Licensing & Safeguarding in Barnsley

1.0 Introduction

1.1 This report provides an overview of work specifically in relation to Licensing and Safeguarding in Barnsley. The report provides a summary of the key work taking place at both a strategic and operational level and concludes by highlighting some of the future plans.

2.0 Background

2.1 According to the Local Government Act 2000, Councils are required to undertake quasi-judicial Regulatory functions. In relation to licensing, Barnsley Metropolitan Borough Council (BMBC) is required to have a General Licensing Regulatory Board (GLRB) which considers licensing matters and licensing registrations in relation to:

- Hackney Carriages/Private Hire
- Gaming Licences
- Constitution Overview
- Betting Track Licences
- Sex Establishments
- Waste Licences
- Dangerous Wild Animals Licences
- Nurses Agencies Licences
- House to House Collections

2.2 The Board's membership is politically proportionate to the political composition of the Council as a whole, as required by the Local Government and Housing Act 1989, but also includes at least one elected member from each ward. This Board excludes matters that relate to the licensing of entertainment premises under the Licensing Act 2003, which by law must be dealt with by a separate Licensing Committee. At BMBC, these matters are considered by the Statutory Licensing Regulatory Board (SLRB), Members of which are taken from the GLRB.

2.3 Following the publication of the Jay report regarding Child Sexual Exploitation (CSE) in Rotherham, Councils were asked to consider whether they had adequate measures in place to ensure the same failings would not occur. Barnsley Metropolitan Borough Council (BMBC) has undertaken this work, including a recent internal audit review, focusing on both taxi and premise licensing. This work was undertaken to consider and ensure adequate measures are in place to safeguard our communities, particularly vulnerable children and adults.
2.4 Both the Jay and subsequent Casey reports acknowledge that Safeguarding is everyone’s responsibility and different services and agencies have the opportunity to impact upon the protection of vulnerable people in our communities.

2.5 The Casey report also specifically acknowledges that:

‘Licensing, regulation and enforcement functions exist to protect the general public from harm across areas ranging from food safety to houses in multiple occupation, to licensed premises for entertainment. Safety is one of the principles of licensing which informs legislation. The safety of the public should be the uppermost concern of any licensing and enforcement regime: when determining policy, setting standards and deciding how they will be enforced’.

3.0 Barnsley Context

3.1 Prior to the publication of the Jay and Casey reports, work was undertaken by BMBC with regards to licensing and safeguarding. For example, BMBC’s Licensing Service has a number of policies and procedures in place to ensure those licensed to drive vehicles are ‘fit and proper’ and in doing so ensure the safety of passengers and members of the public alike. These include:

- Council’s Guideline Policy in relation to Criminal Convictions
- Dual Driver Licence Application Pack
- Dual Driver Licence Conditions

3.2 BMBC’s Head of Regulatory Services is also a member of the Barnsley Safeguarding Children Board (BSCB) CSE Strategic and Operational Sub-group which enables the sharing of intelligence and consideration of licensing activities with regards to the safeguarding of vulnerable people in our communities.

3.3 The publication of the recent reports however has provided an opportunity for the Licensing Team to look at its internal practices and identify where further improvements can be made. Examples of specific issues considered include:

- Reviewing and ensuring appropriate policies and procedures are in place in relation to licensing
- Reviewing and ensuring appropriate systems are in place to share intelligence with other local agencies
- Reviewing and ensuring the appropriate collection of and action taken in relation to complaints, investigations and inspections
- Ensuring appropriate training is in place for officers and Elected Members

3.4 In addition to the above considerations, a specific Internal Audit Review was undertaken regarding Taxi and Premises Licensing which resulted in a number of recommendations and actions being put in place by the Licensing Service and other agencies.
3.5 As a result of findings, the service were reassured that there was evidence of good practice being undertaken including appropriate policies and procedures in place as well as links with other agencies. In response to the findings and to ensure further improvement, the Licensing Service has also undertaken the following key actions:

- Ensured regular submission of Casey Report update papers to the GLRB
- A GSX (Global Service Exchange) account has been established for the secure exchange of sensitive data between agencies
- Private Children’s Homes Provider meetings are regularly attended by the Licensing Service, Safeguarding Children’s Services, South Yorkshire Police (SYP) and other partner organisations
- Formalisation of a BMBC and SYP information sharing protocol ensuring the timely exchange of sensitive data including action meetings to discuss safeguarding issues
- Continual liaison with SYP regarding the planning of proactive enforcement operations
- GLRB and SLRB Terms of Reference reviewed to ensure Elected Members’ role and responsibilities in relation to safeguarding is explicit
- Taxi and premise licence checklist procedure in place for the approval/authorisation of taxi and premises licences
- Development of procedures in relation to the undertaking of taxi and premise licence inspections

3.6 In addition to the above actions taken, in relation to hackney carriage and private hire driver licences, the Licensing Service is due to undertake a complete review of the Council’s Guideline Policy regarding Criminal Convictions and application process by October 2016, to build upon and strengthen how the Council deals with drivers/applicants who have been convicted or investigated for sexual offences. The revision of such policies and procedures will, in turn, strengthen the stance taken in dealing with cases relating to safeguarding.

