

**OVERVIEW AND SCRUTINY COMMITTEE
(REGULATORY, COMPLIANCE AND CORPORATE SERVICES)**



Licensing Act 2003



**LICENSING/CHILD SEXUAL EXPLOITATION WORKING GROUP
FINAL REPORT
SEPTEMBER 2017**

Overview
& Scrutiny



Overview & Scrutiny

**‘Valuing
Improvement’**

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LEAD MEMBER'S INTRODUCTION

I am very pleased to introduce this Overview and Scrutiny Committee (Regulatory, Compliance and Corporate Services) Licensing/Child Sexual Exploitation Working Group report.

The Working Group adhered to its established terms of reference and objectives (see paragraph 2 below) in interviewing witnesses and its drafting of recommendations.

I wish to thank all those people who gave up their valuable time to be interviewed by the Working Group. The input and expertise of interviewees greatly helped the Working Group in the formulation of its recommendations. Finally, I am extremely grateful to my fellow cross-party Working Group Members for their commitment and their ideas and contributions.



Councillor Dave Robinson
Lead Member, Licensing/Child Sexual
Exploitation Working Group



1.0 BACKGROUND

- 1.1 At its meeting held on 21 June 2016 the Overview and Scrutiny Committee (Regulatory, Compliance and Corporate Services) approved the establishment of a Joint Working Group, with members of the Overview and Scrutiny Committee (Children's Services and Safeguarding), to review the topic of Licensing/Child Sexual Exploitation.
- 1.2 Councillors Bradshaw, Keith, Brenda O'Brien, Robinson and Thomas and Mrs. Sandra Cain, an Associate Member of the Overview and Scrutiny Committee (Children's Services and Safeguarding) were appointed to serve on the Working Group.
- 1.3 At the first meeting of the Working Group Councillor Robinson was appointed Lead Member. Details of Working Group meetings are set out below:-

Date	Activity
29.09.16	Scoping Document approved Background reading material identified
2.11.16	Working Group received presentation from Kara Haskayne, Service Manager, Safeguarding Children - Independent Reviewing and DCI Gayle Rooney on Child Sexual Exploitation Selection of witnesses approved
25.10.16	Consideration of documentation regarding agile working
6.12.16	Interview Key Witnesses – Michael Hearty, Merseyside Police Licensing Sergeant Andrew Naisbitt, former Trading Standards and Licensing Manager Kevin Coady, Principal Licensing Officer
8.12.16	Interview Key Witness – Peter Yates, Service Manager, Corporate Parenting
27.04.17	Site visit to Multi-Agency Safeguarding Hub
May 17	Final Report and Recommendations signed off by Working Group Members via email

2.0 TERMS OF REFERENCE AND OBJECTIVES

- 2.1 The Terms of Reference and Objectives of the Working Group were approved as part of the scoping exercise at the first meeting and are set out below.
- 2.2 Terms of Reference and Objectives
 - 2.2.1 To review the Council's legal and safeguarding position in relation to the issue of any licence following allegations of child sexual exploitation;
 - 2.2.2 To consider whether all relevant pathways, methods of referral are sound with respect to escalation of CSE referrals;
 - 2.2.3 To ensure that key sectors are informed, aware of how to raise



concerns concerning CSE; and

- 2.2.4 To liaise with the Home Office and lobby for legislative change should the need arise

3.0 METHODS OF ENQUIRY

- 3.1 Literature Review
- 3.2 Legislation Review and Legal Opinion
- 3.3 Critically assess current protocols
- 3.4 Assess Case Studies – Rotherham and others
- 3.5 Compare / contrast permissive -v- restrictive licensing regimes and the concept of fit and proper person

4.0 PRESENTATION/KEY WITNESSES

Members of the Working Group gathered evidence through various methods, including presentations, briefings and receiving reports. Evidence was also obtained when Members had the opportunity to interview key witnesses, various Officers and Partners.

Paragraphs 4.1 to 4.3 provide a summary of the points raised in presentations/discussions held with key witnesses who had been invited to attend Working Group meetings.

