

Summary Sheet

Council Report

Licensing Board 20th February 2017

Title

Taxi and Private Hire Licensing Quarter 3 Performance and General Update Report

Is this a Key Decision and has it been included on the Forward Plan?

This is not a key decision.

Director Approving Submission of the Report

Karen Hanson – Assistant Director of Community Safety and Street Scene

Report author(s):

Alan Pogorzelec – Business Regulation Manager
Regeneration and Environment
01709 254955, alan.pogorzelec@rotherham.gov.uk

Ward(s) Affected

All wards

Executive Summary

On 26th September 2016, the Advisory Licensing Board received a report that provided an update on the implementation of the Council's Hackney Carriage and Private Hire Licensing Policy.

Since the report in September 2016, the Licensing Service has implemented a Performance Management Framework – this framework includes elements that are related to the implementation of the Policy. The performance against the framework is reported each quarter to the Council's Senior Leadership team and the Licensing Board, this report provides the update for the 3rd Quarter of 2016/17.

In addition to the update on performance, this report also provides details of developments in relation to:

- Update on the audit of drivers against the requirements of the new policy.

- Proposed priorities for the licensing service in 2017/18.
- Enforcement actions undertaken by the licensing service (including current position in relation to Court appeals).
- Service restructure / staffing update.

Recommendations

- That the Advisory Licensing Board note the content of the update report and the progress that has been made regarding the implementation of the Council's Hackney Carriage and Private Hire Licensing Policy.
- That the Licensing Board endorses the priorities for the Licensing Service during the 2017/18 financial year.

List of Appendices Included

- Appendix 1 - Third Quarter Performance against the Licensing Performance Management Framework.
- Appendix 2 - Third Quarter Enforcement data.
- Appendix 3 - Third quarter Licensing Admin Team Data.

Background Papers

- Rotherham MBC Hackney Carriage and Private Hire Licensing Policy
- Rotherham MBC Hackney Carriage and Private Hire Licensing Policy Implementation Scheme
- Report of meeting of Advisory Licensing Board, 26th September 2016

Consideration by any other Council Committee, Scrutiny or Advisory Panel

Not applicable.

Council Approval Required

No.

Exempt from the Press and Public

Not exempt.

Title (main report)

Taxi and Private Hire Licensing Update Report

1. Recommendations

- 1.1 That the Licensing Board notes the content of the update report and the performance of the Licensing Service against the Licensing Performance Management Framework.
- 1.2 That the Licensing Board endorses the priorities for the Licensing Service during the 2017/18 financial year.

2. Background

- 2.1 On 26th September 2016, the Advisory Licensing Board received a report that provided an update on the implementation of the Council's Hackney Carriage and Private Hire Licensing Policy.
- 2.2 Since the report in September 2016, the Licensing Service has implemented a Performance Management Framework – this framework includes elements that are related to the implementation of the Policy. The performance against the framework is reported each quarter to the Council's Senior Leadership team and the Licensing Board, this report provides the update for the 3rd Quarter of 2016/17.
- 2.3 In addition to the update on performance, this report also provides details of developments in relation to:
 - 2.3.1 Update on the audit of drivers against the requirements of the new policy.

Members will recall that following the review of hard copy driver record files, three cases were identified that required further attention / consideration. Further details on these cases are provided in this report.

- 2.3.2 Proposed priorities for the Licensing Service in 2017/18.

Officers from within the Council's Licensing Service have developed a number of key priorities for the service that will be delivered during the 2017/18 financial. This report provides further detail on those priorities and seeks that agreement and endorsement of the Licensing Board in relation to them.

- 2.3.3 Enforcement actions undertaken by the licensing service (including current position in relation to Court appeals).

This report provides a summary of enforcement action that took place between September 2016 and December 2016 (inclusive). It includes details of actions taken by enforcement officers (what

could be considered to be traditional enforcement actions) along with enforcement actions taken by other officers within the licensing service, and the outcomes of case hearing meetings.

2.3.4 Service restructure / staffing update.

There have been a number of staffing related developments in within the Licensing Service – this report provides further detail on these.

