

## Restoration of Licensing Function from May 2016

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### The case supporting its return

Current responsible Commissioner: *Commissioner Ney*  
Chair of Licensing Board: *Cllr Sue Ellis*  
Lead Officer: *Karen Hanson, Assistant Director  
Community Safety and Street Scene*

As part of the government's intervention, the powers of the Council in relation to licensing functions have been undertaken by Commissioners since March 2015. This includes all decisions previously taken by the Licensing Board and in the case of policy decisions, by full Council. The licensing functions cover taxi licensing, entertainment and alcohol licensing and house to house collection permits.

Whilst all decisions since March 2015 have been made by the Commissioner, the members of the Licensing Board have sat alongside the Commissioner in an advisory capacity as part of the process. Also, whilst the new policy was decided by the Commissioner, it was set in conjunction with the Licensing Board and debated at full Council. Elected members have therefore been fully sighted and involved in an advisory capacity in the full range of decision making issues over the past 15 months.

The Casey Report identified a range of failures and weaknesses within the Council's licensing function: in member level decision-making; in dealing with poor behaviour and past criminality of drivers; and a general loss of confidence in the Council's ability to promote public safety and in the taxi trade itself. The Jay Report commented on the nature of links between Child Sexual Exploitation and the taxi trade in Rotherham.

Therefore the key tasks of intervention were fourfold:

1. to put in place a new policy with the aim of: raising standards; restoring public confidence; and ensuring public safety;
2. to implement that policy including an audit of all drivers against the new standards of 'fit and proper';
3. to ensure the Council's licensing and enforcement functions were fit for purpose, and;
4. to put in place robust arrangements for decision making and to model good practice for advisory members of the Licensing Board.

All actions are well advanced and many are complete, with any outstanding measures having clear deadlines for later this summer (e.g. taxi cameras).

**Commissioners now propose for consideration by the Secretary of State for Communities and Local Government that the licensing functions of the Council be restored to the Licensing Board and to full Council.** The Commissioners consider that the four tests for the return of functions are met:

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- Commissioners have satisfied themselves that the service is operating at a good enough level with no significant value for money deficits;
- there is good enough officer leadership and that definitions of service quality and plans for further improvement are in place;
- there has been some external scrutiny and independent management from interims and a number of new management appointments in place;
- Councillors are now in a position to exercise full decision making authority over the function. (It is worth noting that Councillors themselves seek the return of those powers.)

This note and the attached evidence pack provide the information to support the Commissioners' recommendation to the Secretary of State under the following four headings:

- Operation of the service
- Hackney Carriage and Taxi Licensing Policy
- Operation of decision making
- Councillor skills and capability.

### 1. Operation of the service

Prior to the arrival of Commissioners and in the wake of the Corporate Governance Inspection led by Louise Casey CB, the Council had already commenced a process of improvement of the service. This has continued and the following improved arrangements are in place.

- Revised organisational structure has been agreed and is now in place. Chart attached at Appendix C. In particular this brings together the licensing policy/administration and licensing enforcement under a single manager. The dysfunctionality of the previous split arrangements was referred to in Louise Casey's report and was evident from Commissioners' direct experience.
- The revised structure has provided the opportunity to recruit new managers to the service who will be in place by spring 2016. In the interim, the Business Regulation Manager has undertaken a hands-on role in relation to licensing for the past year working closely with the Commissioner. This will ensure strong continuity and focus on the improvement agenda and good day to day management and leadership of the licensing team. This will include addressing the need for an improved culture within the team, customer focus and greater respect for the trade. In addition a new Assistant Director and a new Director with overall responsibility for the service are now in post. This combination of existing and new managers should provide a strong combination of new expertise as well as an important understanding of the past failures to ensure continued delivery of the improvement plan attached at Appendix D.
- The Council is progressing plans to upgrade the IT systems used by licensing and enforcement staff so that they interface and provide more effective recording and sharing of data. This was a contributory factor to previous weaknesses in dealing with complaints and investigations.

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- Significant progress has been made in improving the flow of information between licensing, the Police (SYP and the NCA Stovewood) and with the Council's Children's Services on issues of safeguarding including CSE. The Business Regulation Manager is the single point of contact, is a member of the information exchange forum set up to deal with safeguarding (the MARP), and attends the weekly CSE briefings. Appendix E (i and ii) highlights two examples of this proactive approach in dealing with cases of concern, marking a positive shift from past experience.
- A pattern of more regular meetings and channels of communication with the taxi trade Associations has been established which over time should lead to better relationships, sharing of concerns and tackling of issues.
- The new organisational arrangements council wide will also facilitate the involvement of licensing in corporate council wide action to deal with safeguarding concerns, hot spots and enforcement activity many of which may be led by the Assistant Director with responsibility for this service.

Prior to the arrival of Commissioners, the Council had appointed Weightmans, an independent law firm, to undertake a scrutiny of licensing staff failings which had been identified in the Casey Report. They have not yet concluded their work and the final report is not expected for some weeks. All staff have been interviewed as part of this process but the outcome is not expected to impact on the tests for return of decision-making for the licensing function.

## 2. Hackney Carriage and Taxi Licensing Policy

Following widespread consultation a new policy is now in place together with an implementation scheme. The full policy, supporting documents and implementation scheme are available at:

[http://www.rotherham.gov.uk/downloads/download/219/taxi\\_licensing](http://www.rotherham.gov.uk/downloads/download/219/taxi_licensing). In summary the key improvements and measures to address issues of public safety which this puts in place include:

- Higher standards of driver 'fit and proper person test', including: consideration of criminal and driving records; other non-conviction information from the Police and other agencies; complaints about driver performance and behaviour; pattern of offending behaviour and regard for the law; and driver honesty . An audit of all existing drivers (approximately 1200) is now complete and identified 6% of drivers who may fail to meet the new test of fit and proper person due to their convictions history and wider record. All of this group have had the opportunity of a hearing with the Commissioner sitting with advisory licensing members and as a result around 60% no longer hold a licence. Attached Appendix F is a record of all case hearings which include the audit of taxi drivers.
- Requirements to hold BTEC qualification in and compulsory attendance at safeguarding children and vulnerable adults training which includes awareness of CSE. Nearly 1000 drivers (out of 1200) have now attended the safeguarding sessions.