4.1 PRESENTATION FROM KARA HASKAYNE, SERVICE MANAGER, SAFEGUARDING CHILDREN - INDEPENDENT REVIEWING AND DCI GAYLE ROONEY, MERSEYSIDE POLICE

- 4.1.1 Ms. Haskayne/DCI Rooney identified:-

The definition of CSE as follows:-

‘Sexual exploitation of children and young people under 18 involves exploitative situations, contexts and relationships where young people (a third person or persons) receive ‘something’ (e.g. food, accommodation, drugs or alcohol, cigarettes, affections, gifts, money) as a result of them performing, and/or another or others performing on them, sexual activities. Child sexual exploitation can occur through the use of technology without the child’s immediate recognition; for example being persuaded to post sexual images on the Internet/mobile phones without immediate payment/gain. In all cases, those exploiting the child/young person have power over them by virtue of their age, gender, intellect, physical strength and/or economic or other resources. Violence, coercion and



intimidation are common, involvement in exploitative relationships are characterised in the main by the child or young person's limited availability of choice resulting from their social / economic and /or emotional vulnerability.'

Safeguarding Children from Sexual Exploitation (DFE 2009:9)

National lessons learned to date;
Signs that a child may be exploited;
How agencies were advised to refer their concerns regarding CSE;
Multi agency actions undertaken to safeguard the child and disrupt and prosecute offenders;
Specific actions regarding CSE and licensing; and
Feedback received from the Ofsted Inspection that showed that a highly effective multi-agency strategy had resulted in innovative practice to safeguard children from CSE.

A copy of the presentation can be viewed [here](#)

Following the presentation Working Group Members commented/asked questions as follows to Kara Haskayne, DCI Gayle Rooney and Terry Wood, Environment and Licensing Manager :-

- 4.1.2 How many CSE successful prosecutions had there been? – DCI Gayle Rooney. It was difficult to get the CPS to prosecute although the situation was now improving and an example of a successful prosecution was given. Furthermore, the Police cyber-crime unit was now expanding and this would help to gather information to improve the prospect of successful prosecutions
- 4.1.3 Information was sought on Child Abduction Warning Notices – Kara Haskayne. Child Abduction Warning Notices were formerly known as Harbourers' Warnings. They could be issued against individuals who were suspected of grooming children by stating that they had no permission to associate with the named child and that if they did so they could be arrested under the Child Abduction Act 1984 and Children Act 1989. They could be a useful tool for parents because they required a statement from the person(s) with parental responsibility for the child. This was important if a parent identified a risk, but your child insisted that the person was a legitimate 'friend' or 'boy/girlfriend'. A problem with Child Abduction Warning Notices was that the police were able to issue them for children up to the age of 18 only if they were in the care of the local authority. At the moment they could only be issued to children up to the age of 16 if they were living at home. The Council and several other organisations were lobbying the Government to amend the legislation to ensure that notices could be served for all children up to the age of 18

- 4.1.4 A member indicated that they worked in a Community Centre and that a “7 Minute Briefing” (that provided information on various current safeguarding children topics) would be very helpful for staff – Kara Haskayne. This could be arranged
- 4.1.5 Information was sought on action plans for child victims of CSE who were 16 or 17 years of age – Kara Haskayne. Information was provided on the close working relationship with parents/carers; each child being allocated a social worker; “Catch 22” involvement in the process; the identification of the person with the best relationship with the victim to be the victim’s key worker; the gathering of evidence; and the multi-agency approach adopted
- 4.1.6 What happens if a child continually goes missing and refuses to cooperate with the authorities and it is known that the child frequents a particular property continually? - DCI Gayle Rooney. Targeted disruption activity is undertaken at the property and we have the power to use a Closing Order.
Kara Haskayne. Meetings would be held about the address and Independent Return Interviews would be undertaken with the child to identify and deal with any harm the child had suffered, to understand and try to address the reasons why the child or young person ran away, to help the child feel safe and understand that they had options to prevent repeat instances of them running away [and] provide them with information on how to stay safe if they ran away again, including helpline numbers
- 4.1.7 What happens if a child is very young and their parent or family member is the abuser? – Kara Haskayne. This is not classed as CSE but as child abuse. Nonetheless the issue would be reported and dealt with
- 4.1.8 Are statistics available on the numbers of CSE referrals made by the licensed taxi trade? – Kara Haskayne. Taxi drivers had made referrals and all statistics relating to CSE were reported to Cabinet on a six monthly basis and were included in an annual report
- 4.1.9 How sure are we that all out of borough children coming into Sefton are known to the Council? – Kara Haskayne. Since 2014 annual meetings had been held with all children’s homes operators and representatives; and we are notified by children’s homes when out of borough children arrive. We are confident as a Council that we know of all out of borough children coming into Sefton to either children’s homes or fostering agencies
- 4.1.10 out of borough children (as victims) could still be contacted via social media – Kara Haskayne. On arrival the child completes

