



# **Joint Operating Framework for the Transportation of Children and Adults with Care and Support Needs and Taxi Licensing in Oxfordshire**

**Between**

**Oxford City Council  
South Oxfordshire District Council  
Vale of White Horse District Council  
West Oxfordshire District Council  
Cherwell District Council  
Thames Valley Police  
Oxfordshire County Council**

**March 2022**



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## Introduction: Local and National Context

The Oxfordshire Joint Operating Framework (JOF) for the Transportation of Children and Adults with Care and Support Needs and Taxi Licensing was commissioned by the Child Sexual Exploitation Sub-Group of Oxfordshire Safeguarding Children Board (OSCB), and is the result of collaboration between the City and District Councils, the County Council and the police. Health partners have reviewed their processes separately.

OSCB recognised the risks involved in transporting children and adults with care and support needs, and the opportunities provided by taxi and private hire drivers to spot the signs and alert the appropriate authorities to concerns about the safety of children and adults with care and support needs. Taxis and private hire vehicles regularly transport passengers who may be vulnerable, for example when the passenger is under the influence of drink or drugs or is travelling alone, hence the need to promote the highest safeguarding standards to protect both passengers and drivers.

The JOF provides a single set of minimum standards for agencies with responsibilities for transporting children and 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.

It has been developed as a direct result of the learning from the Bullfinch investigation into historical child sexual exploitation in Oxford, the subsequent Serious Case Review into child sexual exploitation of Children A-F (published in March 2015) and the findings of the Stocktake Report set up to review Oxfordshire's current approach to tackling child sexual exploitation (published in July 2015).







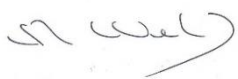

The Joint Targeted Inspection of Child Sexual Exploitation and Children Missing in Oxfordshire in March 2016 found that "Oxfordshire now has a highly developed and well-functioning approach to tackling exploitation: "Work in relation to taxi licensing and hotels are seen as "important steps in building community confidence in the recognition and reporting of safeguarding issues."

In May 2013 the Bullfinch investigation resulted in seven men being sentenced to a total of 95 years in prison for a range of child sexual exploitation offences in Oxford. The Serious Case Review identified that a number of the victims had spoken of being transported in licensed vehicles to locations where offences took place. The review recommended that Licensing Authorities in Oxfordshire seek harmonisation of taxi and private hire licensing standards across the county and this Operating Framework is a product of that work.

The 2015 Stocktake Report was positive about the local progress made and recommended that the county council and all districts had to work more closely together to ensure that the regulation of the contracts to transport vulnerable children and taxi licensing across Oxfordshire is more robust.

At a national level in February 2015, a report was published into the failings of Rotherham Metropolitan Borough Council to protect young people in the city from child sexual exploitation. The report, written by Louise Casey, recommended improvements to the authority's taxi licensing function and these have also been taken into account in drawing up this framework. Examples of good practice in Sheffield and other areas have also informed its development.

This document was originally drawn up in November 2015. It was reviewed in February 2018, and again in March 2022. This version has been signed off by the following:

Organisation	Name	Position	Signature
Thames Valley Police	Katy Barrow-Grint	Chief Superintendent	
Oxfordshire County Council	Lara Patel	Deputy Director - Safeguarding	
Oxfordshire County Council	Paul Ferner	Assistant Director – Community Operations	
Oxfordshire County Council	Karen Fuller	Deputy Director for Adult Services	
Oxford City Council	Ian Wright	Head of Regulatory Services and Community Safety	
West Oxfordshire	Michelle Clifford	Business Manager for Resident Services	
Cherwell District Council	Richard Webb	Assistant Director - Regulatory Services and Community Safety	
South Oxfordshire and Vale of White Horse District Councils	Liz Hayden	Head of Housing and Environment	

# 1. Background Information

## 2.1 Legal Framework

Hackney carriage (taxi) and private hire vehicle legislation is primarily contained in the [Town Police Clauses Act 1847](#) (hackney carriage) and the [Local Government \(Miscellaneous Provisions\) Act 1976](#) (both hackney carriage and private hire).

The legislation provides a broad framework for the licensing of drivers, vehicles and operators but the detail of how this is done, including standards and conditions, is the responsibility of individual councils. There are a number of other Acts which also have an impact; for example, the [Equalities Act 2010](#), which enables regulations to improve wheelchair accessibility to licensed vehicles.

Vehicles carrying over eight passengers are regulated by the Department for Transport, under the [Public Passenger Vehicles Act 1981](#).

In July 2020, the Department for Transport published [Statutory Taxi and Private Hire Vehicle Standards](#), that set expectations on all licensing authorities to meet the required set of standards, or publish reasons for not doing so. Licensing authorities in Oxfordshire are embedding these standards within their own policy frameworks where they are not already incorporated.

## 2.2 Deregulation Act 2015

On 1 October 2015 the Deregulation Act 2015 came into law.

[Section 10](#) introduced a requirement on licensing authorities to set a standard duration of three years for a taxi and PHV driver's licence and a standard duration of five years for a PHV operator's licence. A lesser period may be specified only if appropriate in a particular case.

In addition, [section 11](#) made changes to cross border hiring by allowing a PHV operator to sub-contract a PHV booking to another operator who is licensed in a different licensing district. The onus is on the original operator who accepts the booking and subsequently passes it on, to retain the liability for the satisfactory completion of that journey. It is also clear there is a duty on the operator who takes the booking to keep a full record and to report the full record of that journey. In effect this Act has reduced some of the safeguards operating previously due to cross-border hiring and the difficulties of maintaining high standards in areas when driver behaviour and vehicle conditions are governed by a licensing policy in another area.

## 2.3 Terminology

### 2.3.1 The Licensing Authority

Each Oxfordshire district council provides the licensing authority function for hackney carriage and private hire drivers, vehicles and operators within their local authority area. A private hire operator does not necessarily employ its drivers; it is common for them to be self-employed. A number of drivers may drive the same vehicle if they have the appropriate licence, and the vehicle proprietor holds the appropriate motor insurance.