3. Key Issues

3.1 Licensing Performance Framework – Third Quarter Results.

- 3.1.1 The overall judgement outlined in the Louise Casey’s inspection report (February 2015) stated that:

“Inspectors have found that Rotherham has not taken, and does not take, sufficient steps to ensure only fit and proper persons are permitted to hold a taxi licence. As a result, it cannot provide assurances that the public, including vulnerable people, are safe.”

- 3.1.2 In order to ensure the Council’s Licensing Service is effective, fit for purpose, and has addressed the concerns raised in Louise Casey’s report; it is considered that the following outcomes must be demonstrated:

Outcome 1 All licence holders are “fit and proper” to hold licences.

Outcome 2 Trained decision makers must make high quality, appropriate and timely decisions that protect the public from risk of harm.

Outcome 3 The Licensing Service uses all available statutory powers appropriately, proactively and reactively, to disrupt criminal activity (including CSE and related activity).

Outcome 4 The licensing team must consistently provide high quality, timely processing of licensing applications.

Outcome 5 The Council’s Private Hire and Hackney Carriage Licensing Policy will be effectively implemented.

- 3.1.3 In order to address each of these outcomes, the Licensing Service has implemented a Performance Management Framework. The framework gives detail on a number of

measures are that will indicate whether the desired outcomes are being met.

- 3.1.4 Full detail on the performance against each of the measures is given in appendix A to this briefing note. Explanatory narrative is provided where there is an element of underperformance against the stated targets.
- 3.1.5 Targets have been set against a total of 16 performance measures, there are an additional four measures that are being monitored but a target has not been set in relation to them. The measures without a target are detailed below, along with explanatory narrative.
- 3.1.6 Of the 16 measures with targets, 8 were off target at the time of measurement – further detail on the reason for underperformance is given in Appendix 1, along with any management action that will / has been taken to address the underperformance.
- 3.1.7 The measures without targets are as follows:

Delivery against individual training and development plan for each individual member of staff (contributing to Outcome 1).

The training and development of staff is routinely monitored by the Principal Officer and Team Manager via monthly 1:1s and the Corporate PDR process. At the time of writing this report, all members of the Licensing Team had been through the PDR process (except where this had not been possible due to long term absence from work).

Data sharing concerns (when apparent) to be escalated by Assistant Director in a timely manner (contributing to Outcome 3).

There have been no data sharing concerns during the period covered by this report.

Documented processes provided to and understood by all staff (contributing to Outcome 4).

The Principal Licensing Officer had reviewed a number of key processes, and had commenced redrafting of them during Quarter 2. However, this officer was absent from the service during the whole of Quarter 3 and therefore it has therefore not been possible to progress this activity during this time.

Processes are reviewed and (if appropriate) refreshed as required (contributing to Outcome 4).

Processes are continually reviewed and where appropriate amended and reissued. During the third Quarter, the following processes were reviewed by the Business Regulation Manager and revised as a result:

- Driver medical certification (following a case in Nottinghamshire where a motorcyclist was killed in an accident with a licensed vehicle). Our certification process was considered to be robust, but additional safeguards have been introduced.
- Vehicle applications where the vehicle's age exceeds the maximum specified in the policy. It was considered that this clarification was necessary following a recent appeal hearing in Sheffield Magistrate's Court.

3.1.8 The implementation of the Council's Hackney Carriage and Private Hire Policy has continued throughout the third Quarter of the year. All of the requirements that were introduced on a phased basis (by way of the implementation scheme) are now in effect. As a result, licences are no longer issued to individuals / vehicles unless all of the policy requirements have been met. The Council can therefore be confident that the standards that are set for those that are licenced are amongst the highest in the country.

3.1.9 Adherence to the policy is demonstrated by adherence to four key requirements:

- Number of drivers that have subscribed to the Disclosure and Barring Service Online Update Service.
- The number of drivers that have completed the Council's safeguarding training.
- The number of vehicles that have had a taxi camera fitted (where one is required).
- The number of drivers that have obtained a BTEC Level 2 Qualification in the "Introduction to the Role of the Professional Taxi and Private Hire Driver" or hold an equivalent qualification.