documentation. A pan-Merseyside protocol is in place and when CSE of a child is known it is immediately referred to MACSE and staff from the child's home authority have to attend the MACSE meeting

- 4.1.11 Are we confident that if an organised group (targeting children from a CSE perspective) was operating in Sefton that we would know about it? – Kara Haskayne. We had all the systems and processes in place but there was always more work to be done; and unfortunately we could never say it wouldn't happen in Sefton. Members of the community would pick up on CSE behaviour before the Police or the Council and therefore more work was required to engage with our local communities to give them the confidence to report CSE
- 4.1.12 Were all taxi operating firms on board with the CSE proposals contained in the Taxi Licensing Handbook? – Terry Wood. Yes and all drivers were issued with the Handbook and were made aware of the CSE elements
- 4.1.13 Was there any training given to the hotel industry? – Terry Wood. There was no statutory provision to do this. KH referred to correspondence between the Chief Executive and the Home Office that identified a conflict between the statutory requirements of the Licensing Act 2003 and the prevention of CSE
- 4.1.14 Following the complaints made against the Police in respect of the raid on Sir Cliff Richard's home and the now dropped allegations of indecent assault against a youth, would this hinder the prospect of people reporting incidents of CSE? – Kara Haskayne. It was understandable that this may happen. Following reports of abuse by Jimmy Saville lots more referrals were made citing incidents of historical abuse
- 4.1.15 A member referred to a CVS training session on CSE that they had attended and that she was concerned at the lack of input from the Faith Sector. Accordingly, she had spoken to a number of faith organisations on the matter and would continue to do so – Kara Haskayne. We work closely with the Diocese and Archdiocese and both had a CSE point of contact and associated action plans. Inter-faith group meetings had also been attended to promote the issue of CSE
- 4.1.16 Was CSE information available in other languages? – Kara Haskayne. This would be investigated
- 4.1.17 What would happen if a child victim had a learning disability? – Kara Haskayne. The case would be discussed with colleagues in



4.2 LICENSING REGIME – WITNESS INTERVIEWS

MICHAEL HEARTY, MERSEYSIDE POLICE LICENSING SERGEANT
ANDREW NAISBITT, FORMER TRADING STANDARDS AND LICENSING
MANAGER
KEVIN COADY, PRINCIPAL LICENSING OFFICER

Michael Hearty, Merseyside Police Licensing Sergeant, Andrew Naisbitt, former Trading Standards and Licensing Manager and Kevin Coady, Principal Licensing Officer were present at the meeting of the Working Group at the same time and responded to the following questions as part of a general discussion.

4.2.1 **Do you consider that the licensing framework actually evaluates the people involved in these 'tempting' industries or does it just make them comply with various requirements?**

- It was acknowledged that each application was taken on its individual merits and that the licensing framework forced applicants to comply with various requirements; although an element of evaluation was undertaken by checking an applicant's past history. Furthermore, the Head of Children's Social Care was consulted on certain licensing applications and could advise and make recommendations on safeguarding issues.
- Discussion was also held on the distinction between applications relating to the taxicab and private hire trade and those relating to alcohol related licences. A restrictive fit and proper person test was adopted for taxicab/private hire licences whilst a permissive test was adopted for alcohol related licences. This meant that so long as the applicant complied with the following 4 conditions, then a licence must be granted by the Council:-
 1. Must be aged 18 or over;
 2. That no personal licence held by them has been forfeited within the period of five years before making the application;
 3. That they possess an accredited licensing qualification; and,
 4. That they have not been convicted of any relevant or foreign offence.(From 6 April 2017 a further condition has been added, namely, to ensure that the applicant has a right to work in the UK)
- However, discussion took place on a recent personal licence application that had been refused by the Licensing Sub-Committee; the applicant met the 4 conditions but various counsel advice had been sought and the Sub-Committee were persuaded by the position presented by the opinion of