It is the licensing authority's responsibility to:

- set the local framework including driver, vehicle and operator standards and conditions, and specifically for hackney carriages the tariffs and appropriate number of licensed vehicles
- consider applications and grant, refuse, suspend or revoke licences
- investigate and respond to complaints concerning hackney carriage or private hire drivers/operators
- undertaking inspection and enforcement activities of all licence holders

The licensing authority has the power to attach conditions to private hire drivers, private hire vehicles and private hire operators under the 1976 Act. Hackney carriage drivers and vehicles are dealt with by way of byelaws adopted following the 1847 Act. It should be noted that many Councils now issue hackney carriage and private hire driver 'dual' or 'combined' licences meaning that the conditions relating to private hire can be attached to such a licence.

### 2.3.2 Hackney Carriage Vehicles (HCV)

HCVs commonly known as taxis or cabs are able to wait on a taxi rank and be hailed on the street within the district within which they are licensed. The vehicle can only be driven by a hackney carriage driver licensed by the same authority as the vehicle. They can be booked directly by a customer or operate undertaking private hire bookings for a private hire operator licensed anywhere in the country.

### 2.3.3 Private Hire Vehicles (PHV)

PHVs include a range of vehicles such as minicabs, executive cars, limousines and chauffeur services. These vehicles must be pre-booked through a private hire operator and cannot legally be hailed on the street or wait on a rank. Should a passenger get in a PHV which has not been pre-booked the licensed driver is operating unlawfully and their insurance may be invalidated. The vehicle can only be driven by a private hire driver licensed by the same authority as the vehicle and operator, and all bookings must be provided to the driver by the operator.

### 2.3.4 Public Service Vehicles (PSV)

PSVs carry over eight passengers and are licensed by the Traffic Commissioner, not local authorities.

### 2.3.5 Taxi Licensing: A "Fit and Proper Person"

The "fit and proper" test considers whether a driver, operator or vehicle proprietor should serve the public, with particular regard to the range of passengers that a driver may carry. For example, the elderly, unaccompanied children, people with disabilities, those who have had too much to drink, lone women, foreign visitors and unaccompanied property. The test is centred upon:

**Honesty and trustworthiness** – drivers, operators and proprietors often have knowledge that a customer is leaving a house empty and have responsibilities for passengers who are vulnerable or do not know the locality.

**Not abusive** – drivers can be subject to unpleasant or dishonest behaviour. Drivers are expected to avoid confrontation, and to address disputes through the proper legal channels.

**A good and safe driver** – passengers paying for a transport service rely on their driver to get them to their destination safely. They are professional drivers and should be fully aware of and comply with all Road Traffic legislation and conditions attached to the licence.

### 2.3.6 Enforcement

Councils do not have the power to stop vehicles; only the police can do this. Therefore, officers can only intervene when a vehicle is stationary, and they are unable to do anything if it drives off except follow up at a later date. Councils can only take action against a vehicle or driver that it has licensed, so **cannot** enforce against a vehicle or driver licensed elsewhere whilst operating in their area, **unless** they have been given delegated authority by the licensing authority. The only exception to this is where a criminal offence occurs, such as an unlicensed vehicle plying for hire, where the prosecution will be the responsibility of the council where the offence takes place.

### 2.3.7 Cross-border hiring

The biggest risk to the safety of the public and the reputation of the taxi and private hire trade, and in turn the reputation of Licensing Authorities is the legal loophole that allows a driver and vehicle to be licensed as hackney carriage by one licensing authority and operate as private hire vehicle in another authority's area. The driver does not require a licence from the licensing authority where the driver carries out work for the private hire operator who gives the driver bookings.

It is known that some applicants deliberately seek a licence from a district that the driver and vehicle have no intention of working within, in order to obtain either a) a cheaper licence, b) where standards are less robust, and c) to avoid being subject to compliance checks or enforcement.

The Local Government Association Councillors Handbook for Licensing explains as follows:

*This is a problem in many areas because there are disparities in conditions on licences; a prospective driver in one council district may apply to be licensed as a driver in another district because there are lower standards in driver testing, cheaper licence fees or less rigorous/fewer pre-licence checks.... when a taxi is being driven for PHV purposes in another district, the local council has no powers to intervene if the driver contravenes any condition of the licence or provides a poor service to the passenger; all that can be done is to write to the authority that issued the licence, where this is known. This practice is also unfair on the trade in the local area, as they may face competition from drivers who may have paid cheaper licence fees or undergone less rigorous checks elsewhere. These safeguards are rarely visible to consumers, who therefore cannot make an informed decision to use the more heavily checked and therefore safer, albeit more expensive, option.*

### 2.3.8 Enhanced DBS checks for taxi drivers

Drivers who work under contract to transport children (also known as school transport services) frequently i.e. once a week or more or more than 3 times in a 30 day period, are considered as partaking in regulated activity. This is a prescribed position in [The Police Act 1997 Criminal Record Regulations 2002](#) and therefore they are subject to an enhanced Disclosure Barring Service (DBS) check.

Even if a driver is not transporting children regularly, they still require an Enhanced DBS for the licensing authority with Adult and Children Barring List checks.

### 2.3.9 The Disclosures and Barring Update Service

Drivers are required to subscribe to the [DBS Update Service](#) to reduce costs and speed up checks. Drivers must register for this within 28 days after they has been issued with a Disclosures and Barring Service certificate. The service will then only supply information or list offences which have occurred after the date of that original check.

As a result, Licensing Authorities must ensure that the original DBS disclosure was made at an enhanced level, and have sight of that original report.

Authorities responsible for the transportation of children/adults with care and support needs must ensure that the update service subscription was based on an enhanced check for the role of a ‘taxi driver’ and they must have sight of the original DBS disclosure.

## 3. Oxfordshire’s Minimum Safeguarding Standards

### 3.1 Vetting

#### 3.1.1 Documents required to obtain a hackney carriage and private hire vehicle driver licence

All licensing authorities will ensure the following documents/processes are in place.

New licence	Renewal licence
Application form and identification documents for DBS application	Application form
<a href="#">Proof of right to work in the UK</a>	<a href="#">Proof of right to work in the UK</a>
Passport photographs for ID badge	Passport photographs for ID badge
Current licence to drive a motor vehicle held for minimum 12 months	Current licence to drive a motor vehicle
<a href="#">Safeguarding &amp; Disability Awareness Training through Oxfordshire County Council</a> (or equivalent training or qualification)	Training attended within last 3 years
Enhanced DBS check for ‘other workforce’ and ‘children and adults’ - driver must also sign up to the Update Service within 28 days of receipt of the DBS disclosure.	Satisfactory DBS Update Service check, or a new enhanced DBS check
Knowledge test (including safeguarding)	N/A
English language competency assessed, including verbal assessment. If spoken English is not deemed adequate application will be denied and referred to a spoken English course	
Medical report to <a href="#">DVLA Group 2 standard</a>	



### 3.1.2 Local Knowledge Test

New applicants must pass a knowledge test, devised so that applicants can prove that they have sufficient knowledge of the conduct required of licensed drivers and local traffic regulations, and display an awareness of the issues relating to the safeguarding of children and vulnerable persons.