3.1.10 Three out of the four requirements have seen very good compliance rates (98% or above).

3.1.11 With regard to taxi cameras, the figure represents the number of licensed vehicles that require a camera and have had one installed. At the time of writing this report, 100% of vehicles had met the appropriate deadline. There were 2% of vehicles in the fleet that had not had a camera fitted – however these will not be required to do so until early in the final Quarter of 2016/17.

3.1.12 The requirement for drivers to obtain the BTEC qualification (or equivalent) is relatively low at 62%. It should be noted that, at the current time, compliance with this requirement is verified at the point that a driver renews their licence. As licences are typically valid for a three year period, it is possible that there are a significant number of licence holders that possess the required qualification but this has not yet been verified by the Council (as they have not yet renewed their licence). It should also be noted that 100% of driver licences that have been issued since 6th July 2016 (204 in total) have only been issued if the driver meets the BTEC qualification requirement.

3.1.13 Three new Licensing Enforcement Officers are being recruited in early 2017 which will enable additional proactive checks to take place to identify those drivers that have not yet obtained the qualification and to pursue appropriate enforcement action against those that do not meet the requirements.

3.1.14 Other significant developments of note in the third Quarter of the year include:

- The Secretary of State for Communities and Local Government has formally returned the licensing functions back to the Council. This is the culmination of a significant amount of work by the Council and represents a positive step on our overall improvement journey.
- The Council successfully defended a legal challenge against the requirement for taxi cameras to be installed in licensed vehicles.
- Council Members and officers have presented at a number of sessions arranged by the Local Government Association to share our experiences and learning over the past 12 – 18 months. The presentations that were delivered were very well received by those that attended.

3.1.15 The Licensing service has continued to contribute to the delivery of the Council's financial targets by way of ensuring that all appropriate fees are fully recovered, and by working to ensure that our licensing processes are as efficient as possible – areas we are currently working on include:

- The introduction of online applications for the majority of licences.
- Online booking of vehicle compliance tests

Further details on both of these areas of work will be available in future updates.

3.2 Update on the audit of drivers against the requirements of the new policy.

- 3.2.1 Members will recall that following the review of all licensed drivers against the requirements of the Council's Hackney Carriage and Private Hire Licensing Policy, it was identified that there was a need to review information held in the Council's archive files.
- 3.2.2 There are 1304 driver files held in the council's archive, 744 of these relate to drivers that are currently licensed. All 744 files that relate to currently licensed drivers have been reviewed by an appropriately qualified and experienced licensing professional.
- 3.2.3 The review has seen the assessment of all information held within the file to identify whether any of it impacts on the fitness and propriety of the driver involved. The information that has been reviewed includes:
- Application forms and associated paperwork
 - Any correspondence for statutory / non-statutory agencies (including South Yorkshire Police, Disclosure and Barring Service, safeguarding boards etc.)
 - Meeting notes, witness statements, complaint investigations (as applicable)
 - Any correspondence regarding the driver / allegations made against the driver
 - Any files notes that may be present
- 3.2.4 Of the 744 files that have been reviewed, nine were identified as containing information that required further review by a senior manager. This further review identified three cases of concern
- 3.2.5 Enquiries have been made with South Yorkshire Police and the National Crime Agency, and all information that was held in the file has been reviewed in detail. As a result of this detailed review, it has been confirmed that it would not be appropriate to take further action in relation to the three identified cases.

3.3 Proposed priorities for the licensing service in 2017/18

- 3.3.1 Over the past 18 months, the key priority for the licensing service has been the delivery of the licensing improvement plan and the effective implementation of the Hackney Carriage and Private Hire Licensing Policy. The amount of work involved in this has decreased to the extent that it is now appropriate to consider the priorities for the service over the coming financial year.
- 3.3.2 Discussions have taken place with key partners (in particular South Yorkshire Police) and stakeholders, and the following key priorities are proposed for the financial year 2017/18:

Private Hire Operators

Much of the focus from the licensing service has been directed towards hackney carriage and private hire drivers. There is a need to shift this focus towards Private Hire Operators in order to assure ourselves that our Licensed Private Hire Operators meet our requirements.

This will include the following activities:

- Review of the way that the Council's fitness and propriety requirements to all operators that are licensed by Rotherham MBC.
- Reviewing the business practices of Operators in order to evaluate whether these practises have an effect on the activities of the drivers that they operate.
- Review and analyse complaints, statistics and other information in relation to Operators to identify any trends / patterns of behaviour that may indicate the need for further scrutiny of individual Operators.

