

<b>MEETING:</b>	General Licensing Regulatory Board
<b>DATE:</b>	Wednesday, 24 February 2016
<b>TIME:</b>	2.00 pm
<b>VENUE:</b>	Reception Room, Barnsley Town Hall

## AGENDA

### 1 Declaration of Interests

To receive any declarations of pecuniary and non-pecuniary interest from Members in respect of items on the agenda.

### 2 Minutes (*Pages 3 - 8*)

To accept as a correct record the minutes of the meeting held on the 23<sup>rd</sup> December, 2015.

### 3 Terms of Reference of General and Statutory Licensing Regulatory Boards - Update (*Pages 9 - 16*)

The Service Director Culture, Housing and Regulation and the Director of Legal and Governance will submit a joint report recommending Council to approve amendments to the Terms of Reference of the General and Statutory Licensing Regulatory Boards following an Internal Audit report into Taxi and Premises Licensing.

**RECOMMENDED TO COUNCIL** that the Terms of Reference of the General and Statutory Licensing Regulatory Boards be amended as detailed within Appendix 1 to the report.

### 4 Update of Practices/Policies in response to the Casey Report into Child Sexual Exploitation in Rotherham and the Internal Audit Taxi and Premises Licensing Review (*Pages 17 - 20*)

The Service Director Culture, Housing and Regulation will submit a report updating the Board on the current position with regard to the review of policy and procedures within the Licensing Service following the publication of the Alexis Jay and Louise Casey report into Child Sexual Exploitation in Rotherham and the findings from a recent Internal Audit Review of taxi and premises licensing.

### 5 Revision of Dual Driver Licence Conditions (*Pages 21 - 22*)

The Service Director Culture, Housing and Regulation will submit a report proposing a revision to the existing dual driver licence conditions in response to a recent Internal Audit Review of taxi and premises licensing.

To: Chair and Members of General Licensing Regulatory Board:-

Councillors C. Wraith MBE (Chair), Brook, Burgess, J. Carr, Clarke, Coates, Duerden, Dures, K. Dyson, M. Dyson, Ennis, Frost, D. Green, S. Green, Hampson, Johnson, Lamb, Millner, Richardson, Saunders, Sheard, Shepherd, Sixsmith MBE, Tattersall, Wilson and Worton

Andrew Frosdick, Director Legal and Governance  
Matt Gladstone, Executive Director Place  
Phillip Spurr, Service Director Culture, Housing and Regulation  
Kevin Glover, Fleet Operations Manager  
Kate Liddall, Senior Licensing Officer  
Garry Kirk, Service Director Legal Services  
Sajeda Khalifa, Solicitor, Regulatory Services  
Debbie Rimmington, Regulatory Services Field Officer

Please contact William Ward on 01226 773451 or email [governance@barnsley.gov.uk](mailto:governance@barnsley.gov.uk)

Tuesday, 16 February 2016

<b>MEETING:</b>	General Licensing Regulatory Board
<b>DATE:</b>	Wednesday, 23 December 2015
<b>TIME:</b>	2.00 pm
<b>VENUE:</b>	Reception Room, Barnsley Town Hall

## MINUTES

### Present

Councillors C. Wraith MBE (Chair), Burgess, J. Carr, Clarke, Ennis, D. Green, S. Green, Hampson, Lamb, Millner, Richardson, Saunders, Sixsmith MBE and Tattersall

### 12 Declaration of Interests

There were no declarations of pecuniary and non-pecuniary interest from Members in respect of items on the agenda.

### 13 Minutes

The minutes of the meeting held on the 28<sup>th</sup> October, 2015 were taken as read and signed by the Chair as a correct record.

### 14 Licensing Enforcement - Update

The Service Director Culture, Housing and Regulation submitted a report giving an update of the current position with regard to enforcement work undertaken by Licensing Enforcement Officers recently.

