

# TAXI NEWS

April 2015

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## SEXUAL EXPLOITATION OF CHILDREN AND VULNERABLE YOUNG PERSONS & ADULTS

Unfortunately we will all have seen in newspapers or heard in the media about a very small minority of persons involved in the taxi and private trades around the country who have been either willing or unsuspecting participants in the sexual exploitation of children and other vulnerable young persons, including vulnerable adults.

As a taxi or private hire driver you are in an extremely important and responsible position of trust particularly when carrying children or vulnerable persons as passengers. As someone who will be out and about on the streets and in the community at large you are also someone that is fairly uniquely placed to see and hear what is going on in that community. One of which could well be the sexual exploitation of children and other young vulnerable persons and adults. Whether we like to admit it or not, sadly things like this can happen in our area just as they can anywhere else in the country.

What we would like to do in this newsletter is to provide you with some basic information which can not only help us all do our bit to protect children and vulnerable persons, but may also help to protect you in your role as a taxi or private hire driver given that you will often work alone for many hours in your vehicle.

People can unfortunately be abused in many different ways. Such as:

- Physical abuse
- Sexual abuse
- Emotional abuse
- Financial abuse
- Neglect

- Discriminatory abuse
- Institutional abuse

## CHILD SEXUAL EXPLOITATION (CSE)

Child sexual exploitation is a type of sexual abuse where children are forced into sex for money, power or status. Children or young people may be tricked into believing they are in a loving, consensual relationship. They might be invited to parties and given drugs and alcohol or may be groomed online. Some children and young people are trafficked into or within the UK for the purposes of sexual exploitation.

As a driver you may be in a position to see some signs or indicators of CSE taking place either in your taxi or outside of it. These could be:

- Does the child have expensive items (e.g. like a new phone or jewellery) or money without a likely reason?
- Does the child have access to unusually large sums of money?
- Does the child have a significantly older boyfriend or girlfriend with them?
- Are there any signs of inappropriate sexualised behaviour towards the child by accompanying passenger(s)?
- Is the accompanying passenger(s) stopping the vehicle in order to purchase food/sweets/alcohol/cigarettes or even drugs for the child?
- Is the child cared for or accompanied by an adult who is not their parent or legal guardian?
- Is the child among a number of unrelated children picked up or dropped off at one address such as a care home or bed and breakfast/hotel?
- Is there a regular pick up point (such as a care home or bed & breakfast/hotel) with multiple drop offs?
- Has the child's journey (or visa in the case of entering the UK) been arranged or paid for by someone other than them or their family?
- Is the child isolated, with few positive, meaningful relationships in their life?
- Is the child accompanied by someone they don't know well or they appear to be uncomfortable with?
- Any signs that the child is intoxicated or drugged or is in an incapable or confused state?
- Does the child show any signs of psychological trauma or numbing?
- Are there any obvious signs of physical neglect? This may be basic care, malnourishment, physical harm (cuts or bruising to the face or arms for example) or work related.

If a child is in immediate danger always dial 999. If not, report your concerns by dialling the Police using the 101 telephone service, or Crimestoppers (Anonymous) on 0800 555 111 or e-mail the Essex Police intelligence team [AIUinbox@essex.pnn.police.uk](mailto:AIUinbox@essex.pnn.police.uk).

Please do not worry that you may be calling unnecessarily, or that you will be judged or considered to be wasting Police time if it turns out to be something entirely innocent. No judgement like that will happen. You could always give your information anonymously if you wished to do so of course, but the important thing is that you take action and say something. It may just help to save a child or young vulnerable person from being sexually exploited. If you are genuinely worried about ringing the Police you can always pass your concerns onto the Licensing office who will be willing to pass that information on for you to the appropriate authority.

**So please remember, trust your instincts (if something doesn't feel quite right to you then it probably isn't), be proactive and report it. Please do the right thing.**

For further advice and information about child sexual exploitation you can contact the NSPCC on 0808 800 5000 or ring the Essex Safeguarding Children Board on 0333 013 8936 or e-mail [escb@essex.gov.uk](mailto:escb@essex.gov.uk)

## HUMAN TRAFFICKING

Human trafficking is a form of modern slavery where people profit from controlling and exploiting others. People, who are often desperate or vulnerable, are tricked into coming to the UK and then told that they must work for the trafficker to pay them back.