Takeaways / late night restaurants

Both Louise Casey's and Alexis Jay's reports identified a number of links between the taxi / private hire trade and the exploitation of vulnerable people. The reports also identified a link between this activity and licensed premises, such as takeaways and late night restaurants.

There is therefore a need to take action in relation to this activity, and ensure that any premises that are not adequately promoting the licensing objective of protecting children from harm are dealt with appropriately. This will include:

- The identification of opportunities to work with partners to raise awareness of safeguarding matters within the takeaway / restaurant trade.
- Review work that has been identified as good practice nationally with a view to developing and implementing similar projects / schemes in Rotherham.
- Further development of information / intelligence sharing pathways between the council's licensing service and South Yorkshire Police, the National Crime Agency and other relevant partners.

3.3.3 Any views / comments that Members of the Licensing Board would wish to make in relation to these (or other suggested) priorities would be welcome.

3.4 Enforcement actions undertaken by the licensing service (including current position in relation to Court appeals).

3.4.1 In June 2015, the council introduced a revised General Enforcement Policy. This policy sets out the council's approach to enforcement and demonstrates how individual enforcement services are adhering the Principles of Good Regulation.

3.4.2 This report outlines the enforcement work undertaken in relation to the licensing function, and provides detail on how the services ensure that such activity complies with the requirements of the council's General Enforcement Policy.

3.4.3 Enforcement relating to the council's licensing function takes two forms:

3.4.3.1 Enforcement related to the issuing of driver, vehicle and operator licences. This includes the appropriate application of the 'fit and proper' test (further details are contained within the Hackney Carriage and Private Hire Licensing Policy). The correct application of the policy will result in the grant, refusal, suspension or revocation of a licence. This process is administered by the licensing admin team in conjunction with the Licensing Board. Action may be taken as a result of information provided by the licensing enforcement team, police, National Crime Agency or other statutory / non-statutory agency.

3.4.3.2 Reactive investigations and proactive operations to establish / evaluate compliance with regulatory provisions and licence conditions. This takes the form of complaint investigations, pre-arranged enforcement operations (such as vehicle safety checks) and observations to identify non-compliance with licensing requirements. Action may ultimately lead to the referral of licence holders to a case hearing meeting and / or the instigation of legal proceedings in the criminal courts. The licensing enforcement team is was formerly located within the Community Protection Unit, however following the service restructure the team became part of the Business Regulation Service in February 2016.

3.4.4 Part 2 of the Legislative and Regulatory Reform Act 2006 requires the Council to have regard to the Principles of Good Regulation when exercising a specified regulatory function. For

local authorities, the specified functions include those carried out in relation to the council's licensing service.

- 3.4.5 The council is required to undertake enforcement in relation to its licensing function, however the way in which enforcement activity is undertaken is at the discretion of the council. The vast majority of complaints are dealt with on an informal basis which means that they do not result in criminal proceedings.
- 3.4.6 The licensing service exercises its regulatory activities in a way which is:
 - 3.4.6.1 Proportionate – our activities will reflect the level of risk to the public and enforcement action taken will relate to the seriousness of the offence.
 - 3.4.6.2 Accountable – our activities will be open to public scrutiny, with clear and accessible policies, and fair and efficient complaints procedures.
 - 3.4.6.3 Consistent – our advice to those we regulate will be robust and reliable and we will respect advice provided by others. Where circumstances are similar, we will endeavour to act in similar ways to other local authorities.
 - 3.4.6.4 Transparent – we will ensure that those we regulate are able to understand what is expected of them and what they can anticipate in return.
 - 3.4.6.5 Targeted – we will focus our resources on higher risk enterprises and activities, reflecting local need and national priorities.
- 3.4.7 In undertaking its enforcement activities, the council's licensing service needs to demonstrate compliance with these elements.
- 3.4.8 Information in relation to the activities of the licensing enforcement team is attached to this report as Appendix 2.
- 3.4.9 Information in relation to the activities of the licensing admin team is attached to this report as Appendix 3 (please note that this also includes enforcement actions undertaken as a result of decisions made following consideration of a matter at a Case Hearing Meeting, or more recently the Licensing Board).
- 3.4.10 Any person aggrieved by such a determination has the right of appeal to the Magistrates' Court, which must be exercised within 21 days of receipt of written notification of the decision.