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- Compulsory installation of taxi cameras with video facility operational at all times when being used as a taxi, and audio facility to be used when carrying unaccompanied children or at the instigation of the passenger or the driver in the event of concerns (the date of which varies depending on the date of the renewal).
- Age requirements in relation to vehicles to ensure safety and quality.
- Requirements on top of the DBS check to enrol with the DBS online service to provide the Council with continuous access to criminal record changes.

### **3. Operation of Decision-making**

A number of changes have been made by the Commissioner in the way in which formal decision making is undertaken as follows:

- Urgent revocation decisions delegated to officers must be subject to consultation with the Commissioner/ Advisory Chair.
- The format for reports for case hearings has been reviewed and now includes all previous known information (whether or not previously considered); clear officer recommendations; explanations of issues of departure from the licensing policy. In addition revised arrangements are being put in place with social care services on the referral of complaints/information by social workers.
- Licence holders are formally asked to submit a written statement in response to the officer report.
- The case hearings are recorded and a transcript produced if the matter moves to the magistrates' court.
- A full statement of the reasons for the decision including the information provided by the driver and the views and concerns of the decision maker is produced.
- The Commissioner/Advisory Chair lead the questioning on a systematic basis and question the driver in relation to all convictions, motoring offences or other information.
- The submission of evidence to the Magistrates' Court includes a statement from the Commissioner concerning the new policy and the Rotherham context.

### **4. Councillor Skills and Ability**

The Commissioner has adopted a method of working which has involved the Advisory Chair and the members of the Licensing Board in the entire process of developing the new taxi licensing policy, its implementation and in all case hearings. This has provided the opportunity to model good ways of working and decision making across the full range of licensing activity. It should be noted that the volume of hearings is around four times the normal level and therefore members have had a

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far wider range of experiences over the past 15 months than would normally be the case.

In particular, the following review of involvement demonstrates the range of activities undertaken by members:

- All members of the Licensing Board received 2 days training in September 2015 on the legislation, their role and decision making. A further round of training is scheduled for the new Licensing Board when appointed in May 2016.
- The Advisory Chair of the Licensing Board has participated in meetings with the trade to consult on the taxi licensing policy and its implementation; she has been involved in responding to media enquiries, she has sat with the Commissioner on all case hearings concerning drivers, operators, public house licence reviews and variations and house to house permits, and has led on questioning at the most recent hearings. The attached schedule at Appendix G shows the full range and number of these meetings.
- All members of the Licensing Board have been able to sit on a number of case hearings and gain experience. This has included the audit of drivers against the higher standard. See attached schedule at Appendix G. In addition the Commissioner has produced an overview analysis of decisions and held a meeting with the members of the board to discuss this and to ensure consistency and confidence in decision making.
- The Licensing Board was enabled to give oversight to the development of the new policy, the arrangements for implementation and to monitor progress at meetings convened specifically for that purpose. All members of the Council were able to debate the new policy at a meeting of full Council in July 2015.

In addition the Licensing Board which will be appointed by full Council on 20<sup>th</sup> May 2016, will continue to be chaired by the previous Advisory Chair, and following the elections on 5<sup>th</sup> May, 15 of the 21 councillors have been re-elected who were members of the previous board. It is expected therefore that the make-up of the new Licensing Board will have sufficient experience, and new members will be appropriately trained to take up their roles.

### Conclusion

Commissioners consider that the criteria for restoration to the Council of decision making in relation to the licensing function are met. Commissioners are confident that the service and its management are fit for purpose and that members have the skills and capability to take on the decision making role. However, I propose that the Commissioner maintains an overview of decisions and sits in an advisory capacity with members, in the few cases which were deferred from the Commissioners previous hearing, on a sample basis and at the request of the Chair.

Mary Ney  
Commissioner

## Restoration of licensing function from May 2016

### Summary of evidence to support the return of the licensing function

Ref	Criteria	Evidence	Further information
<b>Licensing</b>			
1.	<b>Commissioners are satisfied are operating well, with no significant value for money deficit</b>	<p>The Licensing service has accurate budget monitoring arrangements in place.</p> <p>Strengthened relationships and the sharing of information with Children and Young People’s services and the police and worked effectively on joint investigations e.g. Stovewood.</p> <p>There has been more regular dialogue with the taxi trade Associations to improve relationships.</p> <p>The Council consulted on the initial Private Hire and Hackney Carriage Licensing Policy in Autumn of 2014. Subsequently Commissioners produced a strengthened policy which was the subject of further consultation and this was agreed in July 2015. The policy includes higher standards of the ‘fit and proper person’ test of drivers.</p> <p>Progress made since the Private Hire and Hackney Carriage Licensing Policy was agreed includes:</p> <ul style="list-style-type: none"> <li>• Audit of all existing drivers (approximately 1200) is now complete - 6% of drivers may fail to meet the new requirements and as a result around 60% no longer hold their licence;</li> <li>• Nearly 1000 drivers have completed the mandatory safeguarding children and vulnerable adults sessions;</li> <li>• Mandatory BTEC requirement for drivers;</li> <li>• Installation of taxi cameras and audio facility – 50 vehicles have had cameras fitted with the remainder due to have them installed in time for the appropriate deadline (the date of which varies depending on</li> </ul>	<p>Appendix E (i and ii) highlights two examples of effective working.</p> <p>The full policy, supporting documents and implementation scheme are available at: <a href="http://www.rotherham.gov.uk/downloads/download/219/taxi_licensing">http://www.rotherham.gov.uk/downloads/download/219/taxi_licensing</a></p> <p>See record of licensing decisions at Appendix F.</p> <p>Taxi cameras are required in all Hackney carriage/private hire vehicles licensed for</p>

