

**IMPLICATIONS FOR THE LICENSING PARTNERSHIP FOLLOWING THE REPORT OF INSPECTION OF ROTHERHAM METROPOLITAN BOROUGH COUNCIL BY LOUISE CASSEY CB – FEBRUARY**

**Licensing Committee – 10<sup>th</sup> June 2015**

Report of Chief Officer Environmental and Operational Services

Status: For Decision

Key Decision: No

---

**Executive Summary:** Following the publication of the report by Louise Cassey CB this report examines how this relates to taxi licensing and the issue of safeguarding children in the light of lessons learned from Rotherham.

---

**This report supports the Key Aim of Safer Communities.**

**Portfolio Holder** Cllr. Firth (Legal and Democratic)

**Contact Officer(s)** Claire Perry 7325/07970 731616

---

**Recommendation to Licensing Committee:**

That

- (1) the recommendations in the report be noted; and
  - (2) authority to implement the recommendations be delegated to the Chief Officer Environmental and Operational Services.
- 

**Reason for recommendation:** To ensure that this Licensing Authority and the Licensing Partnership is processing, issuing and checking for compliance in a manner that safeguards children and vulnerable adults.

---

**Introduction and Background**

1. Louise Cassey reported that Rotherham Metropolitan Borough Council [RMBC] was an authority in denial. This report is intended to examine what was reported about Rotherham and ensure that this Council's Licensing Partnership has measures in place to ensure similar events and decisions cannot occur.
2. Professor Alexis Jay's Independent Inquiry into Child Sexual Exploitation in Rotherham was commissioned by Rotherham Metropolitan Borough Council in October 2013 and published on 26th August 2014. Covering the periods of 1997-2009 and 2009 - 2013, it looked at how Rotherham Metropolitan Borough Council's (RMBC) Children's Services dealt with child sexual exploitation cases.

3. Following on from this inquiry on the 10th September 2014, the Secretary of State appointed Louise Casey CB under section 10 of the Local Government Act 1999 to carry out an inspection of the compliance of Rotherham Metropolitan Borough Council with the requirements of Part 1 of that Act, in relation to the Council's exercise of its functions on governance, children and young people, and taxi and private hire licensing.
4. The investigations revealed:
  - a council in denial about serious and on-going safeguarding failures;
  - an archaic culture of sexism, bullying and discomfort around race;
  - failure to address past weaknesses, in particular in Children's Social Care;
  - weak and ineffective arrangements for taxi licensing which leave the public at risk;
  - ineffective leadership and management, including political leadership;
  - no shared vision, a partial management team and ineffective liaisons with partners;
  - a culture of covering up uncomfortable truths, silencing whistle-blowers and paying off staff rather than dealing with difficult issues.

### **Issues Within the Rotherham Report Specifically Related to Taxi and Private Hire Licensing**

#### RMBC – A divided service

5. The licensing service portfolio covers eight other licensing areas including gambling, alcohol and licensed takeaways. The taxi service is divided into two branches:
  - the Policy team deals with policy, applications, renewals, suspensions and revocations
  - The Enforcement team deals with complaints and investigations
6. The split of these functions is not common in other licensing authorities. Inspectors found evidence of conflict between the two branches, notably on what kind of evidence could be presented when the Licensing Board meets to consider whether to revoke or suspend a licence.
7. The two branches of licensing use different databases which do not interface, so information is not easily shared between Policy and Enforcement teams. This means that driver or operator records cannot be viewed in a single place, requires officers to request information from each other and has sometimes resulted in a licence being renewed without question when in fact the driver is being investigated following a complaint.
8. Inspectors found that enforcement staff do not always record complaints or information gathered on these data systems. This inconsistent recording of

information on complaints has the consequence that because data on driver performance and conduct is not collected, trends are not identified and track record 105 data (for example identifying a series of complaints) may not be available at the point of licence renewal.

9. Meetings are rarely held across the entire service and some officers said that the visibility of senior leaders was poor. One officer stated that they had seen them for the first time at a briefing meeting shortly before Inspectors arrived.
10. **Licensing Partnership:** Despite operating across three offices the Licensing Partnership works as one team with messages and direction delivered to all staff. Policies are consistent where possible and are available to all staff. The processing of applications, investigation of complaints, compliance work is carried out in a consistent manner across the three authorities and procedures are documented. They are available to all members of the team.
11. The database is the same for all members of the team and fully accessible to everyone within the Licensing Partnership and indeed for some of our external partners, such as the Police.
12. **Proposed Action** – The partnership should develop the Service request Licensing module within Uniform to be able to record complaints independently from the taxi driver/vehicle/operator/premises record and then link the individual service request to the appropriate record. Currently, complaints are recorded but can be difficult to find within the record for the driver/vehicle/operator or premises.