Since the last update, Licensing Enforcement Officers had proactively embarked on a number of taxi licensing enforcement operations. The first two exercised had been undertaken at the specific request of the Council's Internal Audit Service which was undertaking a review of Home to School Contracts and Licensing policies and procedures. Each operation had been designed to ensure both driver and vehicle compliancy:

- (a) 15<sup>th</sup> October, 2015 – a morning time operation involving Licensing Enforcement Officers, officers from Internal Audit and Vehicle Examiners from the Smithies Lane Depot at Greenacre School. Given the nature of the operation, the duration was short and involved a relatively small number of vehicles.
  - 1 Hackney Carriage and 2 Private Hire Vehicles inspected and found to be fully compliant
  - One driver issued with a written warning for failing to undertake the daily check sheet
- (b) 5<sup>th</sup> November, 2015 – a second operation involving Licensing Enforcement Officers, officers from Internal Audit, Vehicle Examiners from the Smithies Lane Depot and Councillors C Wraith MBE and S Green at Springwell School.

- Of the vehicles inspected 16 Private Hire Vehicles and 2 Hackney Carriage Vehicles were found to be fully compliant and 16 Private Hire Vehicles were issued with immediate suspension notices for a variety of defects including lights and horn
  - 3 drivers had been issued with written warnings for failing to complete the daily check sheet and for failing to display the driver ID badge
- (c) 27<sup>th</sup> November, 2015 – a night time operation involving Licensing Enforcement Officers, Vehicle Examiners from the Smithies Lane Depot, South Yorkshire Police Traffic Unit and Councillors C Wraith MBE and S Green focusing on all licenced vehicles.
- Of the 41 vehicles examined 36 were found to be fully compliant and 5 vehicles were issued with immediate suspension notices for inoperative indicator lights, number plate lights and incorrect indicator colour
  - 4 drivers had been issued with written warnings for failing to complete daily check sheets, failing to display driver ID badge and incorrect display of front plate
- (d) 11<sup>th</sup> December, 2015 – a day time operation involving Licensing Enforcement Officers, Vehicle Examiners from the Smithies Lane Depot, the South Yorkshire Police Traffic Unit and Councillor S Green focusing on licensed vehicles and operators.
- 14 vehicles had been inspected
  - 8 vehicles had been suspended for a variety of defects including oil leaks, sharp edges and defective wing liner, inoperative indicator lights and missing wiper blades (which had resulted in the scratching of the windscreen obscuring the drivers view)
  - 3 drivers had been issued with written warnings for failing to failing to complete or falsifying daily check sheets (all vehicles had been found to be defective and had been suspended)
  - The South Yorkshire Police Traffic Unit had also issued three fixed penalty notices to licensed drivers for speeding offences

Vehicle compliance continued to be an issue and was at the forefront of every enforcement operation and with every Vehicle Examiner whilst undertaking vehicle inspections. It was pleasing to note, however, that vehicle compliance was continuing to improve and was a testament to the hard work of the staff involved with enforcement. It was disappointing, however, that a minority of drivers were continuing to fail to complete basic vehicle inspection sheets as these had been introduced at the request of the trade and were a valuable tool in ensuring the continued safety of all licenced vehicles.

Proactive enforcement operations would continue to be undertaken on a quarterly basis.

The Chair circulated a copy of a letter received from Mr D Wilson of A2Z Licensing expressing, on behalf of his clients Barnsley Hackney Carriage Association and Blueline Taxis expressing thanks for comments he had made in the media and for explaining that all defects discovered on the enforcement exercises were of a minor

nature. Mr Wilson had also commented on the success of the work of the Trade Liaison Group, on the combined effects of the use of external MOT testing stations and increased roadside enforcement which was continuing to show dramatic improvements in vehicle compliance which was hoped would continue. Finally, he asked to place on record his thanks on behalf of his clients to all officers for their contribution to these and other initiatives which were promoting public safety, ensuring that vehicles were safe and in tackling dangers to the public of using bogus Hackney carriage and Private Hire vehicles.

