

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Licensing and Regulatory Committee held
at County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 17th January, 2017 at 10.00 am**

PRESENT: County Councillor L. Guppy (Chairman)
County Councillor B. Strong (Vice Chairman)

County Councillors: R. Chapman, J. Higginson, J. Prosser, A. Webb
and M. Hickman

OFFICERS IN ATTENDANCE:

Ioan Gealy	Solicitor
Linda O'Gorman	Principal Licensing Officer
David Jones	Head of Public Protection
Chris Rann	Senior Licensing Officer
Paula Harris	Democratic Services Officer

1. Apologies for absence

County Councillors R. Edwards, D. Evans and F. Taylor.

2. Declarations of interest

None.

3. To confirm and sign the minutes of the previous meeting

The minutes from the meeting held on the 18th October 2016 were confirmed and signed by the Chair.

4. Safeguarding Suspension report

The Committee received a report to consider a policy for the suspension of Hackney Carriage / Private Hire Drivers and Operators licences who have not conducted Safeguarding Training.

Key Issues

1. At the Licensing and Regulatory Committee on 22nd March 2016 Members approved the Monmouthshire County Council's Taxi and Private Hire Policy and Conditions 2016, which came into force on 1st April 2016. This Policy included the following condition.

All drivers and operators (including existing licence holders) will be required to attend a training session on safeguarding children and vulnerable persons. The training session will cover the conduct and responsibilities of those licensed and in particular will provide training in identifying when vulnerable people are in need of protection and how to ensure they are taken to a place of safety and the appropriate reports are made to the police and social services. The training provider must be approved by the LA. A

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certificate must be submitted to MCC LA as confirmation that the training has been conducted. Certificates will only be accepted by training providers approved by the LA. New applicants will be required to conduct the training at their own expense prior to submitting an application. Drivers and Operators licensed (new and renewal applicants) between 1st April 2015 – 31st March 2016, will be required to conduct this training within 9 months, commencing 1st April 2016. All drivers and Operators will be required to conduct refresher training and submit the required certificate as confirmation the training has been conducted prior to submitting a renewal application.

2. The Authority recognised it was essential that all those involved in the Taxi and Private Hire trade should undergo safeguarding training in order to protect children and vulnerable adults. On reaching its decision it also referred to the Louise Casey report whereby the ruling asked whether Rotherham Council took sufficient steps to ensure public safety and avoid child exploitation. This Council did not want to receive any similar criticism and felt it necessary to introduce a condition to make safeguarding training mandatory for those holding a licence.

3. Those licence holders referred to in 3.1 above, who have not conducted the safeguarding training by 31st December 2016, have clearly breached their licence conditions. Reminders were issued by the Licensing Section on 23rd March 2016, 20th June 2016 and 28th October 2016 to those licence holders, which outlined the requirement to conduct the safeguarding training as a condition of their licence by 31st December 2016. There has been two training sessions per month since April 2016. From April – December a total of 18 training sessions were available from Torfaen Training, the training providers approved by this Authority to conduct the safeguarding training.

4. It is recognised that those licence holders who have not conducted the safeguarding training may have found it difficult to conduct training during the December period with the lead up to Christmas. There are currently 41 drivers who have not conducted this training before the 31st December 2016. It is recommended that there is a period of grace of 3 months before action is taken against those licence holders who have not complied with the terms and conditions of their licence. As such, it is requested that no action be taken until 1st April 2017 to enable the outstanding drivers to have a choice from a further 6 training sessions (2 per month between January – March 2017).

5. This report request a suspension of those licence holders who have not completed the safeguarding training until such training is in place and to delegate the power of suspension on this occasion to the Head of Public Protection.

Recommendations to Committee

1. To delegate to the Head of Public Protection, the power to suspend a Hackney Carriage / Private Hire Driver and Operators Licence, with effect from 1st April 2017 until the Licence holders referred to have conducted Safeguarding Training approved by the Authority. The suspension will continue until such training has been carried out but no later than the expiry of the licence, where the licence will cease and no new licence will be considered until the training is in place.

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2. To delegate to the Head of Public Protection, the power to lift the suspension referred to in 2.1 above of a Hackney Carriage / Private Hire Driver and Operator Licence following the completion of Safeguarding Training approved by the Authority.
3. The Head of Public Protection may defer the discharge of the functions referred to the Licensing and Regulatory Committee.

Members Comments

A member asked how long the training was and the times available, we were told that the training took approx. 2.5 hours and the times were 10am and 1.30pm to avoid interference with school transport runs.

Concerns were raised regarding the method of communication used to convey to the taxi drivers of their required training and commented that a verbal advisement stressing the importance of the training may be advisable.

A member commented that Monmouthshire County Council need to be strict as he had witnessed taxi driver abuse conditions, for example using mobile phones while driving with children in the vehicle.

The Chair asked at what intervals was the training refreshed and we were told this would be upon renewal of the licence and every 3 years thereafter on each renewal.

Members voted and were unanimous in their support of the recommendations and stressed the importance of the training.

5. To exclude the press and public from the meeting during the consideration of the following items of business on the grounds that they involve the likely disclosure of exempt information

6. To consider whether the driver is "Fit and Proper" to continue to hold a Hackney Carriage/Private Hire Drivers Licence

The Chairman welcomed the applicant to the meeting and introduced Members of the Committee and the attending Officers and explained the protocol for the meeting. The applicant confirmed their name and address to the Committee. The applicant confirmed receipt of the report.

The key issues and details were read out to the Committee.

The applicant was then given the opportunity to address the Committee, to put forward any relevant explanations. Following this, Members of the Committee put forward questions to the applicant and discussion ensued.

Following questioning, officers and the applicant left the meeting to allow the Committee the opportunity to deliberate and discuss the findings.

Upon re-commencement, the Chairman advised that the Committee had considered the issues and had unanimously voted to issue a severe written warning to the applicant on account of non-disclosure.

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- 7. To note the date and time of the next meeting as the 7th March 2017**

The meeting ended at 11.20 am