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MEETING:	General Licensing Regulatory Board
DATE:	Wednesday, 29 June 2016
TIME:	2.00 pm
VENUE:	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 24th February, 2016

3 Home to School Transport Audit

The Service Director Culture, Housing and Regulation will provide an update of the outcome of a Home to School Transport Audit Operation undertaken in the week commencing 13th June, 2016 and in which the Chair, Councillor C Wraith MBE, took part.

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

Councillors C. Wraith MBE (Chair), J. Carr, Cave, Charlesworth, Cherryholme, Clarke, Dures, M. Dyson, Ennis, Frost, D. Green, S. Green, Daniel Griffin, Hampson, W. Johnson, Lamb, Markham, Millner, Richardson, Saunders, Sheard, Shepherd, Sixsmith MBE, Tattersall, Williams and Wilson

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

Tuesday, 21 June 2016

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

MINUTES

Present

Councillors C. Wraith MBE (Chair), Clarke, Frost, D. Green, Hampson, Johnson, Lamb, Millner, Richardson, Shepherd, Tattersall, Wilson and Worton

17 Declaration of Interests

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

18 Minutes

The minutes of the meeting held on the 23rd December, 2016 were taken as read and signed by the Chair as a correct record.

Arising out of the discussion of the minutes reference was made to Minute 16 'Taxi Stay Safe Operation' and in response to questioning, the Service Director Culture, Housing and Regulation informed Members that this operation would continue year round subject to the resources being available to deliver the programme.

19 Terms of Reference of General and Statutory Licensing Regulatory Boards - Update

The Service Director Culture, Housing and Regulation and Director of Legal and Governance submitted a joint report recommending the 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.

The review of the Terms of Reference had been initiated following an Internal Audit of the Licensing Service as part of a wider review of the Service following the corporate inspection of Rotherham Metropolitan Borough Council and the publication of the Casey Report into Child Sexual Exploitation on 4th February, 2015.

The Internal Audit had identified a control adequacy issue relating to the Terms of Reference as they did not include reference to the role of Members with regard to safeguarding and consequently, it was felt that Members may not be fully aware of their safeguarding responsibilities. Internal Audit had recommended that a review of the Terms of Reference should be undertaken to ensure that these roles and responsibilities was explicit.

A review had, therefore, been undertaken within the context of the findings of the Internal Audit Review, the Casey Report and the Safeguarding Framework. The opportunity had also been taken to amend the Terms of Reference of both the

General and Statutory Licensing Regulatory Boards and to make minor drafting amendments to ensure they remained fit for purpose.

In the ensuing discussion, the following matters were raised:

- It was acknowledged that the Terms of Reference were about functions and powers and not about how those functions were applied.
- It was also noted that one of the issues arising from the Internal Audit review related to the absence of an effective programme of safeguarding training in order to ensure that service users, Members and Officers could recognise the signs of Child Sexual Exploitation and be aware of how to report the concerns. These matters had also been identified within the Safeguarding Framework report submitted to Council on the 26th November, 2015 and all had been addressed or were in the process of being addressed.
- Specific reference was made to the checks and balances in place to deal with foreign nationals who were not in a position to be able to produce a certificate of good repute from their country of origin. It was noted that if there were any doubts about the character of an applicant, that application would not be granted.
- Arising out of the above, the Senior Licensing Officer reported that the Immigration Service had undertaken an inspection of the Service last week. Whilst the final report was still awaited, it was understood that the Inspectors had been impressed with the lengths that the Service went to ensure that prior to the grant of licences, all applicants and drivers were granted leave to work in the UK and were (and remained) fit and proper persons to hold such licences. A further more detailed report on the outcome of this inspection would be submitted to the next meeting of the Board
- It was felt that, as far as was reasonably practicable, appropriate and robust processes and procedures were in place to ensure that issues of Safeguarding and CSE were picked up
- Reference was made to paragraph 1(c) of the Terms of Reference and in response the Principal Licensing Officer stated that a report on all licences issued, renewed or refused would be submitted to a future meeting.

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 now submitted.

20 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

The Service Director Culture, Housing and Regulation submitted 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.