In the ensuing discussion, and in response to questioning, particular reference was made to the following:

- The involvement of Councillors at enforcement operations was very much welcomed and encouraged
- The continuing reduction in number of faults found was very encouraging. It was noted, however, that some minor defects could nevertheless have devastating consequences
- There was a discussion of the reasons for the number of defective indicator lights discovered and to the fact that Trading Standards were involved as it was thought that possibly a defective batch could have been on sale within the town. Members stressed the importance, therefore, of drivers carrying spare bulb sets
- Members of the Board were reminded that drivers receiving three written warnings within a 12 month period were required to appear before a General Licensing Regulatory Board Panel to explain their behaviour
- There was a discussion of ways in which drivers could have their licences reinstated quickly following the rectification of minor faults
- In response to questioning about fines to discourage non compliance, it was explained that the Licensing Service could not 'make a profit' and could only receive income to cover the costs of operating the service

#### **RESOLVED:**

- (i) That the report and letter from A2Z Licensing be received; and
- (ii) That the Board place on record their thanks and appreciation to the staff within the Licensing Service and Smithies Lane Depot for all their hard work in undertaking Enforcement activities and ensuring the continued safety of the travelling public and for the outstanding results currently being achieved.

#### **15 Licensing Service - Audit update**

The Service Director Governance and Member Support informed the Board that following an Internal Audit of the Licensing Service in the light of the corporate inspection of Rotherham Metropolitan Borough Council and the publication of the Casey Report, a recommendation had been made that the Board review its Terms of Reference to ensure that Members role and responsibilities in relation to safeguarding was explicitly identified.

The review of the Terms of Reference was currently being undertaken and a report recommending amendments to those Terms of Reference would be submitted to the

next meeting to be held on the 24<sup>th</sup> February, 2016 with a recommendation to Council on the 31<sup>st</sup> March, 2016.

The opportunity would also be taken at the same time to review the Terms of Reference of the Statutory Licensing Regulatory Board and a similar report would be submitted to that Board at a meeting to be held on the 24<sup>th</sup> February, 2016.

**RESOLVED** that the report be received

## **16 Taxi Stay Safe Operation**

The Board received a presentation from Ms R Fisher (Field Officer, Regulatory Services) on the Taxi Stay Safe Operation currently being undertaken and presented to schools throughout the Borough and giving details of the success of the Taxi Watch Facebook page and other related campaigns and operations.

The presentation gave details of the following:

- The history of Taxi's and the introduction of the licensing regime
- The roles and requirements of Hackney Carriage and Private Hire Drivers and Vehicles and the differences between the two
- The identification requirements of Driver's
- The implications of using unlicensed vehicles
- The 'rise' of Facebook taxis – people advertising cheap 'taxi' lifts on facebook – and the implications for drivers and passengers of using these illegal and unlicensed drivers and vehicles. Arising out of this Ms Fisher outlined:
  - various scenarios both nationally, regionally and locally where issues had occurred following the use of such vehicles/drivers
  - The enforcement action taken to tackle these problems
- The steps which taxi users could take to ensure their safety

Ms Fisher gave out details of posters and a press release issued to give prominence to the Staysafe operation and she reported the differing agencies involved in enforcement operations and on future operations planned. In conclusion, Ms Fisher outlined the following acrostic which she had developed to try to encourage people to remember how to 'StaySafe':

**S** Standards/Safety  
**T** Travel/Taxi/Time/Tested/Trustworthy  
**A** Anyone/Authorised  
**Y** Yourself/You  
**S** Safety  
**A** Allowed/Approved  
**F** Fare/Fair  
**E** Enter/Educate/Effects/Easy/Enforcement

In the ensuing discussion, the following matters were raised:

- The presentation was very much welcomed as a means of helping to prevent unauthorised taxis and ensuring passenger safety