one of those counsels – that a mandatory duty may be vitiated where there are public policy considerations to justify the same. The Sub-Committee considered that they had an over-arching duty to the public as a whole – which is far greater than the applicant’s need for a personal licence. The Sub-Committee considered that their duty to protect children from harm outweighed their duty to comply with s.120 of the Licensing Act 2003; accordingly, the Sub-Committee had been mindful of the applicant’s job prospects but it did not feel that the lack of a personal licence would hinder the applicant unduly. That being the case, the application was refused. This case also generated correspondence between the Chief Executive and Theresa May, the then Home Secretary. The Chief Executive sought the Home Secretary’s views on how the existing regulations could be strengthened to include:-

- A national data base of personal licences
- A fit and proper persons test
- In particular provision to allow a council to defer determination of a personal licence where the individual is currently involved in a police CSE investigation where licenced premises is central to those investigations
- A holding response was received from Karen Bradley MP, Minister for Preventing Abuse, Exploitation and Crime indicating that while it is not Government policy to comment on specific cases, she had asked her officials to look into the legislative point raised and to consult the police and licensing authority representatives, including Sefton’s licensing officers, for views about the best way to address this matter; but to date no further correspondence had been received despite a follow up letter from the Chief Executive
- It was acknowledged that the fit and proper person test was deliberately removed by Government in respect of alcohol licences and replaced with the 4 conditions; but that with regard to safeguarding issues a balance of probability test should be used; and that lots of deregulation was being introduced but not in the safeguarding field. **It was agreed that licensing should not be considered in isolation and that more regulation and accreditation was required and that it was right for Government to be made aware of this**
- It was noted that Liverpool City Council had introduced a voluntary CSE awareness scheme for Security Industry Authority regulated door staff, similar to the taxi licensing scheme introduced in Sefton. Michael Hearty agreed to provide details of the scheme to Kevin Coady
- Concern was expressed at some activities associated with underage events at which alcohol was not served. Often

young people turned up to the events drunk and were then refused admission. This then generated the problem of young people being drunk and roaming round town/city centres leaving them in a vulnerable position. It was agreed that lots of young people would drink alcohol at home, with the consent of their parents, before they left to attend underage events. The success of campaigns and controls on the retail off-licence sector clamping down on underage sales may have contributed to younger people drinking at home. The safeguarding position regarding parents allowing their children to consume alcohol was a difficult one to address. If it was believed that there was a real problem and issues of neglect arose then the local authority would take appropriate action. Finally, if the Police found young people intoxicated then they would return them home and try to find out where they obtained the alcohol.

- Reference was made to a House of Lords Select Committee currently reviewing the Licensing Act 2013. Although the issue of CSE was not contained in the Select Committee's brief, the Council had made a submission on the same lines as the Chief Executive to the Home Secretary.
- In response to a question as to how do we determine who is a fit and proper person in respect of taxis it was indicated that the process was bureaucratic and time consuming; and that the applicant had the right of appeal if refused a licence. On those occasions where a licence was refused on fit and proper grounds, the Council very rarely lost appeal cases in the Magistrates Court.

4.2.2 **Do you think we could/should have a 'fit and proper' test for the individuals or not – what would be the pros and cons of that?**

- As the law stands at present we can't adopt a fit and proper person test in accordance with the terms of the Licensing Act 2003; as mentioned earlier there was a distinct difference between the permissive and restrictive licensing regimes; and the view was that the Licensing Act 2003 was geared up towards the licensed trade. It was agreed that lobbying of the Government should be undertaken for the introduction of a fit and proper person test in relation to Licensing Act 2003 applications
- A question was asked that once an applicant had received their Disclosure and Barring Service (DBS) clearance, did such clearance stay with them for life. Yes. A further question was asked whether we could make applicants renew their DBS on safeguarding grounds. Not without a change in legislation in relation to the Licensing Act 2003.