#### RMBC – Lack of Policy

13. Inspectors found that RMBC was behind the times as the licensing service appeared to have few written policies and attempts to draw those up would be stymied by interest parties. Inspectors found that the Council's bye-laws and conditions relating to vehicle, taxi driver and operator licences seemed not to have changed since 1976, bearing out this contention.
14. **Licensing Partnership:** Maidstone Borough Council is the only authority where there is not one document bringing together all the policy decisions. However, the authority has already taken steps to address this and the Taxi and Private Hire Policy is currently being consulted on with the trade, members of the public and other interested parties. Two meetings have been arranged to engage in face to face consultation with a wide range of consultees.
15. Sevenoaks District Council is currently drafting its revised policy and will be following the Maidstone policy as closely as possible to meet the greater harmonisation objective that is part of the Service Plan for the partnership. They will also be engaging in a similar exercise for the consultation process.
16. Tunbridge Wells Borough Council has a policy in place which has seen a number of challenges and revisions during the past two and a half years since its publication and is due to be revised in 2016.

17. **Proposed action** - Our objective is to seek greater harmonisation and there is still further work to be achieved. It would be preferable for the three policies to be further aligned to prevent human error in processing applications and for the policies to meet the recommendations made in the Law Commission's report for example moving to 5 year Private Hire Operator Licences.
18. Currently the Maidstone Borough Council and Sevenoaks District Council policies are being drafted alongside one another to achieve further harmonisation. In some cases this will not be possible. For example all Maidstone Hackney Carriage vehicles are wheel chair accessible whereas this is not the case for Sevenoaks District Council. However, proposals will be inserted into the Sevenoaks policy to move towards more wheel chair accessible vehicles.

#### RMBC – Trade influence and role of Members

19. Inspectors were often told that the private hire trade in Rotherham is vocal and demanding and some officers expressed the view that the licensing service seemed more geared towards facilitating the trade than protecting the public.
20. Members added to this pressure to support the trade. Some who had previously held taxi licences or 'badges' sat on the Licensing Board. At one point, the Board had been reluctant to hear any cases not related to matters showing up on DBS checks. That means where there were no actual convictions they would not suspend or revoke licences.
21. Licensing officers reported to Inspectors that they had received phone calls from Members over perceived delays in the processing of individual applications. Officers would be urged to 'stop wasting time'.
22. There are instances of Members making representations on behalf of the trade or individual drivers. For example, one Councillor wrote to the Crown Court offering a reference on behalf of a driver who had his licence revoked. As noted earlier 106 Inspectors were also told that 'no notice' vehicle spot checks were changed to '10-day notice' checks after representations from the trade and a Member intervention.
23. **Licensing Partnership:** There is evidence at all three authorities of reports to the Licensing Committees regarding licensees being fit and proper. All three authorities engage with the trade but there is no evidence that undue influence is exerted on Licensing Committee members or that members are applying pressure to support the trade.

#### RMBC - Complaints and investigations

24. There are major concerns over the licensing service's ability to undertake thorough investigations giving rise to a perception of undue weight being given to the need to protect drivers' livelihoods over and above the safety of the public.
25. **Licensing Partnership:** All complaints are thoroughly investigated in accordance with the Kent and Medway Licensing Compliance and Enforcement Protocol and these investigations include liaison with partners including the Police and Kent

County Council where there is a contract for a 'school run'. Where possible investigations are made following anonymous complaints, however without the ability to follow up on receipt of information by their nature these investigations are limited.

26. In addition to the liaison that takes place the Licensing Partnership represents some of the few authorities in Kent to participate in Operation Coachman. This is a joint compliance operation that takes place 2 to 3 times a year with KCC transport service (the authority responsible for managing and awarding contracts for school transportation), the Police vehicle inspection unit and VOSA. These operations enable the authorities to ensure compliance with the Licensing Policies but also provide the ability to follow up on complaint allegations.
27. **Proposed action-** It is the line manager's current practice to discuss complaint investigation at 1:1 meetings with staff but it would be best practice to ensure all members of staff are reminded to record complaints and also to ensure that all discussions regarding the investigation of complaints is documented.