This work can take many different forms, including:

- Prostitution or pimping
- Forced labour, such as working long hours with little or no pay in poor conditions
- Forced street crime
- Cannabis cultivation or other forms of drug dealing

As a driver you can look out for the following things which may be an indication that something just isn't right. These are:

- Does the person seem anxious with an expression of fear?
- Can you see any signs of psychological trauma?

- Does the person need medical care? (Access to this may have been withheld or prevented).
- Is there any evidence or suggestion that they may have been tricked or forced into what they are doing?
- Is the person or child accompanied by someone they don't know well or they appear to be uncomfortable with?
- Are there any signs of inappropriate sexualised behaviour towards the person by accompanying passenger(s)?
- Any signs that the person (being carried as the passenger for example) is intoxicated or drugged or is in an incapable or confused state?
- Is the person frequently being moved between or around locations such as bed and breakfast or hotels?
- If it is a child, are they accompanied by an adult who is not their parent or legal guardian?
- Are there signs of physical abuse or neglect such as cuts or bruising? For example to their face, arms or hands.

## SAFEGUARDING CHILDREN AND VULNERABLE ADULTS

If you are concerned that a child or young person is being harmed, neglected or is at risk, you can contact Essex Social Care on 0845 603 7627. If it is out of hours, telephone 0845 606 1212.

If you are concerned about the safety of an adult in Essex, you can call the safeguarding adults line on 08452 6666 63. You can call this number for anything from straightforward advice, to telling someone about a specific concern.

If there is an immediate risk or danger of harm to a child, young person or adult then **always** ring 999.

Sadly abuse and exploitation can take place anywhere and at any time. Ignoring it should never be an option for any of us and by working together or making a quick and simple phone call it could help stamp it out.

## INTERIOR CLEANLINESS AND CONDITION OF VEHICLE

Please be aware and reminded that it is a condition of licence that that a licensed vehicle is kept in 'a clean condition, well maintained and in every way fit for service'. We have had one or two complaints recently where callers are suggesting this is not always the case for a small minority of licensed vehicles. No passenger wants to pay good money to be driven in a vehicle that frankly looks and smells like Rush Green tip

on a hot day both inside and outside. You're also never likely to get their repeat business if they are either. Licensing enforcement officers do carry out spot checks on vehicles and can and will immediately suspend a vehicle licence under S68 of the Local Government (Miscellaneous Provisions) Act 1976 if they find a vehicle that is not in 'a clean condition, well maintained and in every way fit for service'. No one wants to affect someone's livelihood even for a few hours while the vehicle is properly cleaned and/or valeted so please work with us to make this unnecessary by taking the time every day to make sure that the vehicle you are driving is clean, maintained and fit for service'. It's your livelihood and your business that unfortunately may be affected if you don't.

### CONVICTIONS AND CAUTIONS

Just a reminder please that it is a condition of your hackney carriage/private hire driver licence that the 'driver shall notify the Council in writing within a period of seven days of any caution/conviction (whether criminal or motoring) being imposed upon him or her during the period of this Licence or within a period of seven days of any fixed penalty offence (as defined in Section 51 of the Road Traffic Offenders Act 1988) being endorsed upon his or her driving licence during the period of this licence'.

### MOBILE PHONE USE WHILE DRIVING

Again just a reminder please that it is an offence to use a mobile phone while driving, even if stopped at traffic lights or queuing in traffic. The only exceptions to this are if you:

- Need to call 999 or 112 in an emergency and it is unsafe or impractical to stop
- Are safely parked

Hands free phones, sat navs and two way radios can be used while driving, but if the Police think that you are distracted and not in control of your vehicle you can get stopped and penalised. (Source- [www.gov.uk](http://www.gov.uk)).

Being caught by Police using your mobile phone is likely to lead to an automatic fixed penalty notice with 3 points on your DVLA licence and a £100 fine. If you go to Court you could get disqualified from driving and a maximum fine of £1,000.

In addition to penalty points, fine or disqualification, you may also be putting your hackney carriage/private hire drivers licence in

jeopardy. Reproduced below is an extract from the delegated authority protocol which we as officers have to comply with. This says:

*'That the Corporate Director (Public Experience) is authorised to determine applications for Hackney Carriage Vehicle, Hackney Carriage Driver, Private Hire Operator, Private Hire Driver and Private Hire Vehicle Licences in accordance with the Council's policy or in cases where no more than three penalty points have been endorsed on the applicant's driving licence except in the case of mobile phone offences'.*

In other words any grant or renewal application check that shows a mobile phone offence will be automatically referred to the Council's Licensing (General Purposes) Sub Committee for them to decide the grant or renewal application.