3.4.11 Between February 2015 and December 2016 (inclusive) there have been 41 appeals and we have successfully defended 28 of them (success rate of 68%). There are a further 13 appeals still pending (as at the end of December 2016). All of these relate to driver matters only and do not include the cases involving vehicles.

3.4.12 There have been 9 appeals against vehicle conditions – eight of these related to taxi cameras (all successfully defended), and one was in relation to the vehicle age requirement (appeal withdrawn by applicant).

3.4.13 The right of appeal to the Crown Court is also available to the Licensing Authority and in one case that right of appeal has been exercised. This case involved a strong element of alleged grooming-like behaviour by the taxi driver concerned and was The Crown Court found in the Council's favour and upheld our appeal.

3.4.14 Further detail in relation to individual appeals is available on request. If members wish to discuss any of these cases in further detail then this may be dealt with in the confidential part of the agenda.

3.4.15 Initial enforcement in relation to costs that are awarded is via the sundry debtors' process. Thereafter any costs remaining unpaid are pursued by Legal Services through the civil enforcement processes available through the County Court.

3.5 Service restructure / staffing update.

3.5.1 There have been a number of changes to the staffing arrangements within the Licensing Service:

3.5.1.1 Ivan Thompson (Trading Standards and Licensing Manager) has now left the Authority. Recruitment to this post is pending due to the current review of the Community Safety and Street Scene department.

3.5.1.2 Steve Shallow (Principal Licensing Officer) has also left the authority. It is anticipated that recruitment to this post will commence in May 2017, with an appointment being made in June / July 2017.

3.5.1.3 Three Licensing Enforcement Officers have been appointed – two of these officers will commence their employment on 20th February 2017, with the remaining officer commencing on 13th March 2017. There are plans to bring an additional officer into the team as soon as possible.

3.5.2 The post of Senior Licensing Enforcement Officer remains vacant at the current time. Previous recruitment exercises did not identify any applicants that were considered suitable for the role, it is anticipated that this role will be advertised in May / June 2017.

3.5.3 There is vacant Licensing Support Officer vacancy within the team. This post is currently covered by an agency contractor, and will be recruited to on a permanent basis as soon as is appropriate.

4. Options considered and recommended proposal

4.1 The report is for information only, and therefore no options / proposals are recommended.

4.2 However, in relation to enforcement work, the service has a number of options available to it:

4.2.1 Compliance Advice, Guidance and Support

4.2.1.1 The Council uses compliance advice, guidance and support as a first response in the case of many breaches of legislation / licence condition that are identified. Advice is provided, sometimes in the form of a warning letter, to assist licence holders in rectifying breaches as quickly and efficiently as possible, avoiding the need for further enforcement action. A warning letter will set out what should be done to rectify the breach and to prevent re-occurrence. If a similar breach is identified in the future, this letter will be persuasive in considering the most appropriate enforcement action to take on that occasion. Such a letter cannot be cited in court as a previous conviction but it may be presented in evidence and will illustrate a graduated, proportionate response in relation to enforcement.

4.2.2 Refusal / Suspension / Revocation of Licences

4.2.2.1 Licence applications will be refused where applicants are not considered to meet the standards / requirements that are required by the council.

4.2.2.2 Where a licence holder fails to adhere to certain standards, acts inappropriately or breached a licence condition, the council will review the licence by referring the matter to a hearing before Commissioner Ney and members of the Advisory Licensing Board. If it shown, on the balance of probabilities, that the licence holder is no longer considered to be a 'fit and

proper' person to hold a licence then the review may lead to a revocation or suspension of the licence.

- 4.2.2.3 When considering future licence applications, the Council may take previous breaches and enforcement action into account.