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Ref	Criteria	Evidence	Further information
		<p>the date of the renewal);</p> <ul style="list-style-type: none"> <li>• Age restrictions on vehicles;</li> <li>• Subscription to Disclosure and Barring Service (DBS) online service – 369 drivers subscribed. The Council will work with license holders and the DBS to ensure that remaining drivers will subscribe to the service prior to the end of September 2016;</li> <li>• Outcomes of court appeals against the new policy to be included once known.</li> </ul> <p>A number of changes have been implemented to improve the way in which formal decisions are made; urgent revocation are now subject of consultation with the Commissioner/Advisory Chair; report format has been improved and now supports members to make informed decisions on cases; revised arrangements are being put in place for referrals and complaints from social workers; written statements required from drivers; case hearings recorded and a transcript produced; statement of reasons for decisions produced; Commissioner/Advisory Chair lead the questioning on a systematic basis and evidence submitted to the Magistrates Court includes a statement from the Commissioner.</p> <p>Work taking place to progress plans to upgrade the IT systems used by licensing and enforcement staff. The new IT system will support staff to work together as one team and share intelligence.</p>	<p>the first time i.e. all newly licensed vehicles. The implementation plan requires that taxi cameras will be required to be installed in all licensed vehicles in the next few months (subject to specific exemptions).</p> <p>As part of the taxi driver licence renewal process all licensed drivers are now required to register with the DBS online update system, a system which council officers are able to access. Licences are not being renewed unless officers have been able to confirm that the DBS online registration process has been completed. The number of drivers subscribing to the service will increase as licences are renewed.</p> <div style="border: 1px solid gray; padding: 5px; margin-top: 10px;"> <p>A DIRECTOR at the first Rotherham taxi firm to fit CCTV has welcomed the new rules — saying there is nothing to fear if drivers have nothing to hide.</p> <p>The updated and more stringent policy means cameras and audio equipment must be installed in all cabs by July 6.</p> <p>A number of drivers have filed appeals with the magistrates’ court, claiming that forcing the equipment on them is unfair.</p> <p>But Richard Thom, director of Wickersley-based Merit Taxis, said: “There’s no reason why you would want to turn it off, unless you’ve got something to hide.”</p> </div> <p><i>Source - Rotherham Advertiser, 15<sup>th</sup> April 2016</i></p>
	<p><b>Are well-led by officers, have clear definitions of service</b></p>	<p>Commissioners are confident that the agreed changes in the structure and its management of the service are on track onto deliver.</p>	

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Ref	Criteria	Evidence	Further information
	<p><b>quality and plans for further improvements are in place</b></p>	<p>Following the Corporate Governance Inspection the Council started a process of improvement of the service to address past failings. An improvement plan was produced and continues to be maintained.</p> <p>A new structure is in place which brings the together licensing policy/administration and enforcement under one single manager. The new structure has created opportunities to appoint new managers and to ensure continuity as well as the stimulus of new people who will focus on the improvement agenda and good day-to-day management and leadership of the licensing team.</p> <p>New Strategic Director for Regeneration and Environment Services and new Assistant Director of Community Safety and Street Scene have commenced with overall responsibility for the licensing function.</p> <p>The behaviours of the licensing team have improved, staff now understand their positions and are robust in dealing with the taxi licensing trade.</p> <p>The first phase of the Corporate Improvement Plan included actions relating to the development of a new policy and a phased review of licenses which have now been completed.</p> <p>The second phase of the Corporate Improvement Plan is currently under development to ensure continuous improvement and this will be driven by the by this new Senior Leadership Team, in partnership with Commissioners and Elected Members. The plan will be delivered in parallel with a finalised new Corporate Plan for the Council in 2016/17.</p> <p>The new Corporate Plan includes a priority to ensure a robust, effective and efficient licensing service is in place and a performance indicator has been devised to monitor the percentage relating of drivers with offences. Quarterly performance reports against the plan will be presented to the Strategic Leadership Team, Cabinet and Scrutiny. Service/Business</p>	<p>A copy of the improvement plan is attached at Appendix D</p> <p>See proposed Business Regulation Structure at Appendix C.</p> <p>Both the first and second phase improvement plans are focussed around four themes inspirational political and managerial leadership; robust governance, decision-making and performance management; culture of excellence and outstanding implementation; strong, high impact partnerships.</p>

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Ref	Criteria	Evidence	Further information
		<p>Plans are also under development.</p> <p>To ensure effective performance management additional indicators and performance measures are also monitored, focused around five outcomes:</p> <ul style="list-style-type: none"> <li>• All licence holders are “fit and proper” to hold licences;</li> <li>• Decision makers make high quality judgements that protect the public from risk of harm;</li> <li>• The licensing service make maximum use of their statutory powers (where appropriate) to disrupt criminal activity;</li> <li>• The licensing team consistently provides high quality processing of licensing applications;</li> <li>• The Council’s Private Hire and Hackney Carriage Licensing Policy is being effectively implemented.</li> </ul> <p>The new Assistant Director for Community Safety and Street Scene has been working with the Directors of Adult Care and Housing and Children and Young People’s Services regarding a protocol which endorses and encourages joint working and information sharing between the two Safeguarding Boards and the Safer Rotherham Partnership (SRP). The SRP has recently developed a multi-agency Information Sharing Protocol which is to be approved in June. Finally, a working protocol and template is being developed to enable social workers and other officers to provide professional witness statements which can be used by licensing as evidence in court when required.</p>	
	<p><b>Have been quality assured by an independent party, such as a Local Government Association Peer Review or experienced interim</b></p>	<p>Commissioner Ney has been actively involved in improving the licensing function and the narrative above demonstrates that effective progress has been made.</p> <p>Prior to the arrival of Commissioners, the Council had appointed Weightmans, an independent law firm, to undertake a scrutiny of past licensing staff failings which had been identified in the Casey Report. This work is not yet concluded and the final report is not expected for some</p>	