### TAXIWATCH

Paul Teague of Essex Police has contacted the licensing office and would very much like to be able to talk to the trade about setting up a 'Taxiwatch' scheme in Tendring.

A Taxiwatch scheme would help keep drivers safe in Tendring day and night and would bring a more direct route for drivers to the Police for advice and assistance. Particularly late at night where there is always the possibility of problems with customers over payment of fares or abusive behaviour.

A good working relationship and trust built up on both sides could have real benefits in keeping drivers safe and informed.

Ideally Paul would like to hold a meeting with as many of the drivers and taxi/private hire companies in the Tendring area that he can and that might be interested in having such a discussion with Police about setting up a Taxiwatch scheme.

If there is enough interest, the Council is more than happy to host such a meeting one evening in the Council chamber at Weeley where there is plenty of parking.

If you are interested, or think that setting up a Taxiwatch scheme is a good idea and would help to keep drivers safe, informed and also build up a good working relationship with the Police locally then please either telephone or e-mail either Paul Teague on [paul.teague@essex.pnn.police.uk](mailto:paul.teague@essex.pnn.police.uk) or on 101 ext 440222 or alternatively e-mail [taxi@tendringdc.gov.uk](mailto:taxi@tendringdc.gov.uk) or phone James King on 01255 686595.

Hopefully there will be enough persons interested to be able to arrange a meeting in the Council chamber at Weeley one evening when Paul will be able to discuss this proposal with you and also be able to go into more detail about it.

### **MEDICAL PROBLEMS**

We are sure that you are all aware of this anyway, but just in case please be aware that it is a requirement of your DVLA car drivers licence that you must let the DVLA know if you have ever had, or currently suffer from, any medical condition that could affect your ability to drive. This is a legal requirement and is your responsibility. For further details see [www.gov.uk/driver-medical-conditions](http://www.gov.uk/driver-medical-conditions) or telephone 0300 790 6806. (Source GOV.UK).

Your medical fitness may also impact on your 'fit and proper person' status to hold a hackney carriage/private hire driver's licence.

### **NEW ASDA STORE BULL HILL ROAD**

The Council and the Tendring Drivers Taxi Association (TDTA) have worked closely together to send a joint letter to ASDA head office asking if they would be prepared to site a taxi rank at the new store. Unfortunately ASDA didn't offer this up as part of their Planning permission application, but we're still hopeful that they may consider our joint letter favourably and agree to this.

At the time of the taxi newsletter being prepared we hadn't yet heard anything back from ASDA, but will follow up if we haven't heard anything from them soon. Whatever the response, we will let you know the outcome of our request.

### **PASSENGER ASSISTANCE**

We have had one or two complaints come in from your colleagues in the taxi trade that a very small minority of drivers won't help passengers any assistance in loading and unloading luggage.

We are sure that these are isolated observations, but please be reminded that it is a condition of your holding and continuing to hold a hackney carriage/private hire drivers licence that the driver when requested by any person hiring a licensed vehicle shall:

- Convey a reasonable quantity of luggage;
- Afford reasonable assistance in loading and unloading;

- Afford reasonable assistance in removing it to or from the entrance of any building or place at which (they) may take up or set down such a person.

The Collins English Dictionary gives the following relevant definition in terms of the word 'reasonable' which is;

- Showing reason or sound judgement
- Having modest or moderate expectations
- Not making unfair demands.

For example if you are asked to lift luggage that you could not possibly carry or lift or would cause you injury by doing so, or attempting to do so, then this is unlikely to be considered as a 'reasonable' request.

It is however part and parcel of the conditions of your hackney carriage/private hire drivers licence and we may require proof if there is a medical cause cited as the reason for not being able to reasonably assist with loading and unloading a fare paying passengers luggage.

### **FIXED PENALTY POINTS ON DVLA LICENCE**

It came to our attention from discussion with the Tendring Drivers Taxi Association Chairman that some drivers may not be aware of how we as licensing officers have to assess grant and renewal applications for hackney carriage and private hire driver licence applications where penalty points are shown on the applicants DVLA licence. The way that we do this is laid down by the Licensing Committee under what is called delegated authority.

It is important that you are aware of this because this delegation could have an influence on how we as officers are required to process and grant your application. In particular, item 3 shown below will prescribe (at this point in time) what we are delegated to offer as the maximum period which we can grant a hackney carriage/private hire drivers licence for under the circumstances outlined in item 3 (shown below).