4.2.3 Prosecution / simple caution

- 4.2.3.1 Licence holders that are shown to have committed significant breaches of licence condition (or unlicensed individuals that have undertaken licensable activity) may be the subject of legal proceedings by the council. This may take one of two forms, a simple caution or a prosecution. Either of these options may be considered in conjunction with a revocation or suspension of a licence.
- 4.2.3.2 Simple cautions (previously known as 'formal cautions') are issued as an alternative to prosecution for some less serious criminal offences, where a person admits an offence and consents to the simple caution. Where a simple caution is offered and declined, the Council will proceed to a prosecution of the individual.
- 4.2.3.3 A simple caution for a criminal offence will appear on the offender's criminal record. It is likely to influence how the Council and others deal with any similar breaches in the future, and may be cited in court if the offender is subsequently prosecuted for a similar offence. If a simple caution is issued to an individual (rather than a corporation) it may have consequences if that individual seeks certain types of employment.
- 4.2.3.4 Simple cautions will be used in accordance with Home Office Circular 016/2008 and other relevant guidance.
- 4.2.3.5 The Council may prosecute in respect of more serious or recurrent breaches, or where other enforcement actions, such as voluntary undertakings or statutory notices have failed to secure compliance. When deciding whether to prosecute, the Council has regard to the provisions of The Code for Crown Prosecutors as issued by the Director of Public Prosecutions.
- 4.2.3.6 Prosecution will only be considered where the Council is satisfied that it has sufficient evidence to provide a realistic prospect of conviction against the defendant(s).

4.2.3.7 Before deciding that prosecution is appropriate, the Council will consider all relevant circumstances carefully and will have regard to the following public interest criteria:

- Seriousness of the offence committed
- The level of culpability of the suspect
- The circumstances of, and the harm caused to the victim?
- Was the suspect under the age of 18 at the time of the offence?
- What is the impact on the community?
- Is prosecution a proportionate response?
- Do sources of information require protecting?

4.2.3.8 A successful prosecution will result in a criminal record. The court may impose a fine and in respect of particularly serious breaches a prison sentence.

4.2.3.9 The conviction of an individual for an offence will require proof beyond reasonable doubt.

4.2.4 The selection of the most appropriate enforcement option in relation to a particular situation is determined by the investigating officer. That said, all enforcement cases are signed off by the Principal Licensing Officer prior to the investigation being closed. In addition, a sample of completed investigations is evaluated by service management as part of the Performance Management Framework in order to confirm that the correct action has been taken in all cases.

5. Consultation

5.1 Extensive consultation took place in relation to the development of the policy requirements.

5.2 Consultation with representatives of the licensed trade was undertaken during the development of the implementation scheme, with the proposed scheme was agreed by Commissioner Ney in August 2015 following consultation with members of the Advisory Licensing Board.

6. Timetable and Accountability for Implementing this Decision

6.1 This report is for information and comments only

7. Financial and Procurement Implications

7.1 There are no financial or procurement implications directly associated with this report.

- 7.2 There is, however, the risk of financial penalties (as outlined below) resulting from potential legal challenges if the Council does not provide an effective licensing service.

8. Legal Implications

- 8.1 Failure of the licensing service to effectively implement and administer the requirements of the council's policy may result in a legal challenge being made against the council.
- 8.2 A successful legal challenge will have a financial and reputational impact on the council – it is therefore essential that the policy is implemented effectively and administered appropriately.
- 8.3 The Council must be able to demonstrate effectiveness of the policy and provide confidence and reassurance regarding its implementation.

9. Human Resources Implication

- 9.1 In order to ensure the effective implementation and application of the policy and the ability to meet the performance measures, it is essential that all staff involved have the necessary knowledge and capability to undertake their role.
- 9.2 Staff understanding and awareness of the policy and its effective application will be monitored by team / service management at team meetings and periodic 1:1 meetings. Any development needs will be identified at these meetings and action taken as appropriate.
- 9.3 Effective communication within the team, particularly in relation to policy and performance matters, will ensure that the Council delivers a consistent approach to the implementation of the policy. This will also provide a common understanding and appreciation of any issues that arise as a result of the policy (and its implementation) – allowing the council to clarify or amend requirements as required.
- 9.4 In order to ensure the effective delivery of the council's licensing enforcement function it is essential that all staff involved have the necessary skills, knowledge and capability to undertake their role in accordance with legislative requirements, published guidance and the council's General Enforcement Policy.
- 9.5 Competency is maintained via the undertaking of appropriate training and continued professional development, and assessment of competency as 1:1 / supervision meetings which complement the annual Performance and Development Review cycle.
- 9.6 Any issues identified in relation to the enforcement work that is carried out are discussed with individual officers and corrective actions undertaken where necessary.

