

**Report of the Assistant Director to the
General Licensing Regulatory Board
to be held on the 6 May 2015**

**BMBC Licensing Service – Review of Practices/Policies in Response to
the Casey Report into Child Sexual Exploitation (CSE) in Rotherham**

1. Purpose of Report

This report has been prepared in response to the publication of the Alexis Jay and Louise Casey reports into CSE in Rotherham. It will provide an update in relation to the Council's Licensing Services current state of play, proposed review of policy and procedures, in addition to a full response to the main issues raised, as set out in Appendix 1. Statistical information upon actions taken by the service is attached at Appendix 2, and information upon the Notifiable Occupation Scheme is at Appendix 3.

2. Background

BMBC's Licensing Service has a number of robust policies and procedures in place to ensure those licensed to drive licensed vehicles are 'fit and proper' and in doing so, ensuring the safety of passengers and members of the public alike.

Whilst such policies and procedures exist, the publication of the above aforementioned papers has provided an opportunity for the Licensing Service to look at its internal practices and identify where improvements can be made.

3. Current Position

This in turn has led to the formalisation of liaison with South Yorkshire Police (SYP) and the Safeguarding Children's Services. Whilst in the past strong, albeit, informal, links have existed between these teams, these links have been strengthened with the formalisation of action meetings organised to discuss issues relating to CSE.

Furthermore, a complete review of the Council's Guideline Policy in relation to Criminal Convictions and application process will be undertaken to build upon

and strengthen how the Council deals with drivers/applicants who have been convicted or investigated for sexual offence(s). The revision of such policies and procedures will, in turn, strengthen the stance taken in dealing with cases relating to CSE.

However, for new ways of working to be effective, it is imperative the Council maintains and develops stronger collaborative working relationships with SYP, including the exchange of vital information and evidence (in a timely manner) relating to licensed drivers who have been linked to CSE.

There have been recent examples of difficulties in obtaining required information from SYP in a timely manner. This issue is being addressed, and the Licensing Service is now working with SYP to create a data-sharing contract, ensuring the right amount of information is shared at the right time.

4. Proposal

Below is an outline of key actions to be taken by the Licensing Service:

- Casey Report and this position paper to GLRB on 06.05.15
- Guideline Policy in relation to Criminal Convictions and application process to be reviewed capturing drivers and/or applicants convicted or investigated for sexual offences – completion August 2015
- Account established for the secure exchange of sensitive data relating to CSE. (Account now in place.)
- Monthly CSE Strategy meetings to be attended by the Licensing Service – in place
- Quarterly Provider meetings to be attended by the Licensing Service – both meeting to be attended by Safeguarding Children's Services, SYP and other partner organisations – in place
- In conjunction with the Council, SYP to formulate a contract outlining the manner in which sensitive data will be exchanged, stipulating appropriate timescales – completion August 2015. (Pending the completion of the formal protocol an interim data sharing agreement is in place ensuring the release of required information.)

In addition the Licensing Service will ensure:

- Liaison with SYP to address the full and timely exchange of evidence
- Liaison with SYP re: Quality Assurance Framework process to raise concerns in relation to non-disclosure of information and evidence
- Liaison with SYP to formalise contract outlining the exchange of sensitive information/evidence
- Formal process to be determined outlining how information will be received, stored and shared
- New/existing GLRB Members to receive licensing training post-election (May 2015)

5. Background Papers

There are no background papers relating to this report.

6. Officer Contact

Kate Liddall ext 4258

APPENDIX1

Louise Casey Rotherham Report

Issues Raised/BMBC Licensing Service Response:

(The issues highlighted below are referenced to the relevant page of the Casey report; any comments in italics are related questions/issues of clarification sought by BMBC Officers upon this Council's processes)

Page 103 - Taxi driving as a notifiable occupation (Do we have a robust system in place to ensure that we do receive information from the Police upon arrests/charges/convictions?)

Whilst taxi driving is a notifiable occupation, the Home Office has introduced a new process which replaces the existing Notifiable Occupation Scheme and supersedes the guidance contained within the Home Office Circular 06/2006. All disclosure considerations are now to be made by the 'Police Chief Officer/Delegate' who will in turn consider disclosing relevant information to a third party when, in the course of an investigation or other policing activity, deems the information concerned to be of a serious/urgent nature which requires a pressing social need to be addressed.

