

## Summary Sheet

## Council Report

## Licensing Board Monday 24<sup>th</sup> September 2018

### Title

Taxi and Private Hire Licensing 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

Tom Smith – Assistant Director of Community Safety and Street Scene

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### Ward(s) Affected

All wards

### Executive Summary

This report provides an update in relation to the Licensing team's performance against the Taxi and Private Hire Licensing Performance Framework.

In addition, the report provides an update to the Licensing Board on key activities and actions undertaken by the Licensing team in the first six months of 2018/19.

## **Recommendations**

- That the Licensing Board notes the content of the update report.

## **List of Appendices Included**

- Appendix 1 - Quarter 1 and 2 performance against the Licensing Performance Management Framework.
- Appendix 2 - Quarter 1 and 2 Enforcement Data.
- Appendix 3 - Quarter 1 and 2 Licensing Admin Team Data.
- Appendix 4 - Statistical record of the cases and decisions of the Licensing Board Sub-Committee (during 2018)

## **Background Papers**

- Rotherham MBC Hackney Carriage and Private Hire Licensing Policy

## **Consideration by any other Council Committee, Scrutiny or Advisory Panel**

Not applicable.

## **Council Approval Required**

No.

## **Exempt from the Press and Public**

Not exempt.

# Taxi and Private Hire Licensing Performance and General Update Report

## 1. Recommendations

1.1 That the Licensing Board notes the content of the update report.

## 2. Background

2.1 The performance of the licensing service is demonstrated in two ways:

2.1.1 The Council's Corporate Plan includes two priority measures that are related to licensing, these are reported quarterly to the Council's Strategic Leadership Team and elected members. These measures were introduced at the beginning of 2018/19 and replace the previous measures regarding compliance with the Hackney Carriage / Private Hire Licensing Policy (although this still forms part of the Performance Management Framework referred to below). The relevant measures are:

- 3.A4(a) - the number of on the spot inspections of taxis
- 3.A4(b) - the % of taxis found to be compliant with the licensing regime during on the spot inspections

2.1.2 Performance against the Licensing Service Performance Management Framework is reported to Directorate / Strategic Leadership Teams and the Licensing Board on a six-monthly basis. This framework includes the following:

- Elements that are related to the implementation of the Council's Hackney Carriage and Private Hire Licensing Policy.
- The performance of the Council's licensing team in relation to quality assurance and administrative aspects of the service.

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

2.2.1 Enforcement actions and other activity undertaken by the licensing service.

This report provides a summary of enforcement action that took place between April 2018 and September 2018 (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 Licensing Board Sub-Committee hearings.

It also provides an update on actions that have been taken into the enforcement priorities that were agreed with the Licensing Board in February 2017 for the financial year 2017/18.

## 2.2.2 Service restructure / staffing update.

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

## 2.2.3 Update in relation to some key initiatives and project work that have been ongoing within the Licensing Service.

The licensing service have been actively involved in the development and introduction of new systems and processes that are intended to provide a more streamlined service to customers, and more effective enforcement / regulation.

In addition, officers from the service have been involved with work at a national level seeking improvements in relation to taxi and private hire licensing throughout the UK.

# 3. Key Issues

## 3.1 Performance Update

### 3.1.1 Corporate performance measures – second quarter update

- 3.1.1.1 The Licensing service proactively inspected 56 vehicles and drivers during the first two quarters of 2018/19 (to the date that this report was drafted).
- 3.1.1.2 Of these, 64% of vehicles (36) and 77% of drivers (43) were found to be compliant with licensing requirements.
- 3.1.1.3 There were 21 defects identified in the 20 non-compliant vehicles. 13 of the defects related to signage and were dealt with by way of a formal warning. Warnings were also issued in relation to defective bulbs / lamps (5) and tyres approaching the legal limit (2). One vehicle was suspended due to tyres at the legal limit. All defects were rectified during the inspection, or were found to have been rectified following re-inspection the following day.
- 3.1.1.4 13 drivers were found to be non-compliant; 11 of these were due to the driver not wearing their ID badge (despite the badge being present within the vehicle), these drivers were issued with warnings and instructed to wear their ID badge in accordance with their licence conditions (which they then did). One driver was issued with a warning regarding their standard of driving. The final driver was found to have failed to activate their taxi camera system, the investigation remains ongoing in relation to this matter.