- The increasing use of 'Facebook Taxis' was a particular concerns as many drivers appeared not to realise they were doing anything wrong and failed to recognise the implications of their actions
- Other preventative measures were suggested including:
  - Issuing guidelines to all drivers regarding the use of child locks on rear passenger doors – it was noted that checks were made during 'taxi tests' to ensure that such locks were disabled
  - It was suggested that passengers using taxis should tell someone where they were going and when they were expected
- Reference was made to the use of medical references for applicants for driver licences within the context of the recent incident involving a refuse lorry driver in Scotland. It was explained that if fitness to drive declarations were signed by an applicants GP there was little other action that could be taken by Licensing Services.
- The presentation would be emailed to all Members of the Board following the meeting
- The presentation highlighted the importance of Enforcement operations and the Chair encouraged all Members to take part in one or more of these exercises so that they could see, at first hand, the type of work involved and the issues addressed by Enforcement Staff

**RESOLVED** that Ms Fisher be thanked for a most informative presentation and for answering Members questions.

In closing the meeting, the Chair wished all Members and Officers an Merry Christmas and an Healthy and Prosperous New Year

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Chair

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# Item 3

## BARNSELEY METROPOLITAN BOROUGH COUNCIL

This matter is not a Key Decision within the Council's definition and has not been included in the relevant Forward Plan

**Report of the Service Director  
Culture, Housing and  
Regulation and Director of  
Legal and Governance to the  
General and Statutory  
Licensing Regulatory Boards  
on 24<sup>th</sup> February, 2016**

### **Terms of Reference of General and Statutory Licensing Regulatory Boards - Update**

#### **1. Purpose of report**

To consider recommending to Council proposed amendments to the Terms of Reference of the General and Statutory Licensing Regulatory Boards following an Internal Audit Report into Taxi and Premises Licensing.

#### **2. Recommendation to Council**

**That the Terms of Reference of the General and Statutory Licensing Regulatory Boards be amended as detailed within Appendix 1 to this report.**

#### **3. Introduction and background**

Following the corporate inspection of Rotherham Metropolitan Borough Council and the publication of the Casey Report on the 4th February, 2015, the Council's Senior Management Team commissioned a programme of activity aimed at ensuring that all Council Services with a stake in protecting children from harm and exploitation were compliant with this responsibility, statutory regulations and best practice.

The outcome of these reviews was to provide the necessary assurances that the Council's systems and procedures were such that the risk of serious service failure in respect of safeguarding was minimised and well managed.

The taxi licensing function was identified as an area warranting such a review and, therefore, formed part of the agreed programme of audit work relating to 2015/16.

The scope of the Internal Audit review was to provide assurance regarding the effectiveness and rigour of licensing procedures to ensure the appropriate issue and regulation of licensed taxis and premises and that effective mitigations were in place to protect young and vulnerable people in respect of the Authority's role in licensing.

In preparing for the review Internal Audit took account of various specific risks detailed within the Strategic Risk Register and the Regulatory Services Risk Register and specifically the following:

- Strategic Risk 3025 – Failure to Safeguard Vulnerable Service Users; and
- Regulatory Service Risk 2642 – Failure to effectively regulatory specific activities (as prescribed by law) needing licenses to protect the public.

The review was undertaken between the 20<sup>th</sup> August and 11<sup>th</sup> December, 2015.

One of the control adequacy issues identified as a result of this audit, and hence the purpose of this report was that the Terms of Reference of the General Licensing Regulatory Board did not include reference to the role of Members in relation to safeguarding and, consequently, that Members may not be fully aware of their Safeguarding responsibilities. Internal Audit recommended, therefore, that a review of the Terms of Reference should be undertaken to ensure that those roles and responsibilities was explicit.

#### **4. Proposal and justification**

A review of the Terms of Reference has, therefore, been undertaken within the context of the findings of the Internal Audit Review, the Casey Report and the Safeguarding Framework (approved by Council in November 2015).

The opportunity has been taken to amend the Terms of Reference of both the General and Statutory Licensing Regulatory Board and to make minor drafting amendments to ensure they remain fit for purpose.

It should be noted that the Terms of Reference are about functions and powers and not about how those functions are applied. The proposed revised Terms of Reference are attached to this report as Appendix 1.