However, the taxi/private hire trade had to renew DBS every three years. It was noted that the Government changed the legislation last year, in respect of personal licences, to remove the need to renew after 10 years. This as the Government wanted to reduce red tape for the industry.

- The Council had stronger controls in respect of Premises Licences. Reviews of such licences could be sought but without hard evidence or concerns it was difficult to provide a strong case for revocation to the Licensing Sub-Committee

4.2.3 **What do you see as the strengths and benefits and weaknesses and dis-benefits of the current system?**

- Aspects of this question were partly discussed as part of question 2 above.
- The great weakness was that the permissive nature of the Licensing Act 2003 meant that strong evidence was required to refuse applications; that the legislation was geared up to favour the licensed trade; and the view was that the system was too deregulatory. It would be helpful if we could use the balance of probability test in respect of Licensing Act 2003 matters to reduce the risks of CSE and improve safeguarding issues
- A strength was that the police and local authorities could use Closing Orders to shut down problem premises.

4.2.4 **How would you describe the relationship between the licensed industries, those who operate in the licensed industries and children who might be vulnerable to being tempted by the lures of those industries?**

- It was considered that there was a disconnect.
- The vast majority of operators were responsible and complied with all training requirements; and welcomed conditions such as CCTV installation in premises and compliance with the “Knock Back” scheme for example. However, no specific training was required to be undertaken with regard to CSE as was the case with the taxi/private hire trade. Furthermore, evidence had shown that CSE issues had been identified by the taxi/private hire trade and this could be deemed a success. Raising awareness of CSE in all licensed trades was essential; and to achieve this aim, the Home Office could be lobbied to add a CSE module to the existing nationally accredited training certificate for Personal Licence applicants. It was agreed that the Working Group could adopt a recommendation seeking Licensing Act 2003 applicants for Personal Licences to complete a CSE module as part of the Home Office accredited national

training certificate scheme.

- Rather than the Merseyside local authorities dealing with licensing/CSE issues in a piecemeal or individual way, it was suggested that the Liverpool City Region could be contacted to seek the adoption of a pan-Merseyside standardised policy to the problem, particularly bearing in mind the cross boundary nature of taxi/private hire journeys
- Could we use e-learning packages for the licensed trade? – the big licensed operators would probably agree but this may meet some resistance from smaller operators

4.2.5 **What other/more safeguarding could be/should be done?**

- By raising awareness of CSE not only by the Council but by all partner agencies such as the Police, Sefton CVS, Merseyside Fire and Rescue Service etc.
- it was confirmed following a question that if a Personal Licence holder had been convicted of a relevant offence then the Police would contact the local authority about it; and that an information sharing scheme was in place between the Police and the Council. However the Courts, upon convicting an offender, may not know that he/she held a Personal Licence and therefore the Police would not be notified in this regard. This was a loophole in the system. It was noted that at present only the Courts could revoke a personal licence.

4.3 **LOOKED AFTER CHILDREN – WITNESS INTERVIEW** **PETER YATES, SERVICE MANAGER, CORPORATE PARENTING**

The Working Group interviewed Peter Yates, Service Manager, Corporate Parenting and raised the following issues:-

4.3.1 **How do we ensure that looked after children are not exposed to CSE and reduce the risk for those that have been identified at risk of CSE?**

As of 9 December 2016 Sefton has 467 looked after children (LAC); and the primary way to ensure that LAC are not exposed to CSE and reduce the risk for those that have been identified at risk of CSE is to make sure that we provide the children with a sense of belonging and permanency and that they have a good emotional attachment. Good placement decisions ensure security and continuity. A significant decision facing Sefton as the corporate parent is whether we place children locally or further afield. Children are rarely placed further afield unless it is absolutely necessary to remove the child from risk. However, this is not without its problems because children can sometimes run away and



return alone over long distances and this can also increase exposure to risk.

The Sefton Multi Agency Child Sexual Exploitation (MACSE) Panel is used to understand and minimise risks.

