT 2016**

- 3.30. From 1 December 2016, it will be a requirement of the Licensing Authority to check the right to work of all drivers renewing their licences and all new applicants.
- 3.31. This check will be carried out face-to-face on renewal or when a new application is submitted and copies of identification documents will be retained in accordance with legislation requirements.
- 3.32. The Home Office have issued guidance on documents which can be accepted and the licensing team has been fully trained.
- 3.33. Any driver that has a period of leave (right to work in the UK) of less than 3 years (duration of a driver licence issued by WODC) will only be issued with a driver licence until the expiration of his/her leave.
- 3.34. Any driver without the right to work will not be licensed with the authority and the Home Office will be informed.
- 3.35. In order that the Trade is fully aware of this requirement, the communication detailing the new right to work will be sent to all licenced drivers and information placed on the Council's website.
- 3.36. The Immigration Act also has an impact on the Licensing Act 2003 with regards to licensed premises and personal licence holders. These changes are due to be implemented in Spring 2017 and a briefing sheet will be provided to members.

#### **4. FINANCIAL IMPLICATIONS**

Any financial matters contained within this report are met through either funding from Oxfordshire County Council or by the licence holder. 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).

#### **5. RISKS**

There are a number of risks associated with taxi licensing. The most significant risk is to public safety and the Council must satisfy itself that licensed drivers meet the required standards in order to protect the public. The proposed measures ensure that the authority is able to determine that the applicant / licensee is a 'fit and proper' person

#### **6. REASONS**

The Council exercises control over Taxi and Private Hire operations in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1976 to ensure that vehicles, operators and drivers meet the required standards in order to protect the public.

Bill Oddy  
Group Manager for Environmental and Regulatory Services

(Author: Michelle Bignell Tel: (01993) 861000 email: michelle.bignell@2020partnership.uk  
Date: 18 November 2016