It covers the following areas:

- The local geography of the district and surrounding region, including the location of public buildings such as hospitals, leisure centres and important regional transport links such as airports or train stations.
- The Councils' hackney carriage and private hire licensing policy (as set out in this handbook), taxi law.
- The Highway Code.

There is an 80% pass mark. If the test is failed the driver will be invited to take the test again after a further test fee has been paid, and then allocated a retest date.

English language competency is also tested as part of this process.

### 3.1.3 Disability Awareness and Safeguarding Training (DAST)

A training course has been developed and commissioned by Oxfordshire County Council for all drivers and passenger assistants. This includes:

- Safeguarding
- Human trafficking
- Child sexual exploitation
- Exploitation of vulnerable persons
- Code of Conduct
- Disability Awareness

The current training manual is available on the [Oxfordshire County Council website](#) and on request. Training is provided in face to face workshops followed by a written assessment.

- The programme is available to all districts and drivers need to renew their training every three years. No driver is able to renew his/her school transport badge when it expires (3 year badge) unless the training has been undertaken in the previous 3 years.
- All existing drivers have either attended the training or are booked to attend, and all new drivers are required to attend before a licence is issued.
- In addition, South and Vale require operators and their booking staff to attend the training.
- Cost of the training is £50 per person. Drivers pay upfront on-line and charges are not refunded for non-attendance at pre-booked courses.
- All Investigating Officers attend generalist safeguarding training through OSCB and each licensing authority ensures that one officer has attended the specialist designated lead training to advise and support other officers.
- Oxfordshire County Council Supported Transport Service have two Designated Safeguard Leads.

### **3.1.4 Vetting to become approved transport provider with the County Council for children and adults with care and support needs**

Taxi drivers who work under contract to transport children frequently are considered as partaking in regulated activity and so a second DBS will be undertaken potentially providing additional intelligence because the driver is to have substantive contact with children. This check falls within the requirements of regulated activity, and as such the check must be listed as 'driver' on the DBS application and must be listed as 'child and adult workforce' on the DBS application. By specifying 'driver' on the DBS the level of information on the enhanced report is not restricted.

When a driver applies for a badge or renewal with the county council, the vetting process covers the following:

- Collation of full details on the driver.
- Information sharing with the licensing authority
- Enhanced DBS checking through initial face to face appointment to check documents
- Checks on whether the driver is known to Children's Social Care because of any safeguarding concerns regarding his/her own family.
- Risk assessment if there is a concern following process identified in g) below.

### **3.1.5 Drivers/Passenger Assistants**

There is no difference in the processes for vetting, training and supporting passenger assistants/drivers by Oxfordshire County Council.

## **3.2 Client Risk Assessment (Passenger Passport)**

- Oxfordshire County Council has in place a programme of Risk Assessment for all Special Educational Needs and Disability (SEND) passengers conveyed on Oxfordshire County Council commissioned services.
- To initiate a passenger Risk Assessment a Transport Information Form is collated with information from the parent, carer or social worker. This process gathers relevant information including a photo of the client as well as their medical and behavioural needs to enable the Risk Assessment to be completed.
- Following the completion of the Risk Assessment a passenger passport is then produced. This is attached to the student's school bag, with a copy being retained by the Service Provider.

## **3.3 Suitability of applicants and licence holders**

All past convictions, warnings, reprimands, cautions, community service orders, restraining orders and fixed penalties (including traffic offences), civil remedies and anti-social behaviour notices will be considered against Home Office guidelines. The Rehabilitation of Offenders Act 1974 as amended by the Legal Aid, Sentencing and Punishment Act 2012 sets out the period after which all convictions, warnings, reprimands, cautions, community service orders, restraining orders and fixed penalties (including traffic offences) are regarded as 'spent' and which would not normally necessitate disclosure.

In 2002 the Rehabilitation of Offenders Act was amended so as to exclude hackney carriage and private hire drivers from the effects of the 1974 Act. Applicants for such licences are now required to disclose all convictions, warnings, reprimands, cautions, community service orders, restraining

orders and fixed penalties (including traffic offences) including those that would previously have been regarded as spent under the Act. Existing licence holders must also declare new convictions, cautions etc within 48 hours.

Licensing authorities will require through the driver licence conditions that a driver must inform the police that they are a taxi driver when arrested or interviewed under caution.

In every case the individual facts will be considered in accordance with the criteria set out in policies. All Oxfordshire licensing authorities adhere to the DfT Statutory Standards regarding convictions. The conviction-free period differs depending upon the offence, but even taking that into account an authority may refuse a licence if they are not satisfied the person is fit and proper. The standards are a minimum, rather than a maximum.

Any decision to depart from their policies should be taken only following legal advice, and any such decision and reasoning should be clearly documented.

### **3.4 Compliance and enforcement**

#### **3.4.1 Code of Conduct for private hire and hackney carriage drivers and drivers and passenger assistants of contract holders at the County Council**

The Code of Conduct is made available to all drivers and passenger assistants. Failure to comply with the Code of Conduct will result in a review of the Identification Badge and appropriate action will be taken (as set out below). Information sharing arrangements across the districts and county council are included in the Code of Conduct. Where appropriate, non-compliance will be brought to the attention of the relevant licensing authority.

#### **3.4.2 Enforcement Procedures for Licensing Authorities**

Each case is reviewed on its own merits in accordance with the district council enforcement policy. Typical enforcement actions would range from:

- Issue of penalty points
- Standard warning
- Final warning
- Suspension or revocation of the licence, either by officer or sub-committee
- Prosecution (or caution) for criminal offences

#### **3.4.3 Enforcement and Quality Monitoring for Oxfordshire County Council Supported Transport Service**

- Quality assurance processes are in place to ensure the Local Authority Designated Officer (LADO), the Supported Transport Service, Disabled Children Manager and the Adult Social Care Safeguarding Manager review complaints and investigations regularly.
- Complaints are classified by Category Level 1- 4 based on number of complaints, level of seriousness, compliance with contract requirements and any other soft information. A serious complaint of safeguard issue would be Category 4 and as such would be prioritised.
- Providers are risk managed, Red, Amber and Green. Providers rated as Amber are given a specified time period to make agreed improvements.
- The Information Sharing Schedule (Appendix 1) requires the Supported Transport Service to notify the appropriate licensing authority of all substantiated concerns, in order that the licensing

authority can consider the “fit and proper” status of the driver, vehicle, operator, in order to uphold its public safety and safeguarding objectives.

