

OVERVIEW AND SCRUTINY MANAGEMENT BOARD
14th November, 2014

Present:- Councillor Steele (in the Chair); Councillors Ahmed, Currie, J. Hamilton, Middleton, Parker, Read, Sansome, Sims, Vines, Watson and Wyatt.

53. DECLARATIONS OF INTEREST

Councillor Wyatt declared a disclosable interest in Minute No. 57 (Scrutiny Review – Access to G.P.'s) on the grounds of his wife's employment and left the meeting whilst this item was discussed.

Councillor Currie declared a personal interest in Minute No. 56 (Licensing Policy) on the grounds that he was involved with M.O.T. testing on vehicles.

54. QUESTIONS FROM MEMBERS OF THE PUBLIC AND THE PRESS

There were no questions from members of the public or the press.

55. NOMINATIONS TO COMMITTEES AND PANELS

56. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY - CONSULTATION

Further to Minute No. 17 of the meeting of the Licensing Board held on 27th October, 2014, consideration was given to a report, presented by the Dave Richmond, Director of Housing and Neighbours, and Alan Pogorzelec, Regulatory Manager, which since the publication of the Jay report had had a significant impact on public confidence in Rotherham's taxi and private hire industry. This report outlined how the Council could improve and strengthen its regulation of the industry to ensure that the standards applied in Rotherham were amongst the most stringent operating anywhere in the country. This approach was intended to ensure that using taxis in Rotherham was a safe, reliable, and pleasant experience, providing reassurance for local people, and as a result Rotherham has a high quality, sustainable taxi trade.

There would be extensive public consultation about the new licensing policy for hackney carriages and private hire vehicles, their operators and drivers. The period of consultation began on Monday 3rd November, 2014 and would last for eight weeks until 28th December, 2014. This had been widely published in the local press, radio stations and on the social media feeds.

Details of the requirements in relation to applications for a licence to drive a hackney carriage or private hire vehicle and checks currently undertaken and the amendments to the process were circulated and referred to in detail.

It was noted that the new licensing policy would incorporate the proposed changes to the checks for suitability of people that applied for a hackney carriage or private hire driver's licence. This would ensure that the Council only issued a licence to those persons that were considered "fit and proper" to hold a licence.

The Board sought clarification on the definition of a good character and how to define a "fit and proper" person, details on the knowledge test and pass mark and whether or not this incorporated a language test. They were informed about who could submit a reference for good character, the pass mark (not rate) required for the knowledge test and how there were no plans to include a standard language test at this stage. In terms of the determination if an applicant was being truthful or misleading or not, this was for the Licensing Board to balance out in their deliberations as to the consideration of them being "fit and proper" and whether they should be provided with a licence.

Whilst the Board were reassured by the answers above, it was pointed out that it was hoped those applying for a licence had the basic requirements for literacy and numeracy and the ability to communicate verbally when driving a taxi and it was suggested that this be considered further.

The new policy, in line with the requirements of the Rehabilitation of Offenders Act, the Council did not discriminate against those that have previously been convicted of a criminal offence, but one of the key purposes of licensing was to protect the public from those that may present a risk to their safety. In view of this the Council had developed a series of guidelines that provided assistance when determining applications, which had been revised and which were significantly more stringent in relation to the standards that were applied.

The Board were reassured that the table in the policy only gave a synopsis of the type of offences, when full details were provided in the appendices. A copy of this information should be provided for Board Members.

The proposals also introduced a number of standards that it expected licensed drivers to abide by which related to dress code, transportation of unaccompanied children and conduct when working with vulnerable passengers and the requirement to hand in a licence if a driver was not working for an extended period of time.

The Board sought clarification whether this included the contracts for transporting school children, how it was intended for the extended leave to be monitored and were informed that this policy did not include school contracts at this stage and the monitoring process depended on the applicants telling the truth.

The Board also asked about arrangements for the transporting of children, the legal requirement for car seats and the dress code to ensure the drivers' identities were not obscured.

The Board were informed that in terms of car and booster seats for children, this was difficult to address and the onus was on the person booking the taxi to provide one. However, the point was well made and would be looked into further.

The Board were also mindful of the period of licence options available to the Licensing Board to grant, but suggested that consideration be given to any new driver only be issued a licence for an initial twelve months.

The policy also included proposals in relation to vehicles that it licensed around the issuing of Certificates of Compliance, vehicle age, signage, tyres, meters, C.C.T.V. and advertising.

The Board asked questions about the issuing of a Certificate of Compliance rather than a M.O.T. and were informed that the standards used were similar to an M.O.T. It was also pointed out that any vehicle licensed as a taxi remained a licensed vehicle and could not be driven by unlicensed drivers. It was highly unlikely that the same vehicle would be registered for use by two different operators as there was a requirement for fixed licensed plate signage.