3.1.1.5 Licensing enforcement officers will continue to undertake unannounced random checks in order to assess and ensure compliance with the requirements of the licensing policy and licence conditions.

### 3.1.2 Licensing Performance Framework – second quarter update.

3.1.2.1 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.”*

3.1.2.2 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.

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

3.1.2.4 Full detail on the performance against each of the measures is given in Appendix 1 to this report. Explanatory narrative is provided where there is an element of underperformance against the stated targets.

- 3.1.2.5 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.
- 3.1.2.6 Of the 16 measures with targets, 5 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.
- 3.1.2.7 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 but one member of the Licensing Team had been through the PDR process. This staff member will receive a full PDR on their return from annual leave.

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

There has been one data sharing concern raised during the period covered by this report.

This concern related to the sharing of National Crime Agency information / intelligence relating to suspects designated under Operation Stovewood (or a sub-operation). Although the relationship between the National Crime Agency and Rotherham MBC Licensing is generally very good, there has been an instance where the licensing service have been provided with information verbally, but this has not then been followed up with sufficient written detail in order for a justified decision to be made.

Licensing officers and the Assistant Director of Community Safety and Street Scene have been involved in a series of discussions with the National Crime Agency, Rotherham MBC Multi Agency Safeguarding Hub (MASH) and Rotherham MBC Legal Services. These discussions have resulted in the adoption of an agreed process that allows the efficient and effective sharing of information relating to designated suspects so that appropriate action can be taken as swiftly as possible.

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

Documented procedures remain in place in relation to key processes within the team, these are subject to review periodically.

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 first six months of 2018/19, the Licensing Manager has identified one issue that has required amendment to current working practices. This related to the way that lease / hire vehicles are issued with a licence (such as when an existing vehicle is involved in an accident). Since the amendment of this process, the service has a much more appropriate level of control over the way that these vehicles are licensed and used.

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

3.1.3.1 In June 2015, the Council introduced a revised General Enforcement Policy (this policy is currently under review and will be considered by the Council's Cabinet in November 2018). This policy sets out the Council's approach to enforcement and demonstrates how individual enforcement services are adhering to the Principles of Good Regulation.

3.1.3.2 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.

3.1.3.3 Enforcement relating to the Council's licensing function takes two forms:

- 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.
- 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 sub-committee of the Council's Licensing Board and / or the instigation of legal proceedings in the criminal courts.

3.1.3.4 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.

3.1.3.5 The licensing service exercises its regulatory activities in a way which is:

- Proportionate – our activities will reflect the level of risk to the public and enforcement action taken will relate to the seriousness of the offence.
- Accountable – our activities will be open to public scrutiny, with clear and accessible policies, and fair and efficient complaints procedures.
- 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.
- Transparent – we will ensure that those we regulate are able to understand what is expected of them and what they can anticipate in return.
- Targeted – we will focus our resources on higher risk enterprises and activities, reflecting local need and national priorities.

3.1.3.6 In undertaking its enforcement activities, the Council's licensing service needs to demonstrate compliance with these elements.

3.1.3.7 Information in relation to the activities of the licensing enforcement team is attached to this report as Appendix 2.

3.1.3.8 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 by a sub-committee of the Council's Licensing Board).