4.3.2 If a child is identified at being at risk and have been involved in unhealthy peer relationships or gangs then what steps are taken to combat this?

The MACSE is used, all risks are considered by the panel and actions are agreed to minimise the risk and the agency responsible for each action.

4.3.3 Is social media monitored?

Yes it is but this often difficult to do. Colleagues in Regulation and Compliance have had success in getting various posts removed from Facebook.

4.3.4 What procedures are in place if a child continually absconds from their placement?

We would look at preventative measures and maybe use an external placement or a residential resource with the aim of cutting negative links. There is a very clear policy around children who are missing and the actions to be taken. A strategy meeting may consider a secure placement if the risk are very concerning, however this would only be used if we felt that it was the only way to protect the child; and the use of such placements require court orders. We would continually work with the young person and their carers to reduce the risk; and the child's social worker would work with agencies such as Catch 22 who provide return interviews and support to children on such issues.

4.3.5 Do we have enough resources to ensure the safety of LAC?

Yes we do, LAC are prioritised, re external placements can be costly, so we would constantly review to ensure that the child's needs are being met and it is the most appropriate placement for them.

4.3.6 How far away would we send LAC to external placements?

We always avoid placing LAC children away from their local communities when possible. Children are rarely placed more than 100 miles away. On occasion placements more than 100 miles away have been used but this is due to the specialist nature of the placement and always to meet the child's needs.



4.3.7 **Where are Sefton's 476 LAC?**

10% in residential care, 60 to 70% in foster care and 20% with parents.

4.3.8 **How many out of borough LAC are in private care homes?**

On average about 210 children who are in the care of another LA. Some are very high risk children due to CSE issues from their original local authority area and we work closely with their LA to ensure they are safe.

Some of Sefton's LAC are placed in residential homes but rarely in the same ones as out of borough children if we have concerns about the operation of a home we would discuss the matter with our Contracts and Monitoring Team so that they could assess its standards.

4.3.9 **What powers of regulation do we have over children's homes?**

The Council has no statutory powers over children's homes. We do have a Designated Officer who will become involved if there are safeguarding concerns in relation to staff members; Independent Returns Home Officers are also employed and they support children in the homes who are reported missing. The Council works closely with Ofsted, who regulate and inspect children's homes, we have been successful in the closure of three homes that did not meet the required standards. We use the North West Commissioning Framework to ensure quality assured standards in the homes.

4.3.10 **Could a private children's home provider open a home in Sefton without notifying the local authority?**

We work very closely with our planning colleagues on this matter, looking at risk factors in communities which may impact on children. We consider that we already have a very high number of out of borough LAC in Sefton and we are committed to not having any more as we are unable to provide the resources to ensure they are safe. However, we cannot stop applications for planning permission being submitted and on occasions such applications can be difficult to refuse. Furthermore, we do not currently have a planning policy regarding such homes.

It was agreed – that the Head of Regulation and Compliance investigate whether a planning policy could be introduced to stop or restrict the establishment of further private residential care homes



for LAC in Sefton.

4.3.11 What training and support do we offer to our foster carers and residential workers to ensure they understand the signs of CSE and can support young people in their care?

We provide supervision and encourage work to promote attachment with the placement family; training is provided on the role family contact plays within the placement; and training is provided to foster carers regarding e-safety, social media and CSE issues. The aim is to achieve an overall sense of belonging for the child so that they invest in the carers looking after them and remain safe.

4.3.12 Are the training courses managed?

Yes, very carefully. Mandatory training is provided as part of the foster carer core offer and courses are updated on an annual basis.

4.3.13 Can we ensure that staff in private homes are trained to the same standards?

Yes. Multi-agency training is provided and this includes CSE awareness issues; training courses are run every six weeks at Ainsdale Corporate Learning Centre. Furthermore, meetings are held on a frequent basis with private care home representatives. This is very important because children in private care homes are at a much greater risk than Sefton's LAC. Finally, it was stated that it was the responsibility of the private children's home to undertake a compatibility risk assessment of the children they accepted to ensure that they can manage their needs.