### **3.4.4 Risk Management Process**

Where there is a concern as to suitability of an individual to continue to hold a licence, the licensing authority and county council will follow the risk management processes detailed below.

#### **The Licensing Authority Process**

- Where it is considered that there is a concern (e.g. a new conviction) and that action may be required, investigation and risk assessment will be undertaken based on seriousness of the offence. Depending on risk level a recommendation may be made to a sub-committee/officer with delegated powers to determine outcome.
- There is a right of appeal through the courts against suspension or revocation.
- District Councils will share information throughout the process with the Supported Transport Service who undertake further checking, including with the LADO and Adult Safeguarding.

#### **Oxfordshire County Council Process**

A driver is required to bring a copy of the DBS Disclosure and completed questionnaire.

Risk Assessment Panel meeting is held to consider the risk (based on the scoring set out in the County Council Risk Assessment Guidance).

- Panel to make a recommendation;
- A decision letter is sent including information on how to Appeal;
- Appeal meeting with an Independent Panel of senior managers;
- A decision letter is sent giving information on how to Appeal.

### **3.4.5 Information sharing where there is a new offence**

See Appendix 3 for details of how Thames Valley Police will share information with County and district councils.

At the conclusion of an on-going police investigation the licensing officers should not merely accept a No Further Action letter or Not Guilty finding, if the police have been unable to share adequate information then there needs to be an application for a new DBS certificate, as the threshold for prosecution or conviction is not the same as the “fit and proper person” test. The DBS may reveal Additional Information relevant to the decision-making process (a licensing authority may ask the individual to cover the cost of a new DBS).

## **4. Information Sharing**

The Information Sharing Schedule for the exchange of transporting children/vulnerable adults and taxi licensing information sits under the Information Sharing Protocols of the Oxfordshire Safeguarding Children Board, the Oxfordshire Safeguarding Adults Board and the Oxfordshire Safer Communities Partnership and can be found at Appendix 1.

The Schedule supports the exchange of information necessary to prevent and detect crime, and support and protect children and vulnerable adults.

Information exchanged between licensing authorities and Oxfordshire County Council ensures that decisions on complaints, enforcement, suspension and revocation, convictions and public safety concerns are shared in a secure and timely manner on a formal basis, and prevents drivers at risk of losing a licence at one authority from simply obtaining a licence from a neighbouring authority.

The information is used to risk assess drivers, investigate complaints fairly and proportionately and ensure that those denied licences or having a licence revoked in one area are not able to get a licence in another Oxfordshire authority.

Informal information sharing takes place between the district councils and the county council to ensure that there is a joined up approach to manage issues regarding vehicle quality, health and safety, driver behaviour and safeguarding, using the county council's risk categories 1 to 4 as a guideline.

Each Local Police Area must have an arrangement to regularly identify and pass on information of concern, as governed by the common law duty. Data sets to be reviewed include Command and Control, Niche and Custody systems.

Oxfordshire County Council has no powers to enforce or undertake investigations regarding the licensing of vehicles, operators or drivers. Such matters are passed to the Districts and Police who do have the powers to enforce and investigate. They can and do determine the suitability of a driver working on a contracted service.

Failure to share information results in drivers / vehicles / operators continuing to carry children, vulnerable persons, and all of the public when action could have been taken to remove them from being able to.

All allegations concerning those who work with children are passed to the LADO and Adult Safeguarding without delay. Details are included in the Information Sharing Schedule in Appendix 1.

## **5. Policy Alignment and Intended Use Policy**

Licensing Authorities will:

- Identify and address key policy differences, thus removing some of the incentives to be licensed elsewhere. To this end, Oxford City Council has removed its age limit criteria, introduced a discount for "green" vehicles, and changed its livery and vehicle requirements.
- Consider ways to reduce the incentives that result in drivers and vehicle owners seeking a licence from an area that they have no intention of working within, but without placing stresses on the resource levels available to councils.
- Consider refusal of hackney carriage vehicle licence applications where there is clearly no intention to work in the licensing authority district. This will be easier for renewal licences where evidence has been gathered by neighbouring authorities, and in effect a simple way to achieve this is for officers to pass on information to their neighbours when they see a vehicle licensed by one council but liveried with the identity of an operator licensed in another area.
- Drivers found to be parking in prominent positions to ply for hire, or are predominantly working in a neighbouring licensing authority area will be subject to the enforcement protocol detailed in Appendix 4.

## **6. Delegated Enforcement and Joint Operations**

Licensing authorities, where appropriate, will delegate authority to enforce taxi licensing legislation. Relevant training in the licensing conditions must be provided. Licensing Authorities must contribute to an annual schedule of enforcement operations in areas where “out of town” vehicles are operating.

Licensing Authorities undertake regular enforcement operations with Oxfordshire Supported Transport Service to address issues relating to school transport and the transportation of adults with care and support needs.

## **7. Performance Management Framework**

A range of performance measures have been agreed to monitor the effectiveness of the Joint Operating Framework.

This Performance Framework (see Appendix 2) is presented to the Child Exploitation Sub-Group of Oxfordshire Safeguarding Children Board.

If one agency is concerned about how any partner is operating within this framework there is the opportunity to escalate either within that organisation or through Oxfordshire Safeguarding Children Board/Oxfordshire Safeguarding Adults Board escalation routes.

## **8. Health Partners**

No local health organisations commission patient transport for children locally, except South Central Ambulance Service who have robust arrangements in place.

There is no need for local health organisations to commission patient transport for adults with care and support needs.

## **9. Neighbouring Authorities**

The Chair of OSCB has written to all Local Safeguarding Children Boards in the south east to request that they adopt similar arrangements.

