
Report to: Licensing & Regulatory Committee **Date of Meeting:** 26 September 2016

Subject: Implications of the recent review into the South Ribble Taxi Licensing Service.

Report of: Head of Regulation & Compliance **Wards Affected:** All

Is this a Key Decision? No **Is it included in the Forward Plan?** No

Exempt/Confidential No

Purpose/Summary

To report to members the results of a recent investigation of the Taxi and Private Hire Licensing Service in South Ribble Borough Council by the Lancashire Safeguarding Children Board and assess any implications for Sefton in light of their recommendations.

Recommendation(s)

That Licensing and Regulatory Committee:

- i) Notes this report; and
- ii) Approves the suggestions for improvements to the service contained in the report.

How does the decision contribute to the Council's Corporate Objectives?

	<u>Corporate Objective</u>	<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community	√		
2	Jobs and Prosperity		√	
3	Environmental Sustainability		√	
4	Health and Well-Being	√		
5	Children and Young People		√	
6	Creating Safe Communities	√		
7	Creating Inclusive Communities		√	
8	Improving the Quality of Council Services and Strengthening Local Democracy	√		

Reasons for the Recommendation:

In order that the Licensing & Regulatory Committee can be kept up to date with issues concerning the Taxi Licensing Service and the safeguards in place to combat child sexual exploitation.

What will it cost and how will it be financed?

(A) Revenue Costs

The cost of the service is wholly recovered from the ring fenced Taxi Licensing Trade Account, (Revenue Budget BD12).

(B) Capital Costs

None.

Implications:

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

Legal	
Finance	
Human Resources	None
Equality	
1. No Equality Implication	<input checked="" type="checkbox"/>
2. Equality Implications identified and mitigated	<input type="checkbox"/>
3. Equality Implication identified and risk remains	<input type="checkbox"/>

Impact on Service Delivery:

Improved standards and greater customer focus.

What consultations have taken place on the proposals and when?

The Head of Corporate Resources has been consulted and notes the report indicates no direct financial implications for the Council. The cost of the service is wholly recovered from the ring fenced Taxi Licensing Trade Account. (FD 4306/16).

The Head of Regulation & Compliance Services has been consulted and has no comments on the report. (LD 3589/16)

Are there any other options available for consideration?

None.

Implementation Date for the Decision

Immediately following the Committee Meeting.

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Background Papers:

None

1. Background

- 1.1 South Ribble Borough Council recently conducted an investigation into its taxi licensing functions which highlighted several concerns (see paragraph 3.3).
- 1.2 Due to the serious nature of the risks posed by the findings following the investigation into the taxi licensing function, Sefton has audited its own systems and reviewed our taxi licensing service in light of the findings, risks and recommendations in the Wilkin Chapman report (attached as annex 1).

2 Systems in Sefton

- 2.1 Sefton currently licence around 2,600 hackney carriage and private hire drivers.
- 2.2 Licences are issued and renewed in the One Stop Shops. Any adverse information concerning a driver (or potential driver) is passed to the Taxi Licensing Unit who are responsible for ensuring that all new applicants and existing drivers may only hold a licence if they are deemed a 'fit and proper' person – there is no statutory definition of 'fit and proper'.
- 2.3 Sections 51 & 59 of the Local Government (Miscellaneous Provisions) Act 1976 (LGMPA) state that a council should only issue a licence to a driver if they are satisfied that person is fit and proper. Section 61 allows the council to suspend or revoke or refuse to renew any driver's licence should that driver be convicted of any offence involving dishonesty, indecency or violence. It also allows a licence to be suspended or revoked for offences under the LGMPA itself or for "any other reasonable cause".
- 2.4 Apart from regular medicals, NVQ/VRQ training, topographical knowledge test and a current driving licence with full entitlement, all drivers must undergo a full enhanced Disclosure and Barring Service (DBS) check on application and every 3 years thereafter.
- 2.5 The 'statement of policy and guidelines relating to the relevance of convictions and other criminal matters' (commonly referred to as the convictions policy) lays

down specific disqualification criteria in relation to certain offences but the list is not exhaustive. The purpose of the policy is to set out some criteria of what the council thinks constitutes a fit and proper person and it is the starting point when determining licensing decisions. The policy is intended to minimise any threat to the public (including protection from dishonest persons) and the safeguarding of children and young persons.

- 2.5 In relation to sexual and indecency offences, any person on the sex offenders register will normally be refused a licence. Similarly, any person who has convictions for sex offences against children and young persons will always be refused. Offences for rape, indecent assault or similar offences will again normally result in the refusal of a licence. The process is not limited just to convictions and includes allegations of a serious nature involving any relevant criminal matters.