4.3.14 Can we have a say on what out of borough LAC come into Sefton?

No, we have no statutory powers in this respect. When we become aware of problems we use MACSE plans and when children are considered to be unsafe this is passed on immediately to the originating out of borough Director of Children's Services. Following a question as to whether it would be helpful to have such a statutory power it was indicated that this was a dilemma – as the Council could potentially have the direct responsibility for an additional 210 out of borough LAC but with no control or funding for such children. As mentioned previously, it was suggested that it would be better to restrict the opening of further private homes as Sefton was at optimum capacity in this regard. The Council has however been influential in getting a notification system in place so that we are aware of all the Out of Borough children in Sefton.



It was agreed – that further reflection on the issue of gaining statutory influence of out of borough LAC coming into Sefton be reflected upon as a potential recommendation of the Working Group.

4.3.15 **How do we ensure that private providers and independent fostering agencies understand the signs of CSE, are familiar with Sefton’s procedures and support the young people in their care?**

In terms of the Council’s expectations when a Sefton child is placed in with a private provider we draw up a contract to include the identification of CSE risks, the child’s care plan and mitigating factors.. This contracting process ensures that the child’s exposure to CSE risks is minimised. There is also a performance management framework in place and data in relation to CSE is analysed and quarterly update reports are submitted to Cabinet.

The Lead Member, Councillor Robinson referred to an e-learning course for parents to assess the risks of CSE.

It was agreed - that the Head of Children’s Social Care be requested to promote the e-learning course to all foster parents and carers.

5. SITE VISIT TO MULTI-AGENCY SAFEGUARDING HUB (MASH)

The Working Group undertook a visit to the Multi-Agency Safeguarding Hub (MASH) on 28 April 2017 and considered a briefing note that provided background information on MASH. The briefing note advised that Serious Case Reviews and inspections had highlighted concerns about agencies sharing information when children are at risk; that the MASH was a government backed approach that has been further endorsed in the MUNRO review of child protection; that the MASH offers a confidential information sharing service that has representation from statutory agencies as a minimum; and that each MASH is governed by an Information Sharing Agreement so that professionals are clear of expectations.

The main aim of the MASH is:-

- to enable timely, well informed decision making that leads to early help;
- to enable agencies to collate a multi-agency chronology that forms the basis for decision making;
- to use a risk assessment form to grade referrals to determine priority for actions and which agency is best placed to respond; and
- to enable the least intrusive approach to be taken by the agency deemed most appropriate. Most importantly, children should not fall



between agencies without any support service.

This concept supports the golden thread running through the Children's Social Care Service re-design of right intervention, at the right time with least changes of workers. The briefing note indicated that Sefton has a vision for MASH that encompasses a strong operational focus; and that Sefton recognises that professional relationships are critical. As such co-location, good interagency communication and the opportunity for multi-agency professionals to undertake joint visits within the community will be key features of the Sefton MASH design.

The briefing note also identified the key drivers for change, namely:-

- Vulnerable children get a better service;
- Agencies co-located e.g. police, health, Early Intervention and Prevention, Children's Social Care, Probation = better relationships, improved understanding of each other's professional role, and improved information sharing on a need to know basis;
- Early intervention by least intrusive service (early help);
- Repeat incidents identified and a problem solving approach initiated;
- Professionals have a central point for advice and access to information from a range of agencies; and
- Quicker, better informed decision making

With regard to Governance arrangements the briefing note indicated that the Director of Social Care and Health was responsible for the MASH, discharged through the Head of Children's Social Care; and that the Local Safeguarding Children's Board provides governance to the MASH.

Sefton have achieved/will achieve the MASH proposals above by the adoption of an agreed governance structure, the creation of a draft performance framework to measure how much we are doing (this will need to be populated as cases are progressed through the MASH), developing operational procedures and processes to support the MASH and marketing the MASH.

The briefing note concluded by detailing that phase one of Sefton's MASH had commenced on 24 February 2014; and that representatives from Children's Social Care, Early Intervention, Merseyside Police, Health and Merseyside Probation (virtual member) will process referrals on Domestic Abuse, Child Sexual Exploitation and Child Protection.