## Appendix 1: Information Sharing Schedule



This information sharing agreement should be **read and applied** in the context of the information sharing policies adopted by:

- The Oxfordshire Safeguarding Children’s Board
- The Oxfordshire Safeguarding Adults Board
- The Oxfordshire Safer Communities Partnership

The information exchange process is subject to the provisions of the [Data Protection Act 2018](#) and the common law duty of confidentiality. The information must not be used for any purpose other than that for which it is requested and must not be disclosed to an unauthorised person.

Information will only be shared as relevant and necessary.

The statutory powers to exchange information are set out in the information policies approved by the Safeguarding Boards and the Safer Communities Partnerships. That is:

- *Adult Safeguarding: Sharing Information* (Social Care Institute for Excellence)
- *Oxfordshire Safeguarding Children’s Board Information Sharing Protocol*
- *Oxfordshire Community Safety Information Sharing Protocol*

In particular, information sharing under this agreement will conform to the *Seven Golden Rules of Information Sharing* which are outlined in each of the above policies.

The process for exchanging information for the purpose of hackney carriage and private hire safeguarding and public protection will be those described in the associated Oxfordshire Safer Communities Partnership Information Sharing Protocol.

No information is to be accessed or shown to individuals who have not agreed and signed the Confidentiality Agreement. Any breach in confidentiality may result in sanctions described with the Confidentiality Declaration outlined at the end of this document. No information provided by partners to those procedures will be released to any third party without the permission of the owning partner.

Before a decision is made about disclosure, a professional must consider the following factors, based on case law decisions:

- Belief in the truth of any allegation
- Legitimacy of the interests of the person needing this information
- Degree of risk if disclosure is not made
- Relevance and importance of the information
- Urgency of the disclosure
- Whether consent for the disclosure has been sought (if appropriate)
- Interests of the vulnerable person or persons
- Impact upon the person to whom the information relates

**Should this agreement at any time be required to be terminated the instigating Designated Officer must notify all relevant parties.**

<b>Name of Designated Officer instigating this procedure</b>	
<b>Post of Designated Officer</b>	
<b>Date instigated</b>	<b>Review date</b>
<b>Schedule title</b>	
Information Sharing Agreement (Hackney Carriage & Private Hire)	
<b>Information sharing process</b>	
<p><i>(Please show how personal information is <u>necessary</u> to enable the appropriate authority to carry out their respective duties in relation to the regulation of contracts to transport vulnerable children and adults, and to the regulation of taxi licensing across Oxfordshire. Information sharing would be used directly to facilitate:</i></p> <ul style="list-style-type: none"> <li>• <i>driver, vehicle and operator vetting processes</i></li> <li>• <i>reviewing the status of current licence holders and new applicants,</i></li> <li>• <i>to prevent crime and disorder, and</i></li> <li>• <i>to uphold our safeguarding obligations)</i></li> <li>• <i>to assist those authorised to make decisions as to the suitability of an applicant or the continuing suitability of a current licence or badge holder where information is required to promote public safety</i></li> </ul> <p>The purpose of the information sharing is informed by the following context:</p> <ul style="list-style-type: none"> <li>• All drivers licensed by the District Councils and those seeking to carry out transport services on behalf of the County Council are required to undertake an Enhanced Disclosure &amp; Barring Services Check.</li> <li>• All drivers licensed by the District Councils are subject to enforcement actions taken following complaints made against them, or matters witnessed by Officers.</li> <li>• Suspending or revoking a County Badge does not stop the driver from still doing all other work given to him/her by the Operator.</li> <li>• A vehicle identified as being unfit for purpose will still be used if the correct authority is not informed.</li> </ul>	



- An operator who may be carrying on illegal activities will still pose a threat to safeguarding and public safety if the other authorities are not informed.
- Revoking a licence may result in the person seeking a licence from a neighbouring District.

**Types of information exchanged under this Information Sharing Procedure**

- Details of licences / badges suspended, refused or revoked (drivers, vehicles, operators)
- All substantiated outcomes that relate to the following categories:
  - Driver Behaviour
  - Road Traffic Accident
  - Overloaded Vehicle
  - Un-badged Driver
  - Undersized Vehicle
  - Unlicensed Vehicle
  - Vehicle Condition
- Details of criminal investigations undertaken by Police and shared with any of the Authorities and County Council
- Matters witnessed by Officers / complaints received that would lead to concerns in relation to public safety
- Matters witnessed by Officers / complaints received that would lead to concerns in relation to the safeguarding of children, young persons and vulnerable adults
- References by Licensing Authorities to County Council in relation to applicants for County badge

**Transmission, storage and retention period of data exchanged under this information sharing process**

- Any information printed off will be kept in the file in a locked drawer or cabinet, or electronically with access only provided to such persons authorised to see such information.
- All papers that are shared will be encrypted and security marked.
- Information shared in the categories identified will be on the secure ‘operational’ spreadsheet between District Councils and the Supported Transport Service and will be shared in a timely manner.
- Information shared verbally will be further supported in written form to ensure accuracy.
- Information shared by those signed up to this agreement will be the responsibility of the delegated officer giving it and receiving it.
- No information will be held for longer than is necessary in accordance with each authority’s retention schedules and relevant statutory provisions.

**Licensing managers, their officers, Thames Valley Police and the County Council Supported Transport Service and LADO are responsible for sharing the information**

I have read and understand the Confidentiality Agreement

**For Office use only**

Organisational Signatories agreed  Schedule meets ISP Requirements

Copy all Confidentiality Agreements received

<b>Schedule Reference:</b>	
<b>Organisation holder:</b>	
<b>Initiating Designated Officer:</b>	
<b>Review date:</b>	

## POWERS AND RESPONSIBILITIES OF PARTNERSHIP AGENCIES:

DISTRICT	POLICE	COUNTY
License all hackney carriage & private hire drivers, vehicles, & private hire operators	Investigate criminal activity by all	Issue school transport badge to drivers working through contracted operators
Have power to refuse, enforce conditions, suspend, revoke, prosecute all licences	Have power to arrest, prosecute, recommend licence be suspended / revoked by district	Have power to refuse, suspend / revoke badge, & cancel contract with operator
Have power to inspect vehicles, seize records	Have power to inspect vehicles, seize records	N/A
Protecting all of the public	Protecting all of the public	Transporting children and vulnerable persons
Receive complaints about drivers, vehicles & operators	Receive complaints about drivers, vehicles & operators	Receive complaints about drivers & vehicles
Power to caution (council), convict (court), suspend / revoke based on complaints (committee or officer if delegated)	Power to caution or convict (via court)	N/A