RMBC – Pressure on staff

28. There was an issue regarding long term sickness at RMBC in the enforcement team and unresolved contractual arrangements which meant that there was little enforcement of taxis particularly around the night time economy.
29. **Licensing Partnership:** Compliance and enforcement is carried out at all three authorities including during the evening. Sevenoaks officers target their work throughout the working day and also during the evening to ensure this area of work is covered, as this is a time where risk of issues is increased within Sevenoaks.
30. All checks are recorded and follow up letters/action is taken.
31. There were a number of other headings in relation to Taxis and Private Hire but they do not have a bearing on the current operation of the Licensing Partnership.
32. In addition to the points raised above the following should be considered.
33. Below is an excerpt from the driver licence application form which all new and renewal drivers must complete. The same information is requested for Private Hire Operators. The complete application form is attached in Appendix A.

Have you ever been convicted during the past three years of any motoring offence?

Yes  No

Are you disqualified by any Court from holding or obtaining a driving licence?

Yes  No

*If you have seven or more penalty points on your driving licence your application may be refused; it will depend upon the nature of the offences.*

Have you ever held a Hackney Carriage or Private Hire Driver's licence
Yes <input type="checkbox"/> No <input type="checkbox"/>
If "yes" which Authority was it with? Badge number: _____
If "yes" indicate which of the following is applicable: Current <input type="checkbox"/> Revoked <input type="checkbox"/> Suspended <input type="checkbox"/> Expired <input type="checkbox"/> Surrendered <input type="checkbox"/> In any instance of a licence being held which type Hackney Carriage <input type="checkbox"/> Private Hire <input type="checkbox"/> Dual <input type="checkbox"/>

34. The sections highlighted in yellow are referred to the Licensing Officer if the answer is yes for further enquiries to be made to ensure the Licensing Officer is satisfied the applicant is a 'fit and proper' person.

- All applicants (new and renewal) are required to undertake an Enhanced Disclosure Barring Service search. Currently this is every 4 years at Maidstone but there is a proposal within the Taxi and Private Hire policy to bring this process in line with the other authorities within the Licensing Partnership to carrying out the search on renewal (every 3 years).
- Details of an applicant are shared with Officers within Her Majesty's Immigration Service to ensure applicants have a right to work in the country.
- Applicants are advised on making their application that their details will be shared with other agencies to prevent and detect fraud.
- Members of staff within the Licensing Partnership have undertaken safe guarding training.

### Preferred Option and Reasons for Recommendations

35. The partnership should develop the Service request Licensing module within Uniform to be able to record complaints independently from the taxi driver/vehicle/operator/premises record and then link the individual service request to the appropriate record. Currently, complaints are recorded but can be difficult to find within the record for the driver/vehicle/operator or premises. This will provide greater transparency.
36. One of our objectives is to seek greater harmonisation and there is still further work to be achieved. It would be preferable for the three policies to be further aligned to prevent human error in processing applications and for the policies to meet the recommendations made in the Law Commission's report for example moving to 5 year Private Hire Operator Licences.
37. It is managers' current practice to discuss complaint investigation at 1:1 meetings with staff but it would be best practice to ensure all members of staff are

reminded to record complaints and also to ensure that all discussions regarding the investigation of complaints is documented.

### **Next Steps: Communication and Implementation of the Decision**

38. Processes and a procedure will need to be developed to enable use of the Service Request module within the Licensing database.
39. Members to work together and meet up regularly to seek greater harmonisation.

### **Other Options Considered and/or Rejected**

The Licensing Authority could chose not to take any action but this may leave an opportunity for some people to exploit the Licensing regime.

### **Key Implications**

#### Financial

The result of the Licensing Authority to properly implement the legislation regarding Taxi and Private Hire Licensing may lead to legal action being taken against the authority.

#### Legal Implications and Risk Assessment Statement.

The result of the Licensing Authority to properly implement the legislation regarding Taxi and Private Hire Licensing may lead to legal action being taken against the authority.

#### Equality Assessment

The decisions recommended through this paper do not discriminate, harass or victimise any end user but are intended to safeguard children and vulnerable adults. The steps that may be taken have been outlined in the report.

### **Conclusions**

It is recommended that Members delegate the Chief Officer for Environmental and Operational Services to implement the recommendations within this report to ensure that the Licensing Authority is transparent and fair in its implementation of the legislation in relation to Taxi and Private Hire Licensing.

**Appendices**                      Appendix A – Licensing Partnership Driver Licence application form

**Background Papers:**                      Report of Inspection Rotherham Metropolitan Borough Council - [https://www.gov.uk/.../46966\\_Report\\_of\\_Inspection\\_of\\_Rotherham\\_WEB.pdf](https://www.gov.uk/.../46966_Report_of_Inspection_of_Rotherham_WEB.pdf)

**Richard Wilson**  
**Chief Officer Environmental and Operational Services**