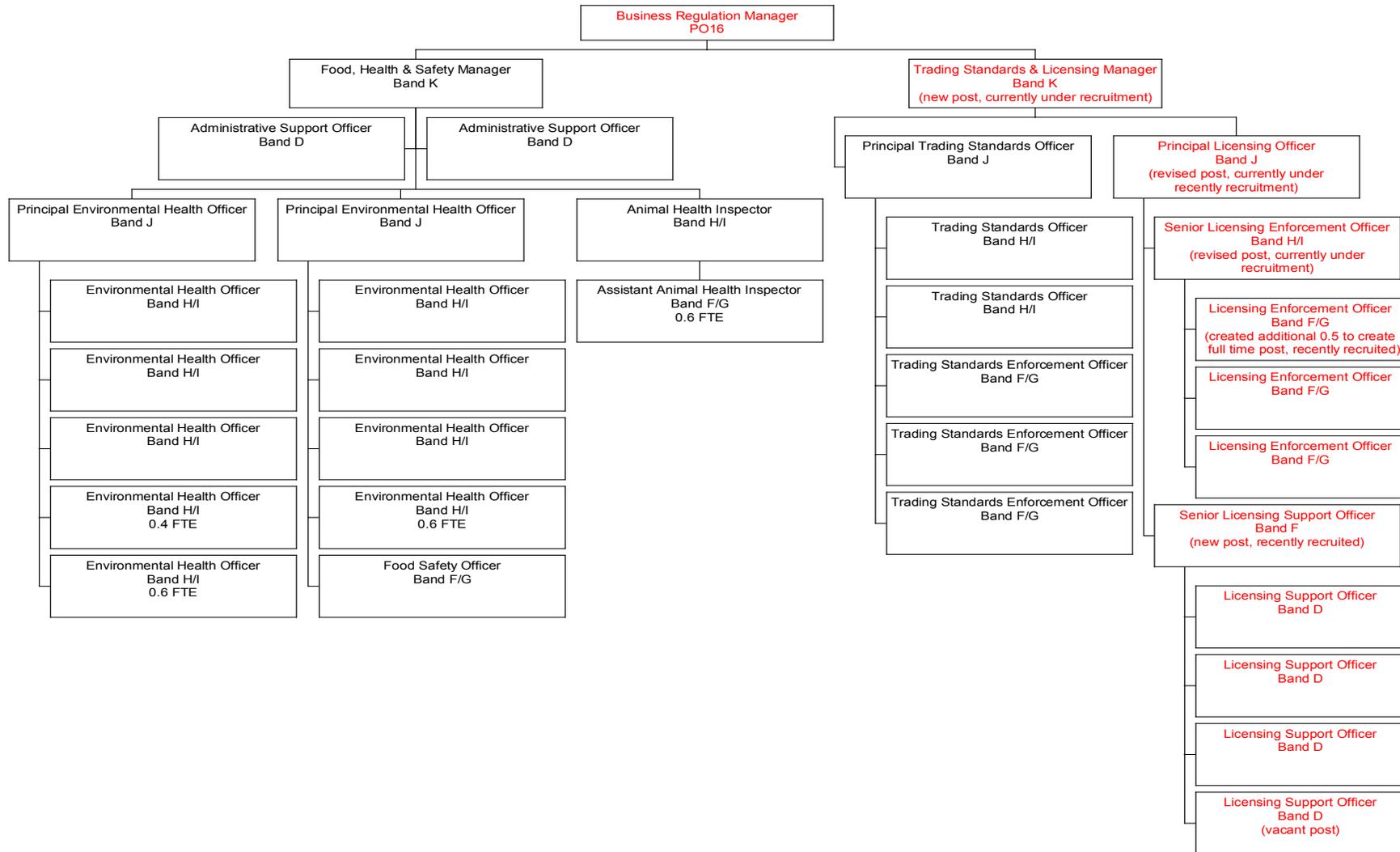
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	<b>Chief Officers appointed from outside the authority</b>	weeks. All staff have been interviewed as part of this process but the outcome is not expected to impact on the tests for return of decision-making for the licensing function.	
	<b>Individual councillors are in a position to exercise executive authority over these functions</b>	<p>The Advisory Chair of the Licensing Board is Councillor Ellis who is currently taking part in a support programme provided by the Local Government Association (LGA) and peers are required to report to Commissioners on progress.</p> <p>The Advisory Chair and members of the Licensing Board were involved in the development of the new taxi licensing policy, its implementation and all case hearings.</p> <p>All members of the Licensing Board received two days training on the legislation, their role and decision making.</p> <p>The Advisory Chair of Licensing has participated in meetings with the trade to consult on the taxi licensing policy and its implementation; she has been involved in responding to media enquiries, sat in on all case hearings concerning drivers, operators, public house licence reviews and variations and house to house permits.</p> <p>The Licensing Board have sat in on all of case hearings and have an oversight to the development of the new policy, the arrangements for implementation and to monitor progress.</p> <p>The Commissioner has produced an overview analysis of decisions and held a meeting with the members of the board to discuss this and to ensure consistency and confidence in decision making.</p> <p>The Commissioner will maintain an overview of decisions and sit in an advisory capacity with members on a sample basis.</p> <p>The Licensing Board which will be appointed by full Council on 20<sup>th</sup> May 2016, will continue to be chaired by the previous Advisory Chair, and</p>	<p>The volume of hearings has been around four times normal level providing giving members a range of experience</p> <p>A further round of training is scheduled for the new Licensing Board when appointed in May 2016</p> <p>See summary of license cases heard at Appendix G and record of licensing decisions at Appendix F.</p>

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		following the elections on 5 <sup>th</sup> May, 15 of the 21 Councillors have been re-elected who were members of the previous board. It is expected that the make-up of the new Licensing Board will have sufficient experience, and new members will be appropriately trained to take up their roles.	

## Business Regulation Structure Proposal – October 2015



**All posts are 1.0 FTE unless stated otherwise**

Action complete
Action incomplete but on target
Action incomplete and off target

**Licensing Improvement Plan**

	Issues	Action	Expected outcome	Who	When	Progress/comments
<b>1</b>	<b>Policy</b>					
1.1	Review and improve all relevant taxi Licensing policies and consolidate into one Hackney Carriage and Private Hire comprehensive policy	Includes : <ul style="list-style-type: none"> <li>• Application process including assessment of Fit and Proper Person test / training requirements/ and consideration of past convictions</li> <li>• Hackney Carriage Byelaws</li> <li>• Private Hire Vehicle Licensing Conditions</li> <li>• Private Hire driver conditions</li> <li>• Private Hire Operator conditions</li> <li>• Guidance relating to convictions</li> <li>• Vehicle Standards Manual</li> <li>• Applications procedures inc medical</li> </ul>	<ol style="list-style-type: none"> <li>1. One of the most stringent approaches to 'Fit and Proper Person' test in the country.</li> <li>2. Improve driver Standards</li> <li>3. Safer taxis: Increase as far as possible the threshold relating to serious previous convictions as part of the driver application or renewal process.</li> <li>4. Significantly improve the quality of vehicles used.</li> <li>5. Ensure our policies are transparent, straightforward and easy to apply.</li> <li>6. Limousines which</li> </ol>	Business Regulation Manager	July 2015	Complete