### Sharing of information: when to ask and when to give information

#### County Council:

- All applicants for new badge / renewal of badge: add in to vetting process “check with District” re: enforcement / complaint history.
- Any substantiated outcomes identified in the categories in ‘Types of Information Exchanged’ above about a driver / vehicle / operator.
- Any complaint relating to criminal activity to be shared with Police and District.
- Any additional relevant information arising from the county council DBS checking process.
- Any information arising from request for additional check if there is a conviction to inform the District’s risk management decision making.
- All relevant safeguarding concerns relating to a driver or operator to be shared with the appropriate licensing authority(s).
- All allegations relating to a driver working with children or adults with care and support needs must be sent to the LADO or Adult Safeguarding within one working day.
- All relevant safeguarding information to be provided by the LADO or Adult Safeguarding upon receipt of a request from a licensing officer, in support of a sub-committee report. Appeals are heard within a Magistrates’ Court and are held in the public domain.

#### District:

- Any request from County for their applicants re: enforcement / complaint history
- Any request from Police for their investigations re: enforcement / complaint history

- Any request from Police for driver / vehicle / operator details
- Any substantiated complaint relating to driver / vehicle re: public safety to be shared with County Council
- Any complaint relating to driver / operator re: criminal activity to be shared with Police (if also relates to public safety to be shared with County Council)
- Any driver / operator whose licence has been suspended or revoked to be shared with other Districts and the County Council
- All allegations relating to a driver known to be working with children or adults with care and support needs must be shared with the County Council
- Any driver / operator issued sanctions by sub-committee to be shared with County Council

### **Police:**

- Any requests from District for PNC Check as part of vetting process / Committee process.
- Any complaints about drivers / vehicles / operators to be passed to Districts and County.
- Any investigation into driver conduct, vehicle standards, operator obstructing Police obtaining information, to be shared with Districts and County.
- Any driver arrested or charged (any reason) / stopped (motoring offences) to be shared with District and County.
- Any bail conditions applied to drivers to be shared with District and County.
- Any cautions / convictions to be shared with District and County.

### **Annex on Information Sharing: Information Sharing with the Local Authority Designated Officer (LADO) and Adult Referrals**

“Working together” (2015) requires that arrangements should be put in place to ensure that any allegations about those who work with children are passed to the LADO without delay. There are similar requirements for adults with care and support needs in the Care Act 2014.

The local authority has in place arrangements to provide advice and guidance on how to deal with allegations against people who work with children.

The role of the LADO is to ensure that there are appropriate arrangements in place and to effectively liaise with the police and other agencies to monitor the progress of cases and ensure that they are dealt with as quickly as possible, consistent with a thorough and fair process. The LADO also has a role to challenge organisations whose processes are not fair open and compliant.

A licensing authority should ensure that the LADO is informed, within one working day, of all allegations that come to their attention. Appropriate referrals should be made directly to the LADO or through the safeguarding lead for transport.

*Contact details as follows for children:*

For LADO telephone: 01865 815956 or [lado@oxfordshire.gov.uk](mailto:lado@oxfordshire.gov.uk) or to discuss general safeguarding concerns call Supported Transport Service on 01865 323500 or email Transport Quality Monitoring at [qmcc@oxfordshire.gov.uk](mailto:qmcc@oxfordshire.gov.uk)

All referrals relating to concerns about a child's welfare, where the concern does not relate to someone who is employed or volunteering in a position with children should be referred directly to the MASH in line with agreed existing protocols [mash-children@Oxfordshire.gov.uk](mailto:mash-children@Oxfordshire.gov.uk) or 0345 050 7666

*Contact details as follows for adults:*

Please call the Adult Safeguarding Team on 0345 050 7666 then pick option 4

## **Information sharing**

Information will be shared with district councils in line with legal requirements and locally agreed protocols. The basic principle is that the child's welfare is paramount, and information will be shared where there is any potential safeguarding risk to a child or children identified in relation to a driver or a passenger assistant. The normal process would mean that if this individual or individuals have their Oxfordshire County Council badge removed, the appropriate district or districts will be informed of the reasons for this and the actions taken. In certain circumstances where there is a sensitive criminal investigation and at the request of Thames Valley Police, where they consider releasing information may interfere with an investigation, Oxfordshire County Council will not disclose until such time as agreement is reached with police.

The LADO role is a statutory role and the process around this also statutory, so it is important the LADO is informed about any allegation where the concern relates to a potential risk to children. This means that there should be a two-way flow of information in line with the agreed protocol but requires referrals to and info to be shared with the LADO where the referral criteria are met.

These criteria are; any adult employed or volunteering in a position where there is access to children where the adult is alleged to have:

- Behaved in a way that has harmed a child, or may have harmed a child;
- Possibly committed a criminal offence against or related to a child; or
- Behaved towards a child or children in a way that indicates they may pose a risk of harm to children

The requirements in the statutory guidance require organisations to make referrals under the above criteria within 24 hours so in the norm referrals should come straight to the LADO rather than MASH. It is then for the LADO to involve Police and or social care and other agencies as appropriate.



## Appendix 2: Performance Framework

	Measure	Explanatory Notes:
1a	Number of licensed taxi drivers at the end of the quarter	The number of taxi drivers licensed to the District as at the last day of the quarter
1b	Number of drivers licensed during quarter	The number of new or renewed taxi driver licences completed during the quarter
1c	Total number of vehicles licensed at end of quarter	The number of taxis licensed to the District as at the last day of the quarter
1d	Number of vehicles licensed during quarter	The number of new or renewed taxis completed during the quarter
2a	Number of complaints received	The number of ALL taxi complaints received by the district during the quarter - <b>whether related to own drivers or drivers licensed elsewhere</b> . It is the sum 2b+2c below
2b	Complaints on drivers licensed to your authority	The number of taxi complaints received by the district during the quarter - <b>related to drivers licensed to the District and/or not licensed elsewhere</b> . It is the sum of 2d+2e+2f below
2c	Complaints on drivers licensed outside your authority	The number of taxi complaints received by the district during the quarter - related to drivers <b>not licensed to the District</b> . This is also those with "referred to other LA" as an outcome
2d	* Substantiated complaints received	Any complaints where action taken ( <b>only for drivers licensed by the District</b> )
2e	* Unsubstantiated complaints received	Any complaints recorded as NFA outcome ( <b>only for drivers licensed by the District</b> )
2f	* Ongoing complaints under investigation	Any complaints not yet closed ( <b>only for drivers licensed by the District</b> )
3	No. of referrals made to MASH or LADO for children or adult safeguarding for adults relating to concerns about a driver	
4	No .of drivers who have received the appropriate safeguarding training (either e-training or course attendance) in the last 3 years	All current licensed drivers trained in the last 3 years
	Proportion of all licensed drivers who have been trained in the last 3 years	This is the numbers of drivers trained as a percentage of the total drivers at the end of the quarter. It is a calculated field