The Licensing Team is working closely with SYP in establishing a formal protocol which addresses the need to share vital information in both a timely and effective manner, thus providing Officers with the authority to take necessary and proportionate action.

Page 104 - Two branches of licensing, Policy and Enforcement, using different databases which do not interface

Licensing Service operates as one team which covers both areas and updates one central electronic system – Civica APP.

Page 104 - Inspectors found enforcement staff do not always record complaints or information gathered on data systems

All complaints inc. legal interventions recorded on Civica APP showing full audit of Officer dealing with matter and action taken.

Page 104/105 - Data on driver performance and conduct not collected and trends not identified

All data recorded (complaints/investigations/inspections etc.) Trends recorded and monitored against Council Conviction Policy and reported into Cllr Miller on a quarterly basis and captured under the heading of Licensing – Legal Interventions.

Page 105 – reference is made to the Sub-Committee hearing all matters including, non-conviction related issues. (Does this also include issues/matters outside licence conditions?)

Yes, it captures all matters which the Council considers to question the applicant/drivers appropriateness in holding a driver licence - links to the Local Government (Miscellaneous Provisions) Act 1976 statutory requirement to apply the 'fit and proper' criteria.

Page 105 - Meetings rarely held across entire service and visibility of senior officers was poor

Fortnightly pre-planned enforcement meetings undertaken with Senior Licensing Officer and RSFO's, in addition to issues discussed on a daily basis and necessary action to be taken as a consequence (legal advice sought where necessary). Senior Licensing Officer has regular updates and 1-1s with the Group Leader. The service manager, service director, and executive director engage with the service on a regular and ongoing basis.

Page 105 - Council's bye-laws and conditions relating to vehicle, taxi driver and operator licences not updated since 1976

Taxi Licensing Review undertaken in 2012/13. All conditions and bye-laws (inc. Convictions Policy) reviewed and introduced 28 February 2013, including the introduction of a 'Code of Conduct'. Existing vehicle conditions and convictions policy currently under review.

Page 105 - Licensing service geared more towards facilitating the trade than protecting public

Strong working relationships between the Trade and Elected Members exist. Elected Members supportive of Officers, decisions made and subsequent actions taken – endorsed via regular General Licensing Regulatory Board meetings and enforcement update reports taken. All complaints from the public are investigated, and there is a proactive enforcement programme in place.

Page 105 – No indication of what serious concerns should prompt an immediate suspension. (What standards and criteria do we have for immediate licence suspension?)

The Council operates a guideline policy in relation to criminal convictions, which specifies criteria upon which a suspension may be applied to a driver licence. This guideline policy was reviewed and approved by Full Council on 28 February 2013.

However, in the case ruling of R (Singh) v Cardiff City Council, this saw a review in the manner upon which the suspension of a taxi driver's licence can be used as a means of punishment. As a result, the Council Licensing Service is now able to exercise the power of immediate revocation of a driver licence under its existing delegated powers contained within the Council's Constitution. Such action is applied in circumstances where a serious complaint or allegation is received against a driver, which if substantiated, would cast doubt over their fitness and propriety to hold a licence; primacy of such action is to ensure the protection of public safety. This policy was adopted by Full Council on 3 July 2013.

Page 105 – Instances of Members making representations on behalf of the trade/drivers. (Have we had instances of this type? If so, what has been the response?)

It is not uncommon for a Member or MP to contact the Licensing Service, whilst acting on behalf of a constituent, requesting further information or explanation behind a course of action taken against a driver. Such requests have related to the suspension of a driver and/or vehicle licence or the refusal of a driver licence application. In all cases, Members and MP's alike have fully supported the actions of Officers.

Page 105 - Board had been reluctant to hear any cases not related to matters showing up on DBS checks

General Licensing Sub-Committee hears all matters inc. non-conviction related offences e.g. accumulation of written warnings issued in relation to non-conformance with licence conditions.

Page 106 - 'No notice' vehicle spot checks changed to 10 day notice checks after representation from Trade and Member intervention

Despite Trade and Trade Representative requests made in the past to issue notices prior to the commencement of taxi operations, enforcement checks continue to be undertaken without notice and in accordance with LG(MP)A76. In a recent Trade Liaison Group meeting, the Trade welcomed regular enforcement activity and expressed their willingness to raise standards and improve public safety. A proactive 'no notice' enforcement programme operates, with results reported to management and Members.