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	Issues	Action	Expected outcome	Who	When	Progress/comments
		<ul style="list-style-type: none"> <li>Hackney carriage ranks</li> <li>Special Occasion/ Vehicle (limousines) Conditions</li> </ul> <p>To be benchmarked with other licensing authorities and all new processes to be checked for statutory compliance.</p>	are subject to local monitoring			
1.2	General Enforcement Policy	Revise in light of introduction statutory guidance dated April 14		Safer Neighbourhoods Manager	June 2015	Complete
1.3	Policy for persistent minor standards infringement.	Penalty points totting up system for vehicle standards	A systematic approach to minor infringements. Improved vehicle standards. Improved compliance with licensing conditions	Business Regulation Manager	July 2016	Report drafted – to be presented to Commissioner Ney at next available hearing.
1.4	Review progress and the workings of the Hackney Carriage and Private Hire Policy	Review the Hackney Carriage and Private Hire Policy 1 year after implementation	Ensure policy effectively and efficiently meets the stated objectives	Business Regulation Manager	To commence in July 2016	Work starting in July 2016
<b>2</b>	<b>Procedures</b>					
2.1	License administration procedures	Review all licensing procedures – revise and reissue where appropriate	Efficient, effective processes which are clear, understood and do not have	Business Regulation Manager	May 2016	All processes previously reviewed and amended as appropriate following

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	Issues	Action	Expected outcome	Who	When	Progress/comments
			weaknesses			introduction of revised licensing policy (review completed August 2016).  Further work is required to ensure that the systems remain effective and efficient – to be undertaken with involvement of internal audit and performance team (to be led by Principal Licensing Officer once appointed).
2.2	Safer Neighbourhoods Enforcement protocol	Revise 2011 version	Operationalises the General Enforcement Policy And use of tools and powers	Safer Neighbourhoods Manager	April 2015	Complete
2.3	Taxi Licensing Enforcement Procedure	Develop new procedure	Guidance to staff on operational matters	Safer Neighbourhoods Manager	April 2015	Complete
2.4	Improve Operational Planning	Review and confirm procedures and briefing arrangements for proactive taxi operations	Consistent and operational guidance for staff including onsite testing station attendance	Business Regulation Manager	January 2015	Complete
<b>3.</b>	<b>Practice</b>					
3.1	Authorisation of staff enforcement powers	Review powers in light of new Anti-Social	authorisations are fully up to date	Safer Neighbourhoods	January 2015 and ongoing	Complete

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	Issues	Action	Expected outcome	Who	When	Progress/comments
		Behaviour legislation		Manager		
3.2	Vehicle Inspection and Plying for hire operations	Ensure a schedule of operations confirmed	Improved vehicle and operational standards.	Safer Neighbourhoods Manager	January 2015 and ongoing	Complete
3.3	Ensuring a customers' perspective of the quality of licensed vehicle and driver service	Introduce mystery shopping testing	The encouragement of drivers and operators to look to improve their standards from feedback of customers	Safer Neighbourhoods Manager	March 2015	Complete
3.4	Out of Town Drivers	Condition on operator licences prohibiting use of out of own drivers.	No vehicle operating in Rotherham should have lower standards than our own	Business Regulation Manager	July 2015	Complete
3.5	Recording Practice	Improve standard and ensure sufficient details recorded to allow for effective case management and information management reports to be run	Ability to analyse individual performance, service trends and reduce any potential service risk or case disposal weakness	Safer Neighbourhoods Manager	Dec 2015	Complete
3.6	Single point of entry for establishing case record referred by South Yorkshire Police, Corporate Transport Unit and Safeguarding	Standardised approach ensures all key referral data entered on system	Comprehensive and quality recording of issues and concerns  Ensures no cases are not followed up	Business Regulation Manager	Sept 2014	Complete
4	<b>Decision Making and Governance</b>					

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	Issues	Action	Expected outcome	Who	When	Progress/comments
4.1	Performance scrutiny	Quarterly performance oversight by Licensing Board.	Greater accountability and visibility of enforcement action trends and use of delegated powers	Business Regulation Manager	August 2015	Complete
4.2	Improve information provision to the Licensing Board / Sub Committee	Increase availability of information to full licensing board subcommittee on individual cases.	May change the current procedure of providing members with a summary of investigation to one of a file containing more detail	Safer Neighbourhoods Manager	August 2015 and ongoing	Complete
<b>5</b>	<b>Systems</b>					
5.1	Ensure Civica APP (licensing enforcement software package – also known as Flare) functionality for Licensing Enforcement is effective	Review current data entry and the need for amended coding and reporting Implement outcomes of review	Comprehensive recording of enforcement activity to enable analysis and intelligence mapping  Failsafe process so no complaint is passed on without follow through by Enforcement.	Safer Neighbourhoods Manager	December 2014 review and implementation January 2015	Complete
5.2	Review of LALPAC (Licensing software package)	Ensure all appropriate functionality is used – including remote access to system as appropriate.	Effective recording, data sharing and management information practice.	Business Regulation Manager	August 2016	Review of system undertaken, ICT project commissioned to allow development of IT infrastructure that supports Lalpac – additional server is required along with upgrade work to the

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	Issues	Action	Expected outcome	Who	When	Progress/comments
						software.  Current timescale for completion of project is July 2016, full implementation of the reviewed system remains on target for completion by August 2016.
5.3	Consider the use of two systems	Appraise pros and cons of two system usage as opposed to combining on one.	Decision taken on best option for service	Business Regulation Manager	March 2016	Current Lalpac system cannot be appraised until upgrade work has been completed (August 2016). Current contract with Lalpac expires 2018 – system usage identified as a potential saving for financial year 2018/19 and this is subject to a separate implementation plan that has been agreed by the director.
<b>6</b>	<b>Liaison</b>					
6.1	Improve the effectiveness of the Responsible Authorities meetings	Revise Terms of Reference  Improve membership	A more strategic, service improvement remit  Focus to be on policy	Business Regulation Manager	March 2015	Complete – complemented by Operation Tandem meetings

