

Regulation and Review Committee Panel

22 November 2017

Present: Councillor P Earley (Chair)
Councillors T Mulvenna, A Percy and M Reynolds.

RQ49/11/17 Apologies for Absence

No apologies for absence were received.

RQ50/11/17 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations reported.

RQ51/11/17 Exclusion Resolution

Resolved that under Section 100A (4) of the Local Government Act 1972 (as amended) and having applied a public interest test in accordance with Part 2 of Schedule 12A the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Act.

RQ52/11/17 Hackney Carriage/Private Hire Driver's Licence Disciplinary Referrals

The Committee considered a report by the Senior Manager, Technical and Regulatory Services which listed 5 licensed drivers who had been referred to the committee for failing to complete the Child Sexual Exploitation (CSE) Awareness training as required by the North Tyneside Hackney Carriage and Private Hire Policy.

The Committee was requested to determine whether any disciplinary action was required and to assess the referred drivers' continued suitability to carry out the duties of a licensed driver.

A Licensing Officer attended the meeting.

The Licensing Officer produced certificates of service which showed that a letter informing drivers of their referral to the committee, the date of the meeting and inviting them to attend had been hand delivered to their last known address on 6 November 2017 and b) that a copy of the committee report with a letter inviting the drivers to attend the meeting had been hand delivered to their last known address on 14 November 2017.

The Licensing Officer presented the report and it was noted that of the 5 drivers listed for the meeting, 3 had completed the required training leaving 2 cases to be considered at the meeting.

The Committee was informed that child sexual exploitation (CSE) was 'everybody's business' and the Authority was committed to working in partnership with and supporting local businesses to raise awareness of this issue. As licensed drivers may see, hear or recognise situations or behaviour that may be of concern as well as being in a position of trust they played an important role in helping to safeguard vulnerable people.

It was therefore important that licensed drivers and applicants underwent awareness training to assist in the prevention of sexual exploitation and to know how to report it. By key agencies working together and sharing information, sexual exploitation could be prevented, children and young people protected and perpetrators of sexual offences prosecuted.

On the 4 August 2015 the Licensing Section sent a letter to all drivers concerning CSE awareness training. This letter invited all licensed drivers to attend face to face awareness training, with 12 sessions available from September through to November to choose from. Further invitations to another four sessions (two in February and two in May) were sent to drivers in January 2016 and again in August 2016 (two in September and two in November). There was no charge for this training and at this point there was no requirement for training to be undertaken by licensed drivers.

On 24 January 2017, the Regulation and Review Committee approved a revised North Tyneside Hackney Carriage and Private Hire Licensing Policy which came into force on 1 April 2017. One of the changes required new applicants for a Hackney Carriage or a Private Hire Drivers Licence to undertake awareness training on child sexual exploitation (CSE) within three months of receiving their licence. If training was not undertaken within three months the driver would be referred to Regulation and Review Committee. Existing drivers were required to undertake the training by 1st April 2017 and if this was not completed the driver would be referred to the Regulation and Review Committee.

The Licensing Section sent another letter to all licensed drivers to attend a face to face awareness training session in March 2017. In addition, an invitation to complete the new on-line training module was issued to drivers who had still to complete their CSE training in September 2017.

All existing licensed drivers who had failed to complete the CSE awareness training had now been referred to the Committee for it to consider their continued suitability to carry out the duties of a licensed driver. As the number was quite significant a series of meetings over two weeks had been arranged to hear the cases.

The Licensing Officer then detailed each individual driver's name and address; how long they had held a licence with North Tyneside Council; how many letters each had received regarding the CSE awareness training; and the total number of sessions of face to face training each had had the opportunity to attend. The Committee was also reminded that online training had been available since September 2017.

Members of the Committee asked questions of the officer.

Following a summing up from the Licensing Officer he left the meeting room to enable consideration of the matter to be undertaken in private.

The options available to the Committee were to:

- take no action;
- issue a warning as to the drivers' future conduct;
- suspend the drivers' licence; or
- revoke the drivers' licence.

In determining its response the Committee had regard to Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 and the Council's Hackney Carriage and Private Hire Licensing Policy, in particular Chapter 7 which makes reference to convictions, cautions, conduct and medical fitness.

The Committee considered that it was an established principle that a licence was a privilege and not a right and seriously considered all the options available to it. The Committee considered each driver in turn.

Resolved that (1) MB's case be deferred to the Panel meeting to be held on 14 December 2017 to enable Licensing Officers time to ascertain the whereabouts of MB either from the Police or by tracking his licensed vehicle.

Reason: The letters sent to MB notifying him of the date and time of the hearing had been returned because he was not known at that address. MB was not therefore aware of his referral to the Committee and he had not been given the opportunity to attend the hearing.

(2) that SS's Hackney Carriage/Private Hire Licence be suspended until SS completes the required Child Sexual Awareness training.

Reason: the revocation of SS's licence would be a disproportionate sanction in the circumstances and a suspension until the required training was completed was the most appropriate as it would broaden SS's understanding of the issue and satisfy the Committee that SS remained a fit and proper person to hold a licence.