Other key issues arising from the Internal Audit review relate to the absence of an effective programme of safeguarding training in order to ensure that service users, Members and officers can recognise the signs of Child Sexual Exploitation and be aware of how to report concerns. Many of these issues were identified within the Safeguarding Framework report submitted to Council on the 26<sup>th</sup> November, 2015 and all have been addressed or are in the process of being addressed.

#### **5. Implications for local people / service users**

The amendment to the Terms of Reference will ensure that proper procedures and practices are in place when the Regulatory Boards are exercising their functions and will ensure that only those entitled receive the appropriate licences.

#### **6. Financial implications**

There are no financial implications arising from this proposal

**7. Employee implications**

There are no employee implications arising from this proposal

**8. Consultations**

Consultation has taken place with officers within the Licensing Service, the Governance Unit of the Legal and Governance Department and with Internal Audit. All comments received have been incorporated within the proposed amendments to the Terms of Reference.

Consultation has also taken place with the Democratic Services Section of Rotherham Metropolitan Borough Council.

**9. Risk management issues**

The amendment to the Terms of Reference will ensure that the control adequacy issue identified by Internal Audit is addressed.

**10. Compatibility with the European Convention on Human Rights**

The Terms of Reference, as amended, are compatible with the rights and freedoms under the European Convention of Human Rights.

The decisions of the Regulatory Boards in relation to the granting of licences amount to a determination of the civil rights of applicants; therefore, as far as it is possible to do so, the Boards must comply with the requirements of Article 6 (the right to a fair trial). The amendment to the Terms of Reference will ensure that all applicants are afforded that opportunity and that decisions are made properly and responsibly in the light of all the necessary evidence.

**11. Reduction of crime and disorder**

The amended Terms of Reference ensure that the decisions are made appropriately and that Members take account of and recognise the signs of Child Sexual exploitation.

**12. List of appendices**

Appendix 1 – Terms of reference of the General and Statutory Licensing Regulatory Boards.

**13. Background papers**

1. Report of Inspection of Rotherham Metropolitan Borough Council – the Casey Report – February, 2015
2. Place – Taxi & Premises Licensing Draft Internal Audit Report – December, 2015
3. Report to Cabinet 4.11.2015 – Barnsley Framework for Safeguarding Children and Adults

**General Licensing Regulatory Board**

Subject to:

- the overall policy framework of the Council; and
- having regard to the Council's safeguarding arrangements and duties and particularly in relation to the prevention of Child Sexual Exploitation

to exercise the functions of the Council in relation to:-

1. In respect of hackney carriage and private hire licences:-
  - a. To determine licence applications which have not been determined by the Director of Legal & Governance and the Service Director Culture, Housing & Regulation pursuant to their delegated powers, where consideration by the Sub-Committee is not appropriate.
  - b. To receive reports for information on the suspension and revocation of licences and also to suspend and/or revoke licences where adverse reports have been received in those instances where Service Director Culture, Housing & Regulation has referred the matter to the Board for a decision as to whether disciplinary action would be appropriate.
  - c. To receive, at regular intervals, a report of all licences issued, renewed, or refused.
  - d. To receive an annual report of all hackney carriage and private hire licences issued or renewed where the vehicle in question is over the age of five years.
  - e. To receive periodic reports of the Service Director Culture, Housing & Regulation on random inspections carried out.
  - f. To vary, amend or revoke the standard conditions of hackney carriage or private hire operators, vehicle and drivers' licences.
  - g. To determine the fees payable for the issue and renewal of hackney carriage and private hire licences (including inspections), subject to the consideration of any policy aspects by Cabinet and / or full Council as appropriate.
  - h. To determine the hackney carriage tariff from time to time, subject to the consideration of any policy aspects by Cabinet and / or full Council as appropriate.
  - i. After consultation with the Head of Highways, Engineering & Transportation to approve the siting or relocation or removal of hackney carriage ranks and to authorize the appropriate statutory notices.
2. In relation to amusements with prizes permits and licences, betting track licences, sex establishments and house to house collections etc:-
  - a. To grant and renew licences and permits on recommendations from the appropriate officers and outside bodies and to impose conditions, except for

the renewal of Sex Shop licences where officers have delegated powers in the circumstances referred to at 2(h) below.