4.0 Training

4.1 In addition to the actions listed above, specific work has been undertaken to ensure that appropriate training is in place. This has included ensuring delivery of training to Elected Members in relation to the duties and functions contained within the GLRB and SLRB including safeguarding. All eight hotels/bed and breakfasts in the Borough have received safeguarding training. Additionally, 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.

4.2 As part of a national working group delivering safeguarding training across the country, Sheffield Futures are delivering safeguarding training to both new and existing licensed drivers, Licensing Officers and Elected Members. Timescales at BMBC have been set to ensure the achievement of key actions in accordance with recommendations arising from the previously mentioned internal audit review. The Sheffield Futures training covers the following key areas:
• Understanding the need to protect vulnerable adults, young people and children
• Identifying possible victims of abuse and exploitation by understanding indicators of risk
• Identifying sources of advice and pathways for reporting concerns
• Understanding their roles and responsibilities in relation to personal safety and security

4.3 Further training will be extended across a number of other licensing activities including late night refreshment establishments and the hospitality sector and will be delivered as part of the ‘Operation Make Safe’ campaign led by South Yorkshire Police. Work is also taking place to scope how all BMBC employees can be given greater awareness of safeguarding issues.

5.0 Future Plans

5.1 The Licensing Service plans to undertake continual review of taxi licence policies and procedures in consultation with the licensed trade. They will also continue to build upon working relationships with neighbouring local authorities; sharing best practice along with regular attendance at appropriate safeguarding meetings.

5.2 Safeguarding training will also continue to be delivered to new and existing drivers (prioritising those who undertake home to school contracts), as well as Elected Members and Licensing Officers. Plans are also in place to deliver this training in particular to late night takeaways and fast food chains as well as other licensed establishments. It is important that consistent messages are delivered across the board and in doing so, equip licence holders and their staff with the knowledge and confidence to identify where potential safeguarding issues may arise and more importantly, where to report such concerns.

6.0 Invited Witnesses

6.1 At today’s meeting, the following representatives have been invited to answer questions from the Safeguarding Scrutiny Committee (SSC) regarding work undertaken in relation to licensing and safeguarding:

• Simon Frow, Head of Regulatory Services, BMBC
• Kate Liddall, Senior Licensing Officer, BMBC
• Phillip Spurr, Service Director of Culture, Housing & Regulation, BMBC
• Mel John-Ross, Service Director of Children’s Social Care & Safeguarding, BMBC
• Garry Kirk, Service Director of Legal Services, BMBC
• Melanie Palin, Detective Chief Inspector, SYP
• Kerry Tate, Team Leader, CSE Hub & Spoke Service, Sheffield Futures
• Julie Hague, Sheffield Safeguarding Children Board
• Cllr Roy Miller, Cabinet Spokesperson – Place, BMBC

7.0 Possible Areas for Investigation

7.1 Members may wish to ask questions around the following areas:
• How will you ensure licensing policies and procedures are effective in safeguarding children and adults?

• How effective is the integrated working and sharing of intelligence between different teams and agencies? Are all key stakeholders on board?

• What is being done to ensure taxi drivers from outside Barnsley receive training and are aware of appropriate safeguarding procedures?

• What is being done to ensure services utilise best practice regarding licensing and safeguarding from other areas?

• What enforcement operations are undertaken to ensure compliance with licences such as the taxi trade and premises?

• How do you ensure complaints are appropriately recorded and responded to regarding licensed drivers and premises?

• What are the key areas for development and how will these be achieved?

• What actions could be taken by Members to assist in this work?

8.0 Background Papers and Useful Links


9.0 Glossary

BMBC - Barnsley Metropolitan Borough Council
BSCB - Barnsley Safeguarding Children Board
CSE – Child Sexual Exploitation
GLRB - General Licensing Regulatory Board
SLRB - Statutory Licensing Regulatory Board
SSC - Safeguarding Scrutiny Committee
SYP - South Yorkshire Police

10.0 Officer Contact

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