Page 106 - Inadequate follow through and information exchange with Children's Services and the Police

Strong working relationship and links exist between Licensing, Safeguarding Children's Services, Education and the Police. Notification of complaints made against taxi drivers are reported to Licensing via above services. Such information is recorded electronically and regular contact maintained with all parties throughout the duration of the investigation to understand case progression and action taken/to be taken.

In addition to the sharing of information, where necessary, 'Strategy Meetings' have been held involving parties concerned with the investigation. Formal regular liaison meetings have now been established through which the Licensing Service meets with SYP, Safeguarding Children's Services and other partner organisations to ensure those involved in the process are working together.

Page 106 - Lack curiosity where large number of vehicles has fallen below standard and drivers attracted complaints

Regular (4 per quarter) planned enforcement operations undertaken, in some cases targeting vehicles/operators that have fallen below minimum safety standards. Information collated via MOT test pass/fail certificates received on a daily basis and intelligence gathered during enforcement operations. Operations not solely concerned with enforcing, more focus on compliance and educating drivers/vehicle/operators how to safely maintain vehicle and furnishing with tools to do so. E.g. vehicle inspection book/tyre gauges.

Page 106 - Licensing Board have not been given sufficient bespoke training on dealing with taxi hearings and documents provided to Members in advance of suspension/revocation hearings have been reduced

Previous Member training delivered 2012 – refresher training needed given new membership on GLRB. Essential future training incorporates CSE. Contact has been made with Lesley Glanville, Member Development Co-ordinator to organise training as a matter of urgency. Advised this will take place post Local and General Elections in May 2015 when GLRB membership has changed. Member Development Working Group formed to address training issue and links made with external course provider and Sheffield Council where further training provider procured (no fee).

Page 106 – Propensity for informal resolution of complaints/giving trade the benefit of the doubt/not following all lines of enquiry. (Can we evidence that we do not do this?)

Yes. All complaints received are logged as a service request (SRU) on Civica APP, assigned to 'Nominated Officer' and is fully auditable. This course of action is imperative for two reasons:

1. To demonstrate the complaint has been recorded and allocated
2. To evidence the complaint has been thoroughly investigated; action taken justified and all relevant parties involved had an input into the outcome

Given the frequency upon which the Licensing Service holds meetings to discuss on-going enforcement issues, in most cases matters are considered as a team, in conjunction with legal and other relevant parties i.e. SYP/Safeguarding, and again

recorded against the associated SRU record. All courses of action are actively explored and the complaint is not closed until all options considered.

Page 106 – Frustrations re: feedback from Police on cases referred to them/services not routinely informed by Police of CSE concerns, including abductions notices. (Do we have robust systems in place to ensure feedback from Police/do we routinely receive information from the Police upon abduction notices/similar?)

Frustrations have been echoed within the Council's Licensing Service in respect of lack of action taken against drivers referred to SYP for investigation. However, communication links remain strong and the Licensing Service is working closely with SYP in establishing a formal protocol designed to address the need to share vital information in both a timely and effective manner, thus providing Officers with the authority to take necessary and proportionate action.

Page 106 – The service has set too high a threshold before considering suspension/revocation of licence. (Can we evidence that we do not do this?)

Yes. This is evidenced in the Council's guideline policy in relation to criminal convictions, which clearly outlines that all matters will be considered. This is further reinforced with the additional powers to immediately revoke a drivers licence in accordance with Section 61(2B) and Section 77 Local Government (Miscellaneous Provisions) Act. Furthermore, Officers determine each case on its own merits and in doing so, take necessary and proportionate action. Each complaint and/or investigation is treated with importance and a high level of professionalism applied.

Page 107 – Home to school driver/vehicle/operator licence. (Can you advise whether we have enhanced checks in placed for these operators?)

Yes. Enhanced DBS checks are undertaken in respect of all driver and operators licences. Vehicles contracted to fulfil school transport are also cross-referenced against the associated driver/operator proprietors to ensure the same checks have been applied – latter checks carried out in conjunction with Education School Transport Department (now, Neighbourhood Services).