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	Issues	Action	Expected outcome	Who	When	Progress/comments
		<p>Forward calendar</p> <p>Escalate chairing role</p> <p>Ensure senior police involvement</p> <p>Ensure meeting information is visible to wider service</p>	<p>development , interagency working</p> <p>Role in cases of particular severity, persistence or difficulty</p> <p>Other matters should be dealt with via day to day practice.</p> <p>Should not detract from normal daily case discussion process</p>			
6.2	Intelligence sharing with Police	Implement process for sharing of proactive and reactive intelligence relating to concern re licensed drivers.	Effective investigation and decision making.	Business Regulation Manager	June 2015	Complete
6.3	Introduce senior level information sharing routes	Identify Single Points of Contact for Child Sexual Exploitation and other safeguarding for Community Safety and Street Scene and South Yorkshire Police	Managerial oversight and effective intelligence sharing	Business Regulation Manager	August 2015	Single points of contact identified – need for documented information sharing agreement to be drafted and agreed (work being undertaken corporately). Anticipated completion date is now July 2016

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	Issues	Action	Expected outcome	Who	When	Progress/comments
		Protocol to be developed that facilitates information sharing between Safeguarding Boards (Adult and Children) and the Safer Rotherham Partnership.	Managerial oversight and effective intelligence sharing	Assistant Director of Community Safety and Street Scene	June 2016	AD for CS and SS has been working with Directors of Adult's and Children's Services. Initial protocol drafted for consideration by Neighbourhood Crime and ASB Manager.
		Working protocol to be developed to enable social workers and other officers to provide professional witness statements to be used by licensing as evidence in court if / when required.	Managerial oversight and effective intelligence sharing	Assistant Director of Community Safety and Street Scene / Business Regulation Manager	July 2016	Initial discussions have taken place between children's services and licensing – further developments due to be made by end of May 2016.
6.4	Development of referral protocol between Children's Residential Services, licensing and Corporate Transport Unit	New procedure	Ensure respective roles and responsibilities re clearly understood and liaison arrangements are clear.	Business Regulation Manager	May 2016	Work ongoing – being led by service manager for Children's Residential Services.  Licensing service input provided April 2016.  Redraft to be undertaken and final report to be presented

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	Issues	Action	Expected outcome	Who	When	Progress/comments
						to SLT in May 2016.
6.5	Community Protection - Licensing Working Protocol	New procedure	Ensure respective roles and responsibilities re clearly understood and liaison arrangements are clear.	Safer Neighbourhoods Manager	April 2015	Complete
<b>7</b>	<b>Organisation</b>					
7.1	Ensure one line management of both licensing teams at appropriate management level	Review current organisational structure and develop proposals to combine under business regulation.	Improved management oversight and decision making. Better coordinated activity.	Business Regulation Manager	January 2016	Complete – structure being recruited to
7.2	Assess enforcement staffing levels	Benchmark staffing levels against other licensing authorities. Assess options and associated necessary funding	To ensure staffing capacity is correct for the licensing enforcement function	Safer Neighbourhoods Manager	February 15	Complete
7.3	Out of Hours Activity	Develop proposals, secure finance, and consolidate with other out of hours work.	Increased capacity for range of activity / operations out of hours team.	Safer Neighbourhoods Manager	February 2015	Complete
<b>8</b>	<b>Training</b>					
8.1	Ensure staff are fully conversant with recent changes	Review staffs needs for training in light of recent and planned practice changes Awareness raising of new polices Practical refresher training on use of	Staff are able to operate new polices effectively	Business Regulation Manager	July 2015	Complete

Appendix D

	Issues	Action	Expected outcome	Who	When	Progress/comments
		databases.				
8.2	Licensing board training	Formal training to be introduced for members of the Licensing Board, to be repeated annually.	Increased attendance at members training and excellent understanding of licensing policies, practice and decision making	Business Regulation Manager	August 2015 and ongoing	Complete
<b>9</b>	<b>Quality Assurance</b>					
9.1	Assessment of performance of licensing service	Introduce and embed a Performance Management Framework across licensing.	Demonstrate effectiveness of service in delivering licensing service and objectives of policy.	Business Regulation Manager	May 2016	Framework developed December 2015, draft report prepared for SLT (Feb 2016) – awaiting submission for approval (original date rescheduled due to agenda limitations).
9.2		Licensing measure and indicator included and reported through the Council's new Corporate Plan	Licensing reflected in Corporate Plan.  Contribution to corporate priorities/golden thread.  Effective performance management arrangements in place via Strategic Leadership Team, Scrutiny and Cabinet.	Business Regulation Manager	May 2016	Complete - New Corporate Plan includes % of licence holders that demonstrate adherence to the requirements of the council's policy

## Case Study One

### Sharing information to deal with concerns around a licensed driver

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The Casey report identified weaknesses with regard to agencies / teams sharing information in relation to the protection of children. This was particularly the case in relation to looked after children residing in residential homes and transported from the home to their school (or some other place) in a licensed taxi.

Since the publication of the report, the Licensing team have been working with colleagues in Children's Services to ensure that those involved in the care and support of looked after children are aware of the key contacts within licensing, the nature of information that can be passed on to the licensing team and the action that the team can take as a result. This has been achieved by identifying single points of contact within the Business Regulation Service and Children's Services, and an agreed protocol for the sharing of information between services (making use of the formal, documented Local Authority Designated Officer procedures within Children's Services).

In addition, the Council's Hackney Carriage and Private Hire Licensing Policy, which was revised in July 2015, now makes it clear that non-conviction information can be taken into consideration when making decisions regarding licensing matters (there had previously been a criticism that officers acted only when a licence holder had actually been convicted of an offence). The policy confirms that the safety of the travelling public must be the paramount concern.

In late 2015, the Licensing team was contacted by an officer from the Council's Children's Social Care team – this contact demonstrated that the protocols referred to above were working in practice. The officer made licensing aware of an incident that had taken place the day before that involved a licensed driver and a 14 year old female. The information given to the licensing authority was as follows:

On the date in question, the driver was transporting a 14 year old female from her place of education to her residential address. This female was unaccompanied and was not known to the driver.