- b. To vary the conditions attached to an existing licence.
  - c. To determine the licence fee payable in respect of sex establishments.
  - d. To vary, amend or revoke the standard conditions imposed upon the grant of amusements with prizes permits and licences.
  - e. To receive reports on applications for permits for small lotteries where adverse comments have been received from the police and to determine the application.
3. To determine, where there is discretion, the amount to be charged for such approvals, licences, permits or registrations falling within the remit of the Board, subject to the consideration of any policy aspects by Cabinet and / or full Council as appropriate.
  4. To receive reports on applications for permits for house to house collections and street collections where adverse reports are received and to determine the application.
  5. To determine appeals received in respect of the refusal of applications for the registration of premises for civil marriages.

### **General Licensing Panel**

1. To determine hackney carriage and private hire licence applications which have not been determined by the Director of Legal & Governance and the Service Director Culture, Housing & Regulation pursuant to their delegated powers.
2. To suspend and / or revoke hackney carriage and private hire licences where adverse reports have been received in those instances where the Service Director Culture, Housing & Regulation has referred the matter to the Board for a decision as to whether disciplinary action would be appropriate.
3. To determine appeals against the suspension or revocation of hackney carriage or private hire operators, vehicle and drivers' licences.
4. To determine applications for or suspension / revocation of licences or appeals against suspension or revocation of licences falling within the remit of the General Licensing Regulatory Board when referred to it for a decision by the Service Director Culture, Housing & Regulation.

**The General Licensing Panel is comprised of any 3 Members of the General Licensing Regulatory Board**

## **Delegations to Officers from the General Licensing Regulatory Board**

### **1. Director of Legal & Governance**

- (a) To receive and administer the registration of charities including those under the War Charities Act 1940 and the National Assistance Act 1948.

### **2. Service Director Customer Services**

- (a) As Proper Officer for Registration, to approve those applications for approval of premises for civil marriages which comply with the standard conditions and to refuse those which do not, and to determine as to whether or not premises are seemly and dignified.

### **3. Service Director Culture, Housing & Regulation**

- (a) To exercise the Council's powers in relation to the Licensing aspects of the following legislation:
- Caravan Sites and Control of Development Act 1960
  - Celluloid and Cinematograph Act 1922
  - Children and Young Persons Act 1933
  - Food Safety Act 1990
  - Housing Act 1985 (Parts 9 and 10 - Slum Clearance and Overcrowding)
  - Housing Act 2004 (Part 1 [Housing Conditions], Part 2 [Licensing of houses in multiple occupation], Part 3 [Selective licensing areas], Part 4 [management orders], Section 216 [overcrowding], Part 7 [supplementary provisions] insofar as it relates to any of these functions, Section 232 (maintenance of register of licences and management orders)
  - Local Government Miscellaneous Provisions Acts 1976 and 1982
  - Local Government Act 2003, Section 120 (insofar as it amends Section 15 of the Local Government (Miscellaneous Provisions) Act to add the regulation of cosmetic piercing and semi-permanent skin colouring businesses)
  - Noise and Statutory Nuisance Act 1993
  - Nurses Agencies Act 1957
  - Performing Animals (Regulations) Act 1925
  - Pet Animals Act 1951
  - Poisons Act 1972
  - Public Health Acts 1936-1961
  - Scrap Metal Dealers Act 1964
  - Scrap Metal Dealers Act 2013 (when legislation allows)
  - Slaughterhouses Act 1974
  - Town Police Clauses Act 1847
  - Zoo Licensing Act 1981

And, notwithstanding the generality of the above:

- (b) Under the Town Police Clauses Act 1847 and Part II of the Local Government (Miscellaneous Provisions) Act 1976 to:
- (i) issue hackney carriage licences and private hire licences, when he / she is satisfied that the application fulfils the statutory

requirements and any criteria or policies of the Council for the time being in force;

(ii) in consultation with the Chairperson of the Licensing Regulatory Board, refuse applications for hackney carriage and private hire licences where he is not satisfied that the application fulfils the statutory requirements and any criteria or policies of the Council for the time being in force, subject to any such decisions being reported for information to the next meeting of the Licensing Regulatory Board;

(iii) to suspend Hackney Carriage and Private Hire Vehicle Licences on vehicle defects being found.