Page 108 – No enforcement matters around time night economy. (What is our position on this?)

Licensing viewpoint - extensive proactive night time enforcement operations continue to take place concentrating on the compliance of the taxi trade and the inspection of late night takeaways in conjunction with SYP. It is encouraging to note that there has been a recent shift in focus in dealing with alleged 'illegal taxis' operating within the town centre. At the request of Licensing RSFO's and the taxi trade, SYP have dedicated a team to work with the Council in tackling this issue and a commitment has been made by all parties to take every step possible to eradicate this problem from our town.

Page 109 – Authority will not normally grant a licence if applicant has more than one conviction for indecency or placed on sex offenders register. One conviction should be more than enough to prevent licence granted

Where a driver or applicant has solely one conviction or formal caution for a sexual offence the licence or application will be referred to a General Licensing Sub-Committee (GLSC) for determination where the licence will normally be refused or revoked.

Page 109 – no reference to how the service will deal with complaints/service requests where the complaint is not reported to the Police/the Police do not investigate. (Can we evidence how we deal with such complaints/requests?)

Yes. All complaints are recorded and investigated. Despite SYP involvement and/or action taken, in accordance with the Council's guideline policy in relation to criminal convictions, the Licensing Service has a duty to investigate all matters and in doing so, may refer the matter for determination by a General Licensing Sub-Committee (GLSC). The GLSC has the power to consider all complaints made to determine whether the driver is a fit and proper person to hold a licence.

Page 110 – Strategy meetings looking at allegations of CSE involving taxi drivers. (We discussed this when we met; I understand that info is shared on individual cases, but are the correct strategic forums in place to ensure the effective flow of information between services?)

Yes, albeit in an informal manner in the past. Building upon the need to develop a framework which captures the way in which we share information, further links to SYP, Children's Safeguarding Services have been forged and regular pre-planned meetings are now being held to discuss areas for concern and strategies to be implemented to effectively deal with the management of each case. This also captures the need to sense-check all new applicants with CSE link.

Page 111 – Awareness of indicators such as Abduction Notices. (When we met I believe it was advised that we have not had any of these notices in Barnsley. Is this the case? [If not, is this unexpected?])

Yes, I can confirm that we have not been advised of any abduction notices served upon drivers licenced with the Council. (I am unable to comment on whether this is expected or not, but can confirm such notices have been issued in neighbouring authorities such as Rotherham and Sheffield.)

Page 112 – Taxi/takeaway link. (Is this issue being looked at yet?)

Yes. Contact has been made with SYP to highlight the urgency in resurrecting the inspection of takeaways. In conjunction with SYP, Licensing RSFO's were heavily involved in such operations prior to Christmas period. However, given the current focus upon 'illegal taxis' in the town centre, we await a timescale upon which this piece of work will be revisited.

Page 113 – Links to museums. (Are any links in place with the museum service?)

Yes. Contact has been made with respective Group Leader charged with the responsibility for parks and museums to urge park wardens/grounds staff to report any licensed vehicles acting suspiciously; highlighting that such locations have been utilised as a hot spot to undertake acts of CSE in the Rotherham area. Reporting process established and communicated in message sent. Next steps involve the documenting a procedure and the creation of a GSX email account to deal with the exchange of all CSE information – inc. intelligence received via parks and museums.

Page 114 – Responsible Authority meetings. (Are these meetings held/what is the licensing input into them?)

Responsible Authority meetings in the context of taxi licensing have not formally existed. However, upon receipt of a taxi driver complaint or investigation requiring the input of several internal/external departments, a holistic approach was taken by meetings held to discuss on a case by case basis. A more formal approach has now been adopted incorporating Officers from all work areas which in turn, will cement working relationships and set out will clear terms of reference.

Page 115 – No further action by Police used a basis for closing a case. (What protocol do we have in place to follow up allegations when the police have determined not to pursue a case?)

Regardless of action taken by SYP, Officers within the Licensing Service reserve the right to take action which includes referring a matter to a GLSC for determination. SYP taking little if not any action does not render our powers or decision to act useless; indeed Officers are currently referring a licensed driver to a GLSC despite no charge or conviction applied by SYP. The Licensing Service takes its role in safeguarding the public with great importance and will not be dissuaded by the lack of action taken by the Police.