On her return to her residential address (which is a residential facility for children) the child reported to her care worker that the driver had engaged her in conversation during the journey and that the conversation had made her feel very uncomfortable. So concerned was the young female that she asked the care worker to make alternative arrangements for her transport in future, specifically requesting that this driver no further contact with her.

The female informed her care worker that the comments that the driver made were phrases such as, "you are very pretty", "you should be a model", "have you got a boyfriend?", "why are you living there?" (a reference to the residential facility where the child lived) and "you must have been a naughty girl".

Following receipt of the information, members of the Licensing team spoke with professionals involved in the care and support of the 14 year old female. From the responses given, the licensing officers formed the view that the version of events described by the child was more likely than not to be an accurate reflection of the conversation during the journey.

On the basis of the information provided, the Licensing team were satisfied that (on the balance of probabilities) the driver was not a fit and proper person to hold a licence and that the licence should therefore be revoked. Furthermore, Licensing were of the opinion that it was in the interests of public safety that the revocation should take immediate effect. The reasons for the decision to immediately revoke the licence were as follows:

- The driver's conversation with the 14 year old female caused her significant concern/ discomfort.
- The driver would have been aware that the educational establishment was a pupil referral unit (PRU), and that the address where the young female lived was a residential facility. It should therefore have been clear that the child should have been considered especially vulnerable, and that engaging in the conversation that the driver had with her was particularly inappropriate.
- The driver had undertaken training (provided by the Council) in relation to safeguarding children and vulnerable adults. As a result of attending this training he would have been fully aware that conversations of this nature are unacceptable. The driver must therefore have engaged in a conversation with a 14 year old girl knowing that the content of the conversation was inappropriate.
- It is considered that conversations of this type may be a precursor to a sexual advance being made towards a child. As a result, the Council considered that there is an unacceptably high risk that the driver may cause harm to a vulnerable person as a result of his behaviour whilst working as a licensed driver. Such harm may be physical, psychological or emotional.

The notice of revocation was served on the driver that same day. It is felt that this incident, and the actions that it resulted in, demonstrate effective information sharing between council teams together with effective enforcement action to protect the public from licence holder that demonstrate unacceptable behaviour.

## Case Study Two

### Information sharing and the use of multi-agency powers to address concerns around a commercial premises

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In her 2015 report “Reflections on child sexual exploitation”, Louise Casey CB stated that there were “a myriad of ways in which different parts of the local authority - whether through their regulatory, licensing and community safety functions or their leisure and community services, can seek out this information, share it with partners and act to tackle child sexual exploitation”. Furthermore Casey expressed the view that “through their governance and regulatory powers across a range of arenas and functions such as housing, licensing, environmental health, fire and fraud, councils already have a suite of powers and tools at their disposal which can be used to enter premises under a range of pretexts to investigate possible CSE”.

There was criticism in both the Jay and Casey reports that the Council and its partners had not used all the enforcement powers available in order to tackle activities/ behaviours associated with child sexual exploitation that was occurring within the Borough.

As a result of these criticisms, action was quickly taken to repair and formalise the information sharing processes within the Council and between its partners. This included the regular attendance of a senior manager from the council’s regulatory service at the weekly CSE Intelligence Sharing Meetings that are chaired by South Yorkshire Police. Information that is discussed at the weekly meetings includes detail on offenders, victims and locations of concern. These meetings also provide a forum where a multiagency approach to a problem can be discussed – if need be with formation of a separate task and finish group costing of the various council services and partner agencies.

One such task and finish group was formed in order to address issues of concern at a local commercial premises that arose in early 2016.

The premises was used as a meeting point for young people – most of whom were young teenagers from a community in Rotherham that was considered at high risk of sexual exploitation. The information was that large numbers of children were in the vicinity of the premises in the late evening on a regular basis. Intelligence from the area was that girls attended the premises, and when police arrived the girls were escorted out of the building by the organisers via the rear doors. When local police officer visited the premises, they found that the only adults present were those that owned / managed the premises. The layout of the premises, the clientele and the behaviour of the owners were such that they facilitated exploitative behaviour towards the children / young people that attended the premises.

A police licensing officer had attended, however it was not possible to identify any licensable activity and so it was not possible to use powers under the Licensing Act to deal with the premises.

This information was brought to the weekly CSE intelligence meeting and shared with those present.

It was agreed that the premises were a concern and that there was a need for disruption activity in relation to the premises. The manager from the council's Business Regulation Service took away the action to coordinate a multi-agency approach to the premises. This was developed over the subsequent days and culminated in a visit to the premises by officer from South Yorkshire Police, Rotherham MBC Licensing, Rotherham MBC Building Control, Environmental Health and South Yorkshire Fire and Rescue Service. Officers from these agencies were fully briefed in relation to the premises and the concerns surrounding the activities taking place there. They were asked to inspect the premises and make full use of any enforcement powers that they may have.

Detailed discussions took place with the owner/ manager of the premises, who was left in no doubt regarding the nature of the concerns regarding the premises and the seriousness with which those concerns were held by the agencies present.

A number of enforcement actions were taken by agencies that attended the premises, including a closure of the premises by the Fire Service in relation to concerns around means of escape in the event of a fire.

The premises remains closed to this date, and the details of the owner / manager and any other premises with which they are associated will be monitored and recorded within intelligence systems so that if concerns of a similar nature arise in the future then can be acted upon as a matter of urgency.

It is felt that this combination of joint, multi-agency enforcement action quickly and effectively addressed concerns around a premises that, although not overtly criminal in nature, could nonetheless be seen as a precursor to behaviour associated with the grooming of children for sexual exploitation.

The information obtained from the weekly CSE intelligence meetings is essential in ensuring that all agencies are able to act appropriately in relation to tackling CSE and associated behaviour. In addition, the meetings provide a forum for the development of previously untried methods of addressing items of concern. They have served to educate all partners that attend the meetings, and the task and finish groups, with regard to the various powers that can be used by different partner agencies to disrupt activities that are associated with the sexual exploitation of children in Rotherham.