(iv) to suspend or revoke licences in other circumstances those at (iii) above, and to report the action to a subsequent meeting of the General Licensing Regulatory Board or Sub-Committee.

- (c) To grant, vary, transfer and revoke licences in respect of cinemas and theatres after consultation with the appropriate officers and outside bodies.
- (d) To issue permits in respect of house to house collections, street collections, and to receive returns in respect of the same and where adverse reports are received to refer the matter to the General Licensing Regulatory Board for determination.
- (e) To issue permits in respect of small lotteries after consultation with the police and where adverse reports are received to refer the matter to the General Licensing Regulatory Board or Sub-Committee for determination.
- (f) To determine applications for minibus permits of those vehicles under the control of the Council.
- (g) To receive and administer applications for the registration of motor salvage operators under the Vehicles (Crime) Act 2001 (Motor Salvage Operators Regulations 2002), to approve applications for registration where statutory consultation with the Police reveals no contrary indications and to maintain a register which shall be available for public inspection;
- (h) To determine, following consultation with the Chairperson of the General Licensing Regulatory Board, applications for the renewal of Sex Shop premises Licences where no adverse comments have been received to the statutory consultation process and where there are no concerns or substantial changes made regarding the operation of the premises.

## **Statutory Licensing Regulatory Board**

Subject to:

- the overall policy framework of the Council; and
- having regard to the Council's safeguarding arrangements and duties and particularly in relation to the prevention of Child Sexual Exploitation

to exercise the functions of the Council in relation to the Licensing Act 2003 and the Gambling Act 2005:-

1. To monitor the operation of the Council's Licensing Policy Statement
2. To monitor the operation and performance of the Sub Committees (comprising three Members each) established to determine applications for and reviews of licences.
3. To determine the procedure/protocol to be adopted by the Sub Committees in dealing matters referred to them.

### **Statutory Licensing Sub Committees**

To determine, in accordance with the procedure/protocol agreed by the Statutory Licensing Regulatory Board, applications for and reviews of Licences and/or permits made under the provisions of the Licensing Act 2003 and Gambling Act 2005 where adverse comments have been received and not withdrawn.

### **Delegations to Officers from the Statutory Licensing Board**

1. **Service Director Culture, Housing & Regulation**
  - (a) To exercise the Council's powers in relation to the Licensing aspects of the Licensing Act 2003 and Gambling Act 2005.
  - (b) To exercise powers under the Criminal Justice Act 2001 to close premises that are in breach of the conditions of licences granted under the Licensing Act 2003 and Gambling Act 2005.



# Item 4

**Report of the Service Director Culture,  
Housing and Regulation to the  
General Licensing Regulatory Board  
to be held on the 24 February 2016**

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

**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 and findings from a recent internal audit review focusing upon both taxi and premise licensing. It will provide an update in relation to the Council's Licensing Services current state of play and continued proposed review of policy and procedures.

**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 and subsequent findings from an internal audit review 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 such teams, these links have been strengthened with the formalisation of action meetings organised to discuss issues relating to safeguarding.

A review of hackney carriage and private hire driver licence conditions has also been undertaken to capture the mandatory requirement for all licensed drivers to undertake safeguarding training. 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 along with the creation of a full taxi licensing policy will, in turn, strengthen the stance taken in dealing with cases relating to safeguarding.

