

Item 7 (a) - Statutory guidance issued by the Secretary of State for Transport to protect children and vulnerable individuals

The attached report was considered by the Licensing Committee, and the relevant minute extract is below.

Licensing Committee (22 September 2020, Minute 39)

The Senior Licensing Officer presented the report which provided information on the changes to be considered and implemented in process and policy as a result of statutory guidance issued by the Secretary of State for Transport in June 2020.

Sections 165, 166 and 167 of the Equality Act 2010 had allowed the licensing authority to create a list of “designated vehicles” which would be capable of carrying passengers in wheelchairs and require the drivers of the vehicles to provide mobility assistance unless they were granted an exemption from these duties by the local authority. Members were asked if they agreed to implement these provisions.

The Local Government Association commissioned the National Anti-Fraud Network (NAFN) to develop a national register of taxi and private hire vehicle driver licence refusals known as NR3. Members were required to consider the Council’s use of this register in order to check new applicant’s refusal or revocation history with other authorities.

The Senior Licensing Officer outlined the proposed amendments to the Statement of Hackney Carriage and Private Hire Policy 2020-2023. Amendments included the addition of referrals to the Disclosure and Barring Service (DBS), required DBS checks on booking and dispatch staff, the discretion of Council Officers in cases where vehicles reach their upper age limit, changes to medical driver group II medical requirements and a mandatory requirement for drivers to sign up to the online DBS update service. It was also proposed that minor amendments, required by legislative or administrative change, would be made to the policy by the Head of Licensing Partnership in consultation with the Chairman of Licensing Committee to prevent the need for a consultation or a full licensing committee decision.

It was clarified that a further proposed amendment was for Members’ consideration. The amendment, as set out in paragraph 58, read that Officers intended to investigate external providers of oral and written English courses.

Members asked questions of clarification. Additional words and changes were suggested in some of the proposed amendments set out in the report. It was suggested that paragraph 30 of the report read as “the authority shall consider a referral to the DBS under the Safeguarding Vulnerable Groups Act 2006”. It was also suggested that practitioners be expected to have

accessed medical records rather than just be able to access them as set out in paragraph 77 of the report.

Along with the recommendations within the report and amendments above, the Chairman proposed that the precise wording of any further minor amendments discussed at the meeting be delegated to the Head of the Licensing Partnership consultation with the Chairman of the Licensing Committee for the precise wording.

Resolved: That

- a) in response to the guidance, the proposed implementation of changes in process, be noted;
- b) Officers implement the provisions of section 165, 166 and 167 of the Equality Act 2010;
- c) the draft policy in respect of NR3, as set out in Appendix B to the report, be approved for public consultation of 6 weeks, and if no unresolved objections are received, the Head of the Licensing Partnership be granted delegated authority to adopt the policy; and
- d) it be recommended to Council that**
 - i) the amendments to the Statement of Hackney Carriage and Private Hire Policy 2020-2023, as set out in paragraphs 20, 30, 51-52, 58, 61, 65, 77 and 80-81 of the report, be approved;
 - ii) the sentence “Changes agreed in this way are to be reported back to the Licensing Committee at the next meeting.” be added to paragraph 20 of the report;
 - iii) paragraph 30 of the report be amended to read as “Following a decision to refuse or revoke a licence by Sevenoaks District Council as the individual is thought to present a risk of harm to a child or vulnerable adult, the authority shall consider a referral to the DBS under the Safeguarding Vulnerable Groups Act 2006;
 - iv) paragraph 77 of the report be amended to read as “All applicants will be required to obtain a Group 2 Medical standards certificate signed by their own GP, or another practitioner who has accessed at least 2 years of medical records”; and
 - v) delegated authority be granted to the Head of the Licensing Partnership following consultation with the Chairman of the Licensing Committee for the precise wording of the minor amendments.