## COMMISSIONER NEY – LICENSING DECISIONS

Meeting Date	Private hire and hackney carriage decisions								House to house collection decisions		
	Taxi Cases Listed	Defer	Licence Granted	Licence Refused	No action (licence retained)	Suspend Temporarily	Revoke Licence	Warnings Issued	Granted	Refused	Deferred
<b>2015</b>											
27 March	11	1	2	5	-	1	2	-	-	-	-
29 April	8	1	1	5	-	-	1	-	1	-	-
3 June	7	-	1	5	-	-	1	-	1	-	-
24 August	4	-	-	-	-	2	2	-	-	-	-
1 September	7	1	3	-	-	2	1	-	-	-	-
14 September	5	2	2	1	-	-	-	-	-	-	-
21 September	9	1	3**	5	-	-	-	-	-	-	-
28 September	7	2	-	1	1	-	2	1	-	-	-
8 October	1	1	-	-	-	-	-	-	-	-	-
12 October	8	-	-	-	1	-	5	1	-	-	-
13 October	8	-	1	-	1	-	5	-	-	-	-
19 October	8	3	-	-	2	-	3	-	-	-	-
27 October	8	1	-	2	2	-	3	-	4	1	1
3 November	4	1	-	-	1	-	2	-	-	-	-
23 November	6	1	-	2	1	-	1	1	2	-	1
30 November	5	-	1	1	-	-	3	-	1	-	-
<b>2016</b>											
11 January	4	-	-	-	1	2	1	-	-	-	-
13 January	4	2	-	-	2	-	-	-	-	-	-
20 January	5	1	1	-	1	-	1	1	-	-	-
25 January	5	-	1	3	-	-	1	-	-	-	-
1 February	4	2	2	-	-	-	-	-	-	-	-
3 March	4	1	2	1	-	-	-	-	-	-	-
22 March	7	2	1	-	3	-	1	-	-	1	-
11 April	5	2	1	2	-	-	-	-	-	-	-
<b>TOTAL</b>	<b>144</b>	<b>25</b>	<b>19</b>	<b>33</b>	<b>16</b>	<b>7</b>	<b>35</b>	<b>4</b>	<b>9</b>	<b>2</b>	<b>2</b>

**Notes**

NB – 27 March meeting – the Commissioner had reviewed the decisions made by the final Licensing Board sub-committee meeting of 26 February 2015 (no interviews of individuals took place)

NB \*\* – 21 September meeting – the Commissioner approved two private hire vehicle licences

- NB - 12 and 13 October meetings – two drivers handed their licences back to the Council (no decisions required)
- NB - 13 October meeting – the Commissioner approved the private hire operator licence conditions for UBER in Rotherham
- NB - 23 November meeting – one driver handed the licence back to the Council (no decision required)

**LICENSING ACT 2003 DECISIONS**

- 14 September 2015 – after an application from the South Yorkshire Police, the expedited premises' licence review resulted in various interim measures being approved
- 8 October 2015 – full premises' licence review resulted in the removal of the designated premises supervisor
- 20 October 2015 – approval of additional conditions for a premises' licence, after review of the licence
- 8 February 2016 – meeting to consider an application for variation to a premises' licence - the variation to the licence was approved.

## Licensing cases heard - Summary

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- Cases heard in Rotherham in 2015/16 financial year - 128
- Cases heard in Rotherham in 2014/15 financial year – 63
  
- Number of cases heard in local authorities with a similar demographic to Rotherham (according to most recently available CIPFA information) – financial year 2015/16:
  - Kirklees – 63
  - N E Lincs – 39
  - Wakefield – 27
  - Barnsley – 24
  - Oldham – 55
  - Wigan – 37
  
- Average – 41 cases per year (2015 / 16)

Councillors attend in an advisory capacity to the Commissioner. The aim is to invite 5 Councillors to each hearing from a panel of 21 who are appointed on a party-proportion basis. In Rotherham in the financial year 2015/16 there were 21 case hearing meetings held. These hearings were attended by the following councillors:

Board member	No attended	Dates attended
Councillor S Ellis (Chair)	21	Attended all between 24 August 2015 to 11 April 2016
Councillor A Buckley (Vice Chair)	8	24-Aug-15, 01-Sep-15, 08-Oct-15, 03-Nov-15, 11-Jan-16, 13-Jan-16, 25-Jan-16, 03-Mar-16
Councillor C Beaumont	4	24-Aug-15, 13-Oct-15, 19-Oct-15, 20-Jan-16
Councillor D Beck	2	27-Oct-15, 01-Feb-16
Councillor M Clark	1	22-Mar-16
Councillor S Currie	0	Not attended any hearings
Councillor J Elliot	7	21-Sep-15, 28-Sep-15, 12-Oct-15, 27-Oct-15, 20-Jan-16, 25-Jan-16, 22-Mar-16
Councillor S Evans	4	01-Sep-15, 21-Sep-15, 23-Nov-15, 01-Feb-16
Councillor P Hague	5	13-Oct-15, 03-Nov-15, 20-Jan-16, 01-Feb-16, 22-Mar-16
Councillor J Hamilton	4	14-Sep-15, 08-Oct-15, 12-Oct-15, 20-Jan-16
Councillor I Jones	6	24-Aug-15, 28-Sep-15, 13-Oct-15, 30-Nov-15, 13-Jan-16, 03-Mar-16
Councillor R McNeely	7	01-Sep-15, 28-Sep-15, 13-Oct-15, 03-Nov-15, 11-Jan-16, 03-Mar-16, 11-Apr-16
Councillor M Parker	5	14-Sep-15, 23-Nov-15, 30-Nov-15, 25-Jan-16, 11-Apr-16
Councillor K Reeder	5	24-Aug-15, 21-Sep-15, 12-Oct-15, 27-Oct-15, 13-Jan-16
Councillor G Reynolds	6	01-Sep-15, 28-Sep-15, 19-Oct-15, 30-Nov-15, 11-Jan-16, 03-Mar-16

*Appendix G*

Councillor C Robinson	1	13-Jan-16
Councillor A Rushforth	3	19-Oct-15, 23-Nov-15, 01-Feb-16
Councillor B Steele	3	14-Sep-15, 20-Jan-16, 11-Apr-16
Councillor R Taylor	3	12-Oct-15, 30-Nov-15, 11-Jan-16
Councillor E Wallis	4	14-Sep-15, 21-Sep-15, 27-Oct-15, 03-Nov-15
Councillor K Wyatt	3	19-Oct-15, 25-Jan-16, 11-Apr-16