The report, in outlining the current position indicated that

- there had been a formalisation of the liaison arrangements with the South Yorkshire Police and Safeguarding Children's Services which was very much welcomed as these arrangements had now been strengthened with action meetings organised to discuss issues relating to safeguarding.
- a review of Licensing Conditions had been undertaken and it was proposed (minutes 21 refers) to introduce a mandatory requirement that drivers undertake safeguarding training
- the Guideline Policy on Criminal Convictions was being reviewed to ensure that this supported the strengthening stance taken in dealing with cases and particularly in relation to safeguarding

Other key actions (which included, where appropriate, reference to the recommendations of the Casey Report and Internal Audit Action Plans) included:

- the submission of regular 'Casey report' updates to meetings of the Board
- the establishment of secure email accounts for the exchange of sensitive information relating to Child Sexual Exploitation
- Quarterly 'provider' meetings between Licensing, Safeguarding Children's Services, the Police and other Partners. It was noted that the first meeting had been held on the 1st February, 2016 and had been really successful
- The formulation of an information sharing protocol between the Council and the Police to ensure the timely exchange of sensitive data
- A programme of Elected Member Training – it was noted that the first Safeguarding Training was to be provided by Sheffield Futures at 1.30 am on Thursday 25th February, 2016
- A programme of Safeguarding Training for all new driver applications was to be delivered. It was also noted that this programme would be rolled out to existing drivers in due course.
- The introduction of a checklist for the approval/authorisation of all taxi licence applications from December, 2015
- The continual liaison with the Police with regard to the planning of proactive enforcement operations
- The development of procedures in relation to the undertaking of taxi and premises licence inspections from November, 2015.

It was also reported that an encompassing Taxi Licensing Policy incorporating full revised application criteria and convictions policy was to be produced and this would be available from September, 2016. In addition, the Service Director was to attend the monthly CSE meetings.

In the ensuing discussion, reference was made to the following:

- Historic cases where driver licences had been revoked or refused because of safeguarding concerns. The way in which such matters were dealt with was outlined. It was noted that when licences were revoked, drivers could always make appeals to either the Board or to the Magistrates court. In addition, a driver/applicant had the right to challenge the Regulatory Board Panel decision within the Courts subject to the appeal being lodged within the prescribed 21 day period
- In response to detailed questioning, the Board was informed of the process undertaken with regard to immediate revocations

- Questions were raised as to any legal remedy available to drivers whose licences were revoked following the receipt of complaints which subsequently turned out to be vexatious. The Director of Legal and Governance stated that the Authority should be safe from any subsequent action provided decisions were made in good faith and with a reasonable expectation that the information provided was correct
- The Service Director briefly commented upon a 'Facebook' taxi operation undertaken recently. A detailed report would be submitted to the next meeting
- Taxi drivers were more amenable to the installation of CCTV cameras within their vehicles as this not only provided protection for the driver but for the passenger as well. This matter had been discussed within the Trade Liaison Group and such initiatives were very much welcomed by Members of the Board. Whilst this could be made a mandatory condition, the costs of purchase and installation would have to be borne by the driver
- In response to specific concerns the Senior Licensing Officer stated that any Member with concerns about driver standards should report that driver to the Licensing Service. All complaints would be investigated and appropriate action taken. In relation to speeding, for example, if a driver received three written warnings within a 12 month period, they would be required to attend a meeting of the General Licensing Regulatory Board Panel to explain their behaviour.

RESOLVED that the update report be received and the action being taken be endorsed.

21 Revision of Dual Driver Licence Conditions

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

The Service had a number of robust policies and procedures to ensure that those licenced to drive vehicles were, and remained, 'fit and proper' persons to hold such a licence. This ensured the continuing safety of the passengers and members of the public. The Review, however, highlighted the absence of a programme of safeguarding training in order to ensure that licence holders, Members and Officers could recognise the signs of child sexual exploitation and be aware of how to report concerns.

In order to address these concerns, an effective programme of training had been established and was currently being delivered by Sheffield Futures, an independent charitable organisation forming part of a national working group that delivered CSE/Safeguarding training to drivers licenced with both Sheffield and Doncaster Councils. The programme was well underway with the delivery of presentations to all new driver applicants and would be rolled out to all existing drivers from April with a priority being given to those who undertook Home to School contracts or who came into regular contact with the young or vulnerable adults on a regular basis.

It was proposed, therefore, that safeguarding training be introduced and made a mandatory requirement of licence conditions.

In the ensuing discussion reference was made to the following:

- The action which could be taken if drivers refused to undertake safeguarding training. It was noted, however, that the Trade had welcomed the introduction of such training
- There was a discussion of the ways in which refresher training could be provided in the future. This matter would be investigated further
- In response to specific questioning, it was reported that the Interim Director Adult Social Care and Health was responsible for, and was ensuring appropriate training for those involved with Community Transport/Dial-a-Ride etc.
- It was noted that training would be provided for or be made available for drivers, escorts and chaperones of any transport service provided by or commissioned by the Council

RESOLVED:-

- (i) That the report be noted; and
- (ii) That Driver Licence Conditions be amended to include a mandatory requirement that all drivers undertake safeguarding training.

Chair

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