#### **4. Proposal**

**Below is an outline of key actions undertaken by the Licensing Service:**

- Regular submission of Casey Report update papers to the GLRB on 6 May 2015, 19 October 2015 and 24 February 2016 – links to Casey Report Action Plan
- GSX email account established for the secure exchange of sensitive data relating to CSE – links to Casey Report Action Plan
- Quarterly Provider meetings attended by the Licensing Service – first meeting held 01.02.16 and attended by Safeguarding Children's Services and SYP and other partner organisations – links to Casey Action Plan
- Formulation of a information sharing protocol between the Council and SYP ensuring the timely exchange of sensitive data – links to the Casey Report Action Plan
- Delivery of Elected Member training (including an element of safeguarding) on 14 October 2015, relating to the duties and functions contained within the General Licensing & Statutory Regulatory Board – links to Casey Report Action Plan
- Safeguarding training delivered to all new driver applicants from 2 February 2016 – links to Internal Audit Review Recommendation 1.3
- General Licensing & Statutory Regulatory Board Terms of Reference reviewed to ensure Elected Members role and responsibilities in relation to safeguarding is explicit – links to Internal Audit Recommendation 1.1

- Taxi checklist procedure in place for the approval/authorisation of all taxi licence applications from December 2015 – links to Internal Audit Recommendation 2.1
- Continual liaison with SYP regarding the planning of proactive enforcement operations – links to Internal Audit Recommendation 3.1
- Development of procedures in relation to the undertaking of taxi and premise licence inspections from November 2015 – links to Internal Audit Recommendation 3.2

**In addition, the Licensing Service will ensure:**

- Guideline Policy in relation to criminal convictions and application process to be reviewed capturing drivers/and or applicants convicted or investigated for sexual offences – links Internal Audit Recommendation 1.1 (September 2016)
- Revision of hackney carriage & private hire driver licence conditions to incorporate the mandatory requirement to undertake safeguarding training – links to Internal Audit Review Recommendation 1.3 (April 2016)
- New/existing GLRB Members to receive safeguarding training on 25 February 2016 – links to Internal Review Recommendation 1.3
- All existing drivers to receive CSE/Safeguarding training over a rolling programme of time – links to Internal Audit Action Plan 1.3 (April 2016)
- Development of a Taxi Licensing Policy, encompassing full revised application criteria and convictions policy – links to Casey Report Action Plan (September 2016)
- Monthly CSE Strategy meetings attended by the Head of Service – links to Casey Report Action Plan

**5. Background Papers**

No background papers

**6. Officer Contact**

Kate Liddall ext 4258

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# Item 5

**Report of the Service Director Culture,  
Housing and Regulation to the  
General Licensing Regulatory Board  
to be held on the 24 February 2016**

**BMBC Licensing Service – Revision of Dual Driver Licence Conditions**

**1. Purpose of Report**

This report has been prepared to inform Members of a revision to existing dual driver licence conditions in response to a recent internal audit review of taxi and premise licensing.

**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.

**3. Current Position**

A key issue arising from the internal audit review related to the absence of a programme of safeguarding training in order to ensure licence holders, Members and officers can recognise the signs of child sexual exploitation (CSE) and be aware of how to report concerns. In response to this finding, a review of hackney carriage and private hire driver licence conditions has been undertaken to capture the mandatory requirement for all licensed drivers to undertake safeguarding training.

To achieve this mandatory requirement an effective programme of training has been established and is currently being delivered by Sheffield Futures, an independent charitable organisation forming part of a national working group that has delivered CSE/safeguarding training to drivers licensed with both Sheffield and Doncaster Council – both of which have a been a great success.

The programme of training is well underway with the delivery of presentations to all new driver applicants which will be rolled out to all existing licensed drivers from April 2016; prioritising those who undertake home to school contracts and in doing so, coming into close contact with children and vulnerable adults on a regular basis.

Furthermore, safeguarding training has also been arranged for Licensing Officers and Members responsible for making key decisions on both the General and Statutory Licensing Regulatory Boards. The delivery of such training to all new and existing licensed drivers, Members and Officers alike will provide assurance not only in response to the findings of the internal audit review but to the general public whose safety will remain of paramount importance at all times.

**4. Proposal**

Members approve the introduction of a new dual driver licence condition endorsing the mandatory requirement for all new and existing licensed drivers to undertake safeguarding training.

**5. Background Papers**

No background papers

**6. Officer Contact**

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