There is of course a right of appeal to the Licensing Committee to seek a longer period of licence than determined by the delegated authority but it will mean that you will have to present your case and reasons to the Committee as to why this should not apply to you.

In all cases the circumstances of fixed penalty notices detailed in this delegated authority protocol will be researched with both the DVLA and Police as necessary.

Tending District Council licensing officers are all accredited officers with the Police which means amongst other things that we can issue fixed penalty tickets ourselves for certain criminal and anti-social behaviour offences, have powers to require the giving of name and address of persons including road traffic offences and can share and request information with the Police in accordance with the Crime and Disorder Act 1998.

The accreditation with the Police also means that licensing officers can call for immediate Police assistance if it is necessary to do so.

The delegated authority protocol for the grant and renewal of hackney carriage/private hire drivers licences is shown below:

***Adopted Protocol for dealing with applications for Hackney Carriage and Private Hire Drivers' Licences where up to three penalty points have been endorsed on the applicants' Driving Licences***

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**1. Delegation to Corporate Director (Public Experience)**

*That the Corporate Director (Public Experience) is authorised to determine applications for Hackney Carriage Vehicle, Hackney Carriage Driver, Private Hire Operator, Private Hire Driver and Private Hire Vehicle Licences in accordance with the Council's policy or in cases where no more than three penalty points have been endorsed on the applicant's driving licence except in the case of mobile phone offences.*

**2. Submission of Fixed Penalty Notice**

*In accordance with Condition 16 of the Hackney Carriage Driver's Licence and Condition 12 of the Private Hire Driver's Licence a driver who has received a Fixed Penalty Notice shall submit to the Corporate Director (Public Experience) the original of such Notice within seven days of receipt thereof. If the original of the Notice cannot be produced, the application for any future renewal of the Licence will be referred to the next meeting of the Licensing Sub-Committee for determination irrespective of the number of penalty points endorsed on the Driver's Licence.*

**3. Factors to be taken into account when determining applications in accordance with the Delegated Power**

<b>Speeding</b>	
<i>1-5 miles per hour in excess of mandatory speed limit</i>	<i>Licence granted for a maximum period of three years</i>
<i>6-10 miles per hour in excess of mandatory speed limit</i>	<i>Licence granted for a maximum period of two years</i>
<i>11 miles per hour in excess of mandatory speed limit</i>	<i>Licence granted for a maximum period of one year</i>
<b>Failing to comply with Automatic Traffic Signal</b>	<i>Licence granted for a maximum period of one year</i>
<b>Pedestrian Crossing Offences</b>	<i>Licence granted for a maximum period of one year</i>

**4. Serious Traffic Offences**

*In cases where, in the opinion of the Corporate Director (Public Experience), a more serious traffic offence has been committed which has put passengers at risk but only three penalty points have been endorsed on the applicant's driver's licence, it will be at that Officer's discretion to refer the application to the Licensing (General Purposes) Sub-Committee for determination.*

**DEREGULATION ACT 2015**

You may already be aware of this, but the clauses of the Deregulation Act 2015 that affect the taxi and private hire trades are likely to commence this 1 October (2015).

These are:

- Section 10 (Taxis and private hire vehicles: duration of licences): amends two sections of the Local Government (Miscellaneous Provisions) Act 1976 that deal with the granting of licences to drive taxis and private hire vehicles and licences to operate private hire vehicles.

Subsection (2) changes the law in such a way as to establish a standard duration of three years for taxi and private hire vehicle driver licences. The section specifies that a licence may be granted for a period of less than three years but only in the circumstances of an individual case, not because of a blanket policy.

Subsection (3) changes the law in such a way as to establish a standard duration of five years for a private hire vehicle operator licence. The section specifies that a licence may be granted for a period of less than five years but only in the circumstances of an individual case, not because of a blanket policy.

- section 11 (private hire vehicles: sub-contracting): inserts two new sections (55A and 55B) into the Local Government (Miscellaneous Provisions) Act 1976 in relation to the sub-contracting of bookings from one private hire vehicle operator to another.

These sections apply in England and Wales except in London or Plymouth where different legislation applies.