- 3.1.3.9 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.
- 3.1.3.10 Between April 2018 and September 2018 (inclusive) there have been 10 appeals lodged in relation to decisions made by licensing officers and / or the Licensing Board (all of these relate to driver matters only). The Council has successfully defended five of these (including one by way of a Public Interest Immunity hearing).
- 3.1.3.11 Of the remaining five cases:
- Three have not yet been resolved and so remain ongoing.
  - One was initially successfully defended, but the decision was set aside and the case reopened (this therefore remains ongoing).
  - One appellant was successful in his appeal at the Magistrates Court, however the Council has appealed this decision to the Crown Court – this case therefore also remains ongoing.
- 3.1.3.12 Therefore, the Council has successfully defended 100% of the appeals that have been before a Court.
- 3.1.3.13 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.
- 3.1.3.14 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.
- 3.1.3.15 At its meeting in February 2017, the Licensing Board set priorities for the licensing team during the financial year 2017/18.
- 3.1.3.16 Unfortunately, the service has experienced some difficulties in relation to the number of operational enforcement officers that are available to the service. This has been for a number of reasons, including promotion to other roles within the service, maternity leave, resignation and sickness absence.
- 3.1.3.17 Despite these difficulties, the service has maintained an effective enforcement role – one which is considered to be much improved from previous years. However, it has been unavoidable that resources have been directed towards

reactive complaint investigation and enforcement of matters directly related to public safety. That said, a significant amount of work has been undertaken in relation to the priorities that were agreed by the Licensing Board.

3.1.3.18 The priorities and the actions taken in relation to them are outlined below:

– Private Hire Operators

The specific actions in relation to Private Hire Operators were as follows:

- Review of the way that the Council's fitness and propriety requirements are applied to all operators that are licensed by Rotherham MBC.
- Review 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.

Officers have undertaken a number of inspections / visits to the premises of licensed Private Hire Operators. These visits exposed several failings amongst operators which were initially addressed via advice and guidance (this is in accordance with the Council's General Enforcement Policy).

However, despite being provision of advice and guidance, several Operators have continued to act in contravention of their licence conditions (and in some cases legal requirements).

The most serious of these related to the case of a Private Hire Operator that was brought before the Licensing Board on 3<sup>rd</sup> September 2018. Concerns in this case included:

- The use of unlicensed vehicles and drivers (some of which were subsequently convicted of sexual offences against children).
- Inability to maintain accurate records.
- Aggressive / intimidating behaviour towards licensing officers.
- Dishonesty / disregard for licensing requirements.

The outcome of the hearing is not detailed in this report as (at the time of drafting) the decision had not been communicated to the licence holder.

In addition to the above, action is also likely in relation to the following cases:

Operator 1 - likely referral to Licensing Board as a result of failing to keep operator records as defined by the Policy, failing to produce vehicle for a compliance test and displaying an expired PHV rear plate.

There also be offences of using unlicensed vehicles and driver which are currently being investigated.

Operator 2 - currently under investigation for suspicion of using unlicensed vehicles and drivers (4), failing to keep operator records as defined by the Policy.

Operator 3 - currently under investigation for using unlicensed vehicles and drivers (3) and failing to keep operator records as defined by the Policy.

Operator 4 - currently under investigation for using unlicensed vehicles and drivers (2) and failing to keep operator records as defined by the Policy.

Operator 5 – currently under investigation for supplying unlicensed vehicles and drivers to other licensed Private Hire Operators and for failing to comply with the request of an authorised officer.

Operator 6 – currently under investigation in relation to operator records, further enquiries are ongoing.

Due to the complexity of these cases, it is unlikely that cases will be brought before the Licensing Board in the immediate future – however progress should be made in the final quarter of the current financial year.

– Takeaways / late night restaurants

The specific actions in relation to Private Hire Operators were as follows:

- 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.

Due to the amount of work undertaken with Operators and the demands of reactive work, the service has not been able to focus on late night takeaways to the desired extent.

That said, licensing officers have undertaken the following work in relation to licensed late night takeaways:

- Undertaken late night visits with police officers and immigration officials to identify illegal workers and address any concerns in relation to the presence of young people near takeaways late at night.
- Worked with the National Crime Agency and South Yorkshire Police to undertake disruption activity where there is information that premises are linked to child safety concerns.
- Reviewed National good practice through attendance at seminar and conferences (including the recent work undertaken by Swinton Lock) with the intention of identifying good practice and developing similar schemes within Rotherham.

#### 3.1.4 Service restructure / staffing update.

3.1.4.1 Following a recent round of recruitment, the following appointments have been made within the Licensing Service:

- Rachel Williams has been appointed to the post of Licensing Enforcement Officer. Rachel will commence employment with the Council on 1<sup>st</sup> October 2018.
- The vacant post of Licensing Technical Support Officer (0.4 FTE) has been filled subject to all relevant pre-employment checks being satisfactorily completed. This individual is able to start work at very short notice.