10. Implications for Children and Young People and Vulnerable Adults

10.1 Both the Jay report into Child Sexual Exploitation (CSE) in Rotherham and the subsequent Corporate Governance Inspection led by Louise Casey CB identified issues, amongst which was the importance of having an effective taxi licensing service.

10.2 In order to ensure the Council's Licensing Service is effective, fit for purpose, and has addressed the concerns raised in Louise Casey's report; the following outcomes must be demonstrated:

- All licence holders are "fit and proper" to hold licences.
- Trained decision makers must make high quality, appropriate and timely decisions that protect the public from risk of harm.
- The Licensing Service uses all available statutory powers appropriately, proactively and reactively, to disrupt criminal activity (including CSE and related activity).
- The licensing team must consistently provide high quality, timely processing of licensing applications.
- The Council's Private Hire and Hackney Carriage Licensing Policy will be effectively implemented.

10.3 In order to address this, the service has developed a performance management framework and improvement plan to provide assurance that the outcomes identified above are achieved.

10.4 At the heart of the new policy, service improvement plan and the performance framework lies a commitment to the protection of the public, safeguarding children and the vulnerable and the prevention of crime and disorder. The effective implementation of the licensing policy and the standards that it contains plays an important part in the protection of children and vulnerable people in Rotherham.

10.5 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)

10.6 In addition, action has been taken to repair and formalise the information sharing processes within the council and between its partners. This includes 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 consisting of the various council services and partner agencies.

10.7 The service has also developed an excellent working relationship with the National Crime Agency, this sees the regular exchange of information in relation to potential concerns around licensed individuals / premises – and on more than one occasion has resulted in the revocation of driver licenses with immediate effect.

10.8 The council's Hackney Carriage and Private Hire Licensing Policy 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.

11. Equalities and Human Rights Implications

11.1 In undertaking its licensing function, the Council comply with relevant legislative requirements including the Human Rights Act 1998.

11.2 The policy (along with the council's General Enforcement Policy) will ensure the consistent and fair determination of licences – recognising that every individual is entitled to dignity and respect.

11.3 When making licensing decisions the Council and its officers aim to ensure there is no discrimination on the grounds of culture, ethnic or national origins, gender, disability, age, sexual orientation, political or religious beliefs, socio-economic status, or previous criminal conviction or caution which is not relevant to the current issue.

11.4 Adherence to these requirements are assured by means of officer awareness, observation, case reviews and both customer satisfaction and complaints received into the service. In addition, those affected by licensing decisions have the legal right to challenge that decision in the Magistrates Court.

12. Implications for Partners and Other Directorates

12.1 It is recognised that enforcement and compliance activity often cannot be carried out in isolation by the Council. Its key partnerships with other agencies e.g. South Yorkshire Police, HM Revenue and Customs and the Driver and Vehicle Standards Agency are critical to ensure a comprehensive approach to regulation.

13. Risks and Mitigation

- 13.1 Failure of the Council to effectively discharge its licensing function may compromise public safety.
- 13.2 The Hackney Carriage and Private Hire Licensing Policy and draft performance framework must give confidence to licence holders and the public of the effective performance management of Council processes and the transparency and fairness of the Council's approach to enforcement.
- 13.3 Responsibility for ensuring compliance with the policy rests with team and service management, with appropriate overview and scrutiny by Commissioner Ney and members of the Licensing Board.
- 13.4 Failure of the Council to effectively discharge its licensing enforcement functions may compromise public safety.
- 13.5 Compliance with the General Enforcement Policy gives confidence to business and individuals of the transparency and fairness of the Council's approach to enforcement, without which the Council's reputation might be at risk.

14. Accountable Officer(s)

- 14.1 Alan Pogorzelec – Business Regulation Manager
Regeneration and Environment
01709 254955, alan.pogorzelec@rotherham.gov.uk

This report is published on the Council's website or can be found at:-

<http://moderngov.rotherham.gov.uk/ieDocHome.aspx?Categories=>