It is very important that you are aware of the detail of subsection 2 of section 10 of the Deregulation Act 2015 in particular if you currently opt for a one or two year hackney carriage/private hire drivers licence only, because after 1 October (if commenced on that date) it will mean that the Council has no option other than to grant standard 3 year driver licences for all applicants. The only exception to this is if on appeal or review of a driver licence the Licensing Committee could decide to grant a driver licence for less than a 3 year period if it thought it was necessary to do so. The kind of circumstances where the Committee might decide to do so are outlined in the item in this newsletter titled '**Fixed Penalty Points on DVLA Licence**'.

#### **DBS CERTIFICATES**

Can we remind everyone again please that all drivers applying for the renewal of their hackney carriage/private hire drivers licence should be aware that it is essential they bring into us the DBS/CRB certificate they receive back through the post as the Council no longer receives copies of these direct from the DBS. Without the certificate we are unable to issue new/renewed driver licences. Additionally please be aware that we can only accept certificates that are 3 months old from the date of issue. Failure to do so is likely to result in the applicant having to re-submit their DBS/CRB enquiry form which will include a further £44 fee to the DBS.

#### **WATERGLADE TAXI RANK OLD ROAD**

Can we remind everyone please that North East Essex Parking Partnership (NEPP) have previously informed us that they will be ending the 'relaxation rule' at the Waterglade taxi rank and will be enforcing against taxis parking, waiting or ranking beyond the official three car rank at this location. It is highly likely that anyone found by NEPP parking attendants 'ranking' beyond the official rank will be issued with a fixed penalty ticket. Some of you will have seen TDC licensing enforcement officers at this location reminding drivers verbally that this will be the case. TDC licensing enforcement officers may also report drivers to the Licensing Committee for further consideration for continual rank infringements at this location if it unfortunately becomes necessary to do so.

NEPP and ourselves in licensing have recently had quite an impassioned complaint and plea from a local representative of the charity Disability Motoring UK on behalf of his local members that taxis ranking/waiting/parking beyond the official taxi rank and into the service road to the Waterglade are causing real difficulties for persons in wheelchairs, on mobility scooters, mothers with pushchairs and pedestrians using the pavement in this area.

I have to be honest and say that we have not seen any direct evidence of problems being caused to wheelchair and other pavement users in this location ourselves up to this point, but I would assume that the local Disability Motoring UK representative would not be contacting the NEPP and ourselves if there hasn't been any.

#### **CHANGES TO THE DRUG DRIVING LAW**

Please be aware that on 2 March 2015 the drug driving law changed to make it easier for the police to catch and convict drug drivers. It is now an offence to drive with certain drugs above a specified level in your blood - just as it is with drink driving. Sixteen **legal and illegal** drugs are covered by the law, including cannabis, cocaine, ecstasy and ketamine. The limits for all illegal drugs are extremely low – taking even a very small amount of an illegal drug could put you over the limit. The new offence will work alongside the existing offence of driving whilst impaired through drink or drugs

For further and more detailed information including a list of the legal drugs in question go to [www.gov.uk/drug-driving-law](http://www.gov.uk/drug-driving-law)

## **FINALLY**

Following on in many ways from the item on drug driving, a salutary lesson in something unfortunate very nearly happening occurred for one of our licensed drivers on a school contract run recently. The driver concerned was suspected by school staff for drink driving while carrying the child passenger into the school. Their breath smelt very heavily of alcohol. The school called the Police who attended and breathalysed the driver concerned. Fortunately for everyone concerned the driver was just under the legal limit for England, Wales and Northern Ireland (35 Micrograms per 100 millilitres of breath, 80 Milligrammes per 100 millilitres of blood and 107 Milligrammes per 100 millilitres of urine)

Essex County Council School Transport took a very dim view of this complaint however and quite rightly took the view that professional drivers should not be driving with alcohol in their blood at all and certainly did not want their school children put at risk. This could have cost the company concerned their school contract which would have been a lucrative source of work for the company and its drivers to lose.

The conclusion of this story being please don't drink at all if you are driving. Alcohol can still be in your bloodstream and can take you over the legal limit even if drunk the night before. It must have been embarrassing and awkward for the driver concerned to be breathalysed in the school car park like this and you have to ask the question was that worth risking the school contract and their taxi driver's licence and possibly their livelihood for?

Thank you for your time in reading this newsletter and we hope that the information it contains will be helpful. In the meantime please keep safe and drive safe.

## **LICENSING TEAM**

Contact details for the Licensing Team are  
E-Mail - [licensingsection@tendringdc.gov.uk](mailto:licensingsection@tendringdc.gov.uk)  
Phone - 01255 686565 Fax 01255-686343