The Board were also reassured about the policy requirements for the use of a licensing vehicle on the occasions when the meter and C.C.T.V. were not in operation.

In general the Board were satisfied that the proposals being put forward addressed many of the areas of concern previously raised and asked that this be included on the Forward Plan of Key Decisions as it affected more than one ward in the Borough.

Resolved:- (1) That the draft Hackney Carriage and Private Hire Policy and its contents be noted as part of the public consultation.

(2) That a review of the Licensing Policy be carried out in twelve months time following introduction in April, 2015.

(3) That further consideration be given to the provision of car and booster seat provision in licensed vehicles.

(4) That links to the policy be provided for all Members of this Board.

(5) That further consideration be given to alternative tests for all new applicants on verbal communication.

57. SCRUTINY REVIEW - ACCESS TO G.P.S

Further to Minute No. 86 of the meeting of the Cabinet held on 5th November, 2014, consideration was given to a report presented by Janet Spurling, Scrutiny Officer, which set out the response of NHS England (NHS E) the GP Service Commissioner and Rotherham Clinical Commissioning Group (CCG) to the scrutiny review of access to GP's.

The majority of the Review Group's recommendations were to health partners rather than the Council, but a collective response them all was co-ordinated by the Lead Officer.

The responses to the recommendations, due back to the Cabinet in July, were quite specific in nature, but some remained unanswered directly by N.H.S. England.

In general N.H.S. England appeared to be in agreement with the sentiments expressed in the recommendations, but overall there was a lack of detail or confusion in the responses submitted. It was suggested that they be invited to a future meeting to discuss their responses.

The Chairman of the Review Group, Councillor Hoddinott, expressed disappointment with the responses received, the length of time it had taken to receive the responses and the confusion around Recommendations 5 and 6.

The recommendations that were key to the whole review were Recommendations 3 and 10 which focused on the sit and wait slots for appointments, peaks in the walk in centre and the management of demand. The essence of these recommendations were missed or were not fully addressed in the responses.

The reasoning and evidence of good practice behind the sit and wait slots were outlined further and examples of where good practice existed were identified. It was acknowledged that these kind of surgery operations eradicated the concerns about appointments being made and subsequently missed when some patients did not turn up.

The Board acknowledged the amount of work that had gone into this review and expressed their dissatisfaction with some of the responses. It was suggested that N.H.S. England be asked to attend a meeting of the Health Select Commission to give reasons as why some of the recommendations were responded to as they were. On this basis it was suggested that, as the work programme had already been set, that an extraordinary meeting be convened and invitations be extended to N.H.S. England and the Clinical Commissioning Group with the concerns of this Board and Cabinet clearly outlined.

The Board also noted the development of a joint protocol which would ensure that the local Health and Wellbeing Board (HWB), Health Select Commission (HSC) and Healthwatch Rotherham develop a constructive and productive working relationship with one another. Each body had an independent role and a shared aim to reduce health inequalities and improve health and wellbeing outcomes. The roles were distinctive, but complementary, and must add value to each other's work, and avoid duplication and a copy of the joint protocol would be made available for all Members of this Board.

Resolved:- (1) That the report the concerns expressed by the Cabinet be noted.

(2) That an extraordinary meeting of the Health Select Commission be convened in January, 2015, with invitations extended to both NHS England and the CCG regarding the recommendations in the report.

(3) That the response be resubmitted back to the Cabinet in due course.

(4) That a copy of the joint protocol be provided for all Members of this Board for information.

58. CHILDREN'S COMMISSIONER'S TAKE-OVER DAY

Caroline Webb, Senior Scrutiny and Member Development Officer, confirmed that at the next meeting of the Youth Cabinet, scheduled for 20th November, 2014, consideration was to be given to an update on the review of self harm, which was supported by Members of the Overview and Scrutiny Management Board. Invitations to this meeting were extended to Board Members.

In addition, the Youth Cabinet were also wishing to look at the issues of extending votes to sixteen year olds and how parliamentary candidates made their work youth friendly and addresses the issues of young people.

This would form the basis of the Take-Over Day and the precise details were yet to be confirmed, but would possible take place during February, 2015 half term when prospective parliamentary candidates may be available to answer questions.

Resolved:- That the information on the Take-Over Day be noted.

59. CHILD SEXUAL EXPLOITATION - SCRUTINY OF THE REPORT BY PROFESSOR ALEXIS JAY

Deborah Fellowes, Scrutiny Manager, provided information on the draft proposals for the Overview and Scrutiny Management Board to scrutinise the report of Professor Alexis Jay and sought agreement on how to take these forward.

It was suggested that a wider piece of work be undertaken on the Jay Report over a two day period, with the first taking place on the scheduled Board meeting of Friday, 12th December, followed by a further date of Thursday, 18th December, 2014.

The two full day sessions would look specifically at the implications for Local Government and the experiences elsewhere and how Rotherham could learn from good practice. This would also include looking at the implications for the criminal justice agencies and the effectiveness of support that was available for victims of child sexual exploitation.