5a	Number of driver specific enforcement cases	Total number of the next <u>six</u> rows – these actions would be as a result of a breach of law, licence condition or similar (not complaints)
5b	* Declined/refused	Any driver applications refused or rejected in quarter
5c	* Suspensions	Any drivers suspended in quarter (even if subsequently lifted)
5d	* Revoked	Any drivers revoked in quarter
5e	* Other	Total number of any written warnings issued or prosecution files submitted as a result of a breach of law or licence condition (NB this does not include warnings issued as a result of a complaint or notifications such as out of date first aid kit or bald tyres etc.)
5f	* NFA	Any breaches identified where no action taken – for example if driver licensed elsewhere, or licence subsequently surrendered
5g	* Enforcement Cases still to be determined	Enforcement cases currently pending – no action taken yet
6	Number of drivers revoked or refused on one areas applying elsewhere	These are counted by each District - even if it means counting the same driver more than once
7	* Number of concerns raised by the Supported Transport Service /Quality Monitoring team shared with the licensing authority	
	* Number of concerns raised by the licensing authority shared with the Supported Transport Service/Quality Monitoring team	
8	* Number of occasions of formal information sharing by the licensing authority with the police	
	* Number of occasions of formal information sharing by the police with the licensing authority	

NB All figures are updated and collated quarterly.

# Appendix 3: Thames Valley Police Taxi Driver Information Sharing Operational Guidance

## 1.0 Taxi Licensing Authority

1.1 Taxi Licensing Authorities are created by the Local Government (Miscellaneous Provisions) Act 1976 and incorporated within the lower tier of Local Authorities, usually the district council. Their overarching purpose is to protect the public from harm.

1.2 They achieve this by issuing licences in accordance with a 'fit and proper' test, as required by the Act. Investigating breaches of licences and applying appropriate sanctions. Serious breaches and unsuitable applications not in accordance with the council's policy are heard by a sub-committee of local councillors using a quasi-judicial process. Appeals are usually heard by the Magistrates' Court and ultimately at Crown Court.

1.3 The Secretary of State for Transport has published the [Statutory Taxi & Private Hire Vehicle Standards – July 2020](#). This document was published in the light of the Jay Report into child sexual abuse in Rotherham. It has a clear and unequivocal emphasis on safeguarding and highlights the necessity of effective and efficient information sharing procedures and protocols.

1.4 Information sharing with the police enables a Licensing Authority's to fulfil its statutory obligations to protect the public. This is achieved through an established process:

- Community Safety and Safeguarding partnership structures share information to identify threat, risk and harm regarding a driver's behaviour.
- Immediate safeguarding and public protection activities are taken by the Licensing Authority, for example, the immediate suspension of a driver's licence pending further investigation.
- An investigation into the driver's on-going risk and the determination of a proportionate interventions by the Licensing Authority.

1.5 The Local Govt. Misc. Provisions Act 1976 provides the necessary judicial safeguards to ensure Licensing Authorities use relevant information proportionally and in compliance with data protection requirements.

## 2.0 Crime and Disorder Act 1998

2.1 Police and all Local Authorities are 'Responsible Authorities' as defined in the Crime and Disorder Act 1998 and have a duty to do all they reasonably can to prevent crime and disorder.

2.2 Section 115 of the Crime and Disorder Act 1998 provides the lawful power to disclose information to a relevant authority. The power is qualified by the requirement that the sharing is necessary or expedient for the purposes of the Act.

2.3 Existing information sharing agreements using the Crime and Disorder Act 1998 can be used for the exchange of information relevant to taxi drivers. These agreements used by

Community Safety Partnerships, Multi-agency Safeguarding Hubs and Child Abuse Strategy Meetings are designed to share appropriate information with partners.

2.4 Section 115 does not, however, override the need to disclose in a proper manner, taking into account other statutory and common law constraints on disclosure, including data protection, human rights and the common law.

### **3.0 Necessity for Disclosure**

3.1 Personal information will only be shared when it is necessary to do so to achieve the intended outcome / objective. An intended outcome will include assisting the Licensing Authority to fulfil its statutory responsibilities under the Local Government (Miscellaneous Provisions) Act 1976, as well as allowing police and partners to fulfil their safeguarding and public protection duties under the Children Act 2004 or the Care Act 2014.

3.2 The necessity test should be seen as an enabler to sharing of information where the intended outcome is the reduction of crime and disorder and protecting the public from harm.

3.3 The following criteria will be considered in deciding whether the sharing is necessary:

a) Where the disclosure could affect the subject's ability to retain / gain employment consideration will be given to whether the concerns about the alleged risk the subject poses is actually a relevant risk factor in respect of their profession. Crime, anti-social behaviour and safeguarding incidents involving licensed drivers may be relevant to risk.

The definition of whether the Taxi Licensing Authority can 'use' the information supplied should not be confined to its narrow use in a judicial setting. The Licensing Authority may aggregate several sources of information as a basis for decision making within its system of escalating intervention and sanction.

b) The recipient of the shared information must be able to use the information to prevent or detect crime or reduce the safeguarding risk.

c) The reliability of the information must be understood before sharing (careful consideration should be given before sharing uncorroborated information or information from an unknown or unreliable source).

d) The sharing must be proportionate to the intended outcome / objective and include no more information than necessary (e.g. the age of historic information may make it no longer relevant, limiting information provided to the minimum necessary to appropriately represent the risk, redacting the personal information of any 3rd party persons where possible).

e) Where the personal information being considered for sharing has previously been considered for disclosure under the Disclosure & Barring Service scheme or the Common Law Policing Disclosure scheme but has not been disclosed, there must be a clear defensible rationale for sharing where it is now intended to disclose the same information outside of those schemes.