3.1.4.2 As a result of this recruitment, all vacancies within the Licensing team are now filled.

#### 3.1.5 Update in relation to some key initiatives and project work that have been ongoing within the Licensing Service.

3.1.5.1 Other significant activities / actions of note in the first six months of the year include:

- The National Register of Revocations and Refusals (NR3) went live in August 2018 – NR3 is hosted by the National Anti-Fraud Network (NAFN). The Council’s Licensing Service will undertake a check of the database as part of the process of assessing an applicant’s fitness to hold a Hackney Carriage / Private Hire Driver’s licence in Rotherham.

Council licensing officers initially contacted NAFN in March 2017 and suggested that a shared database of revocations and refusals would be useful, and that the existing NAFN system could be adapted to provide this.

Following this contact, other local authorities expressed an interest in the scheme (some of whom had also contacted NAFN) and a “local authority user group” was established in July 2017 (hosted by the Local Government Association).

Officers from Rotherham MBC were part of this user group, and over subsequent months officers were involved in the development and testing of NR3.

- Council officers have worked with colleagues in the Change and Innovation Team to review and amend existing processes to make them more streamlined and user friendly.

This will see the introduction of online accounts for all licence holders, and allow them to make applications online rather than visit Riverside House in person.

- The review of the Council’s knowledge test has been completed, and is due to be introduced in November 2018. This test is more comprehensive than the current one and will ensure that the standard of driver that is licensed in Rotherham is further improved.
- The Council’s Safeguarding Awareness Training Course has been reviewed and amended following feedback from participants and Members of the Licensing Board that had attended the training.

The training is now significantly more comprehensive and includes an assessment which attendees must pass in order to satisfactorily complete the course (100% pass mark).

#### 3.1.5.2 The following work is planned for the coming months:

- Introduction of a window sticker that will be displayed in licensed vehicles – this sticker will confirm that the vehicle

is licensed by Rotherham MBC and provide details of the way that passengers can obtain further information about the vehicle and raise a concern about / compliment the driver. It is anticipated that these stickers will be introduced in licensed vehicles during October / November 2018.

- There will be a general review of the conditions that are attached to Hackney Carriage / Private Hire licences. This will ensure that the licence conditions continue to provide the highest levels of protection for passengers that travel in licensed vehicles. This work is expected to commence in early 2019.
- There will be a review of the way that camera systems used in licensed vehicles are procured and approved. This is likely to involve a tendering process and the identification of an approved supplier(s).

Further updates will be provided in relation to all of these matters in due course.

#### 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 sub-committee of the Council's 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**

1.1 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.

1.2 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.

1.3 The Council must be able to demonstrate effectiveness of the policy and provide confidence and reassurance regarding its implementation.

## **2. Human Resources Implication**

2.1 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.

2.2 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.

2.3 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.

2.4 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.

- 2.5 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.
- 2.6 Any issues identified in relation to the enforcement work that is carried out are discussed with individual officers and corrective actions undertaken where necessary.

### **3. Implications for Children and Young People and Vulnerable Adults**

- 3.1 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.
- 3.2 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.
- 3.3 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.
- 3.4 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.
- 3.5 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)

- 3.6 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.
- 3.7 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.
- 3.8 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.

#### **4. Equalities and Human Rights Implications**

- 4.1 In undertaking its licensing function, the Council comply with relevant legislative requirements including the Human Rights Act 1998.
- 4.2 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.
- 4.3 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.
- 4.4 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.

## **5. Implications for Partners and Other Directorates**

5.1 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.

## **6. Risks and Mitigation**

6.1 Failure of the Council to effectively discharge its licensing function may compromise public safety.

6.2 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.

6.3 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.

6.4 Failure of the Council to effectively discharge its licensing enforcement functions may compromise public safety.

6.5 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.

## **7. Accountable Officer(s)**

7.1 Alan Pogorzelec – Licensing Manager  
Regeneration and Environment  
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