3. South Ribble Borough Council

- 3.1 South Ribble Borough Council has responsibility for issuing driver licences within its area. The licensing functions are carried out by a General Licensing Committee (GLC) in conjunction with Council officers. Their test of the suitability of a person as to whether they were 'fit and proper' seemingly was to ask themselves the question "would allow a member of their family or other person for whom they care to get into a vehicle alone with the driver".
- 3.2 In July and August 2015, some officers and some members expressed concern about decisions to renew the licences of certain drivers where there were potential incidents of Child Sexual Exploitation (CSE). The Local Safeguarding Children Board (LCSB) has since indicated that its review identified one concern into potential grooming.
- 3.3 The Council's Monitoring Officer conducted an investigation into;
- a) Taxi licensing cases where CSE was considered; and
 - b) Data sharing between the Council and external bodies where CSE was alleged and
 - c) The recording of data onto the Council licensing IT system
- 3.4 The Monitoring Officer presented a written report to the Council's Cabinet indicating that there had been failings in local investigatory procedures which might have affected the ability of the GLC to make proper decisions and information sharing and data recording was unsatisfactory.
- 3.5 A disciplinary investigation was launched in respect of licensing staff by Wilkin Chapman LLP Solicitors. A full report by Wilkin Chapman was published on 17 June 2016.
- 3.6 The report produced an implementation plan in result of its findings and associated risks. Further to this, the Council's Monitoring Officer suggested a number of recommendations. It is the findings of the internal audit report against which Sefton has reviewed its current practices.

4. Findings, risks and recommendations

4.1 As a result of the investigation into systems in place in South Ribble, Sefton have carried out an examination of its working practices against the findings, risks and recommendations highlighted by the Wilkin Chapman report.

4.2 The table below is a summary of the higher risk issues identified in South Ribble that may be applicable to Sefton and the current position in Sefton. The table also identifies actions that need to be taken in certain matters to ensure our procedures are the best they can be to assist in combatting child sexual exploitation. Please note this does not include all items raised in the Wilkin Chapman report and minor or non-relevant issues have been excluded;

	Risk identified by South Ribble	Sefton Current Position	Action
1	The Council does not have a Taxi Licensing Policy	The latest handbook containing the relevant policies and procedures was approved by committee on 30 March 2015	N/A
2	Application forms do not record National Insurance numbers or a declaration regarding data handling on application forms	Application forms currently record National Insurance numbers and contain a privacy notice stating why the information is needed and how it will be handled or used	N/A
3	Detailed written procedures should be in place for Officers incorporating all aspects of the service	There are policies and procedures in place for the vast majority of aspects of the service	Review current policies and identify any gaps
4	Issues relating to significant backlogs in filing documentation. Unable to establish if documents have been received	No known backlogs of documentation. Documents are logged upon receipt in the OSS and attached to relevant licence application	N/A
5	There should be written procedures for Licensing officer roles and responsibilities	Clearly defined officer roles and responsibilities have been in place since June 2011	N/A
6	There should be a formal schedule of pro-active enforcement in place and actions recorded	Planned and unplanned inspections are routinely carried out and results recorded. Multi agency operations and test purchasing of unlicensed vehicles & drivers carried out.	N/A
7	Reporting to the GLC should take place on a bi-annual or annual basis. The report should include an update of the work of the team, licenses issued and any enforcement action taken	The last annual performance report was consider on 20 June 2016 and included data on applications, appeals, revocations, prosecutions and knowledge tests. Complaint data was not available	Complaint data to be included in future reports. Consideration of more frequent reporting?
8	Ensure all records relating to the licensing function are collated and properly filed as quickly as possible	Applicant details are immediately entered onto the Idox Uniform system at the application stage in the OSS – this includes any accompanying documents. All enforcement data is entered onto Civica Authority which is routinely monitored to ensure it is up to date	N/A
9	Identify any risks to the public from information held and capture those	There are no known issues with missing records	N/A

	risks on the council corporate risk register		
10	Ensure licensing staff fully understand the primary purpose of the taxi licensing function	Discussions concerning the taxi licensing duties and responsibilities are regularly discussed in one to one and team meetings and liaison with the legal section	N/A
11	Ensure all members of the GLC understand the purpose of the taxi licensing function and it's quasi-judicial role	Decisions on licence applications are made by 3 officers who form part of a long standing panel which is chaired by an experienced ex police officer. Panel decisions are made using delegated powers. The officers give witness testimony (if needed) for any court appeals	Officers to ensure that they are kept up to date with changes to legislation and decisions from appeal cases
12	Require all members of the GLC and officers to complete appropriate training on CSE as quickly as possible	Officers involved have received CSE awareness training and are in close contact with the safeguarding team	Officers to receive refresher training as required
13	A process be put in place specifically designed to trigger safeguarding actions for early positive interventions	All cases of CSE are automatically referred to the child safeguarding team who then form part of the decision making panel	Continue
14	Create a standard template for reports to ensure consistency of approach – to contain a section from legal services	Standard documentation is used for all licensing decisions with the officers' decision and reasoning clearly recorded. Legal opinion is provided when deemed necessary	N/A

5 Suggestions for improvement

- 5.1 Having reviewed Sefton's system in light of the findings from the South Ribble review, subject to Committee approval, Offices will take the actions outlined above to secure the necessary improvements.
- 5.2 Officers will review current policies to ensure they are up to date and cover all aspects of the licensing functions. Officers will also receive CSE refresher training as required.
- 5.3 Future reports to Committee should include more detailed information about complaint data and consideration given to more frequent reporting.
- 5.4 Promote the increased use of the online DBS update service which will allow the Council to undertake instant checking of a licence holder's certificate at any time.