This would also seek to build on the work undertaken by the Improving Lives Select Commission twelve months ago to bring together the partners' contributions to the child sexual exploitation action plan.

Initial discussions have taken place with Professor Alexis Jay who was willing to attend one of the sessions to look at the implications of her report on Rotherham.

The two days would be carefully structured and managed and all Members would be invited to attend. There would be the opportunities for public questions with time constraints, but it would be a requirement that these questions were submitted in advance of the meetings.

In terms of questions from other Elected Members it was suggested that the Chairman of the Overview and Scrutiny Management Board write out to all Members inviting them to submit questions in order to assist with planning for the two day sessions. Questions would then be aligned to the most appropriate session and assessed to avoid any duplication. Spontaneous questioning would be reserved for Overview and Scrutiny Management Board Members only.

To assist with preparing for the two days sessions in December it was also proposed that two sources of external support be provided:-

- 25th November, 2014 – member development session on questioning skills. Invitations would be made to Overview and Scrutiny Management Board Members initially with the intention of using a case study in that session around the scrutiny of child sexual exploitation.
- Ed Hammond from the Centre for Public Scrutiny would be available to provide individual advice and support for effective scrutiny.

The Board welcomed the opportunity to scrutinise the Jay Report, but were advised that in order to manage the scrutiny process effectively over the two day period it was necessary to ask other Members to submit their questions in advance of the meeting. This had been carefully considered by the Chairman and Vice-Chairman in consultation with the Monitoring Officer. Whilst some additional questions may be triggered by the

responses to other questions, it was suggested that these should only feed in via Overview and Scrutiny Members. The suggestion that this should be in a question/answer seminar format was felt to be inappropriate as this matter needed to be scrutinised and managed effectively.

Further questions were raised about whether or not extra questions could be considered if the times allocated were flexible and how strictly this would be enforced. The Board were informed that once Professor Jay had confirmed her attendance professional witnesses would be invited at specific times during the two days and would require the whole two day process to be tightly managed.

Specific details on the question and answer sessions were to be confirmed in consultation with the Chairman and Vice-Chairman and any additional questioning would be allowed at the Chairman's discretion if there were time allowed.

Resolved:- That the arrangements for the two day sessions to consider the scrutiny of the report by Professor Alexis Jay be approved.

60. PLAN OF KEY DECISIONS

Deborah Fellowes, Scrutiny Manager, referred to the Forward Plan of Key Decisions, which had been circulated as part of the agenda pack.

The Board expressed their disappointment in the contents of the document as it was sparsely populated with information.

It was suggested that this issue be raised as an agenda item for consideration at the next Cabinet/Strategic Leadership Team/Scrutiny Meeting as a matter of some urgency.

Resolved:- That the Forward Plan of Key Decisions be included as an agenda item for discussion at the next meeting of Cabinet/Strategic Leadership Team/Scrutiny.

61. ISSUES REFERRED FROM THE AREA ASSEMBLIES

There were none.

62. YOUTH CABINET/YOUNG PEOPLE'S ISSUES

All matters were covered as part of the Eleven Million Take Over Day as part of this meeting.

63. MINUTES OF THE PREVIOUS MEETING HELD ON 17TH OCTOBER, 2014

Resolved:- That the minutes of the previous meeting of the Overview and Scrutiny Management Board, held on 17th October, 2014 be approved as a correct record for signature by the Chairman.

64. WORK IN PROGRESS

Improving Places Select Commission:-

Deborah Fellowes, Scrutiny Manager, confirmed that discussion had taken place around the work programme and how the implications of the Jay Report could be incorporated, which would also link into future consideration of town centre safety for young people.

Future agenda items would also include:-

- Conclusion of the Council housing report.
- Investment Plan and key areas of activity.
- City Region.
- Community Infrastructure Levy.

Improving Lives Select Commission:-

Councillor J. Hamilton, Chairman, confirmed that at the last meeting consideration had been given to the Annual Adult Safeguarding Board and an update on the domestic violence review and presentation on forced marriages.

Health Select Commission:-

Councillor Sansome, Vice-Chairman, referred to the work on the Scrutiny Review of Incontinence, the joint meeting relating to the specialist cardiac unit in Leeds and also the response to the dental and orthodontic services.

Self Regulation Select Commission:-

Councillor Currie, Chairman, confirmed the Commission would continue in its role of monitoring the revenue and budget monitoring process, the budget setting process, including the budget consultations as part of the Commission's work programme in the next few months.

Resolved:- That the information shared be noted.

65. CALL-IN ISSUES

There were no formal call-in requests.

66. DATE AND TIME OF NEXT MEETING

Resolved:- That the next meeting of the Overview and Scrutiny Management Board take place on Friday, 12th December, 2014 at 9.00 a.m.