## **4.0 Local Authority Designated Officer**

4.1 Disclosure of information regarding the safeguarding of children should be passed to the Local Authority Designated Officer (LADO). Safeguarding information regarding adults with care and support needs should be passed to the Local Authority Adult Social Care Team.

4.2 The location of the LADO within the Local Authority structures varies across the Thames Valley region. In these circumstances best practice requires the disclosure of information to both the LADO and the Taxi Licensing Authority.

## **5.0 Taxi Licensing Coordinator – TVP**

5.1 This post is funded by the PCC and sits in the business area of Force Intelligence and Specialist Operations.

5.2 Its purpose is to promote the safety of taxi drivers and their customers. To work in partnership to support all the Local Authorities in their duty to manage and review taxi licenses. To assess, record and share intelligence in relation to taxi licensing matters and increase the consistency of service across all Local Police Areas.

This post is not designed to be a funnel or bottleneck for information exchange with Local Authorities. Partnership arrangements such as Community Safety Partnerships, Multi agency Safeguarding Hubs and Child Abuse Strategy Meetings should continue to share appropriate information with partners using existing information sharing agreements. The Taxi Licensing Coordinator should be copied into any relevant information exchange and will act to facilitate the exchange and offer advice where necessary.

## **6.0 Common Law Police Disclosure**

6.1 The police possess a common law power to share personal sensitive information with third parties where a 'pressing social need' can be established. A pressing social need might be the safeguarding, or protection from harm, of an individual, a group of individuals, or society at large.

6.2 [This power](#) is usually triggered on arrest or voluntary interview and can be used with any notifiable occupation including Taxi Drivers.

6.3 Any decision to disclose police information must balance the rights and interests of the individual who is the subject of the disclosure against those of the public in general or any specific member or members of the public. That will involve giving consideration to the impact of disclosure on the private life of the individual concerned. Decisions should also take account of any adverse impact disclosure might have on the prevention or detection of crime.

6.4 The decision to disclose personal information using CLPD does not preclude the need for a 'necessity test' and there should be due regard to the Data Protection Act 2018, the Human Rights Act 1998 and the Rehabilitation of Offenders Act 1974.

6.5 Predominantly the TVP Disclosure and Barring Service will carry out initial notification using this power. However there will be circumstances when the arresting or investigating officer will be responsible for making an urgent disclosure. This will usually be at weekends when urgent safeguarding action is required.

The Disclosure and Barring Service conduct daily automated checks of the custody system searching for notifiable occupations and relevant offences. If employers or licensing authorities are notified by DBS then the OIC will also be notified via NICHE and actioned to update the employer / licensing authority at key milestones of the investigation.

## **7.0 Disclosure of documents**

7.1 When disclosure is made under the Crime and Disorder Act 1998 or Common Law Police Disclosure the officer in the case may disclose relevant documentary evidence to the Taxi Licensing Authority such as statements, Body Worn Video, MG 5 and Command and Control Logs. These documents should be subject to a process of sanitisation and contain only such information as necessary for the Taxi Licensing Authority to carry out its statutory obligations.

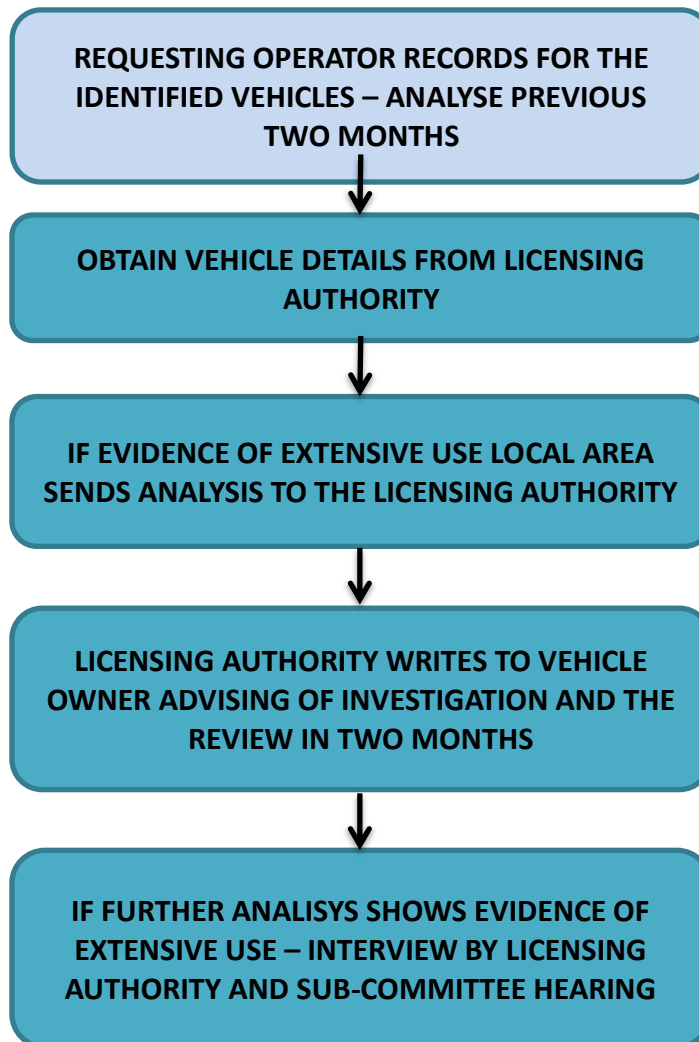
7.2 The officer in the case should gain authority from their supervisor and advice from the Taxi Licensing Coordinator before the disclosure of documents.

7.3 The officer in the case should not disclose the content of intelligence reports or make reference to them in any police statement. Contact the Force Intelligence Hub supervisor for advice on the management of intelligence documents.

The Joint Information Management Unit should be consulted when disclosure falls outside the scope of the Crime and Disorder Act 1998 and is considered 'Non Operational'. Outside Agencies may be charged for 'non-operational' disclosures

## Appendix 4: Enforcement protocol for plying for hire and taxis predominantly working out of area

### OXFORDSHIRE JOF ENFORCEMENT PROTOCOL: OUT OF TOWN VEHICLES SUSPECTED OF PREDOMINANTLY WORKING IN ANOTHER DISTRICT



**OXFORDSHIRE JOF ENFORCEMENT PROTOCOL: PLYING FOR HIRE – PROSECUTION LED BY AUTHORITY WHERE OFFENCE TOOK PLACE**