Page 115 – Joint operation between licensing and neighbourhood service as an example going above/beyond to gather evidence. (What joint measures/operations do we have in place working across Licensing and Neighbourhood Services?)

Whilst Licensing has yet to embark on a joint operation with colleagues from the Neighbourhood Services (Neighbourhood services' responsibilities in BMBC spans a different range of functions from those undertaken by RMBC Neighbourhood Services), it has, however, undertaken extensive operations with SYP, VOSA, Yorkshire & Humberside Immigration Unit, Rotherham/Sheffield Taxi Licensing Enforcement Units, in addition to working with internal colleagues from Smithies Lane Depot.

Page 117 – Limousine licensing: (One company operating in the borough; useful to address this point.)

Company concerned with this enquiry holds an operator licence with the Council and as such is subject to an Enhanced DBS check. In addition, vehicles licensed with the

company are subject to the same level of enforcement activity including the routine inspection of business records and vehicles.

Section 5 – Sufficient liaison with other agencies, inc. Children’s Safeguarding Board/HWB Board/Community Safety/other Council departments; a range strategic relations are highlighted in section 5. (As above, are we happy that we have the correct strategic links in place internally/externally? If not, what measures need to be put in place to address this?)

Yes. Strong links do exist with internal and external services alike. Lines of communication have been open and the flow of information exists. As highlighted above, these links have now been formalised through regular liaison meetings.

APPENDIX 2

Statistical Information 1 February 2013 to 1 February 2015:

Legal Interventions	No.
Written Warning	255
Vehicle Suspension	179
Fixed Penalty Notice	16
Immediate Revocation	3
Prosecution	4
Referral to GLSC	42
Appeal to Magistrates Court (3 x Decisions Upheld 1 x Overturned)	4
Enforcement Report Update	12
Taxi Licensing Enforcement Operation	27

(Note: The GLRB board deals with matters relating to policy review, legislative changes and updates etc. whereas the GLSC purely deals with formal hearings, for example taxi licence applications.)

In addition to the above, Trade Liaison Group (TLG) meetings take place on a bi-monthly basis with the Pollution & Licensing Group Leader, Senior Licensing Officer, Highways Principal Engineer, Fleet Services Manager and 3 x Members of the Private Hire Association, 3 x Hackney Carriage Association, 3 x Independent Licensed Drivers (which include operator proprietors).

The TLG meetings discuss operational issues, policy & review changes along with proposed new ways of working. Successful new ways of working have resulted in the Council & Trade working collaboratively on multi-agency enforcement operations, publicity campaigns, prosecution cases and proposed a 'Taxi Driver Handbook'.

The Licensing Service will continue to build upon its strong links and working relationship with the Trade and partnering agencies alike in a bid to improve driver and vehicle standards whilst ensuring public safety.

Legal Interventions from Feb 13 – Feb 15: how many taxi complaints have we received in this period?

95 (Hackney Carriage 41 & Private Hire 54)

Complaints received relate to a wide range of issues including use of abusive language, speeding, bad driving, and overcharging.

APPENDIX 3

Separate Note - Notifiable Occupation Scheme (NOS) / Quality Assurance Framework (QAF)

Main Issues

- NOS process changed resulting in information relating to licensed drivers no longer shared with Licensing Authorities
- Mandatory information relates to details behind each offence, conviction, arrest and any other 'soft' information which forms part of the case
- Responsibility of the release of such information rests with the Police and its Chief Officers and/or Disclosure Managers tasked with measuring information held on record against a QAF
- Resulted in vital information either a) not shared with BMBC or b) advised to follow convoluted legal process in obtaining evidence required to take necessary action
- It is important to note that in this case, the licensed drivers name and concerns contained with a 5x5x5 have been provided by SYP to the Licensing Service for actioning. It is only upon acting upon information received did the Council request evidence required to take such action

This scheme has caused concerns. In order to address these concerns, an interim data sharing process has been established, resulting in vital information being shared between SYP and the Council in a timely manner. The Licensing Team is now working closely with SYP in establishing a formal protocol which addresses the need to share vital information in both a timely and effective manner, thus providing Officers with the authority to take necessary and proportionate action.