The Working Group also received a presentation from Julie Bucknall, Nicola Driscoll, Ellie Fairgrive and Emma Murphy on the working of the MASH Team regarding:-

- The Sefton Local Safeguarding Children's Board Partnership system to address child sexual exploitation concerns



- Child sexual exploitation referrals for the period 1 January to 20 April 2017
- How the MASH Team engage with schools/parents to raise awareness of child sexual exploitation issues
- The five types of child sexual exploitation grooming models, namely, boyfriend/girlfriend model, party model, on-line model, friendship model and groups and gangs model
- Ofsted involvement in the regulation of private children's homes

As a result of the presentation the Working Group resolved that the Head of Schools and Families be requested to promote the Child Sexual Exploitation e-learning tool with all schools and governing bodies and with a request that school e-newsletters contain a hyperlink to the e-learning tool.

6. RECOMMENDATIONS

6.1 Licensing Act 2003 – Issue of a Personal Licence

There is a conflict between the statutory requirements of the Licensing Act 2003 (LA03) and the prevention of Child Sexual Exploitation in that the permissive process for granting a Personal Licence differs to that applied to applications for Premises Licences.

There is a statutory duty set out within the Licensing Act 2003 for Responsible Authorities to be informed of Premises Licence applications, enabling relevant checks to be undertaken. In Sefton the Safeguarding Children Unit represents the 'Responsible Body for protecting children from harm' and is informed of all Premises Licence applications, so checks can be undertaken regarding any safeguarding issues, including any involvement in Child Sexual Exploitation concerns. Merseyside Police are also consulted in their capacity as a Responsible Authority. If any concerns are identified, objections to the Premises Licence application can be made to the Licensing and Regulatory Committee with regard to any of the 4 Licensing Objectives. With regard to Child Sexual Exploitation concerns, objections can be made by the Responsible Body for Safeguarding Children, the Safeguarding Children Unit and Merseyside Police regarding the following Licensing Objectives:

- Prevention of Crime and Disorder
- Public Safety
- Protection of children from harm

The Licensing and Regulatory Committee has a statutory duty to consider such objections when making their decision whether or not to grant the Premises Licence.

However, with regard to Personal Licence applications, the legislation (Section



120 LA03) requires that the Local Authority must grant a Personal Licence if it appears to it that:

- (a) The applicant is aged 18 or over
- (b) The applicant possesses a licensing qualification or is a person of a prescribed description,
- (c) No personal licence held by the applicant has been forfeited in the period of five years ending with the day the application was made, and
- (d) The applicant has not been convicted of any relevant offence or any foreign offence.

(From 6 April 2017 a further condition has been added, namely, to ensure that the applicant has a right to work in the UK). There is no ability to undertake Responsible Authority Checks. In the event that requirements (a) – (d) are met Merseyside Police are not permitted to express any objections to a Personal Licence application. The Safeguarding Children Unit is not permitted to be informed of Personal Licence applications, as this is a permissive process if all the requirements outlined above are met, even in the case where the applicant, or a member of their family, is currently being investigated with regard to child sexual exploitation. Merseyside Police are not able to express any objection to the application if the individual has not been convicted of an offence, despite the fact that they may be undertaking a Child Sexual Exploitation investigation regarding the individual at the time of the application.

The Chief Executive for Sefton Council and Merseyside Police Chief Constable have previously written to the Home Office, drawing to their urgent attention the conflict between the statutory requirements of the Licensing Act 2003 (LA03) and the prevention of Child Sexual Exploitation. A formal response from the Home Office as to how this matter is to be addressed remains to be received.

RECOMMENDATION

That Sefton's Members of Parliament be requested to lobby the Home Secretary to strengthen the existing Regulations regarding personal licences to Include:-

- a) A national data base of personal licences
- b) A fit and proper persons test
- c) In particular provision to allow a Council to defer determination of a personal licence where the Individual is currently involved in a Police Child Sexual Exploitation investigation where a licenced premises is central to those investigations

6.2 16-18 year old Non-Regulated Care Provision

Not all Care Providers who offer residential placements for 16 – 18 year old young people are inspected by a regulatory body. Local Authorities across the NW region have processes in place to gain assurance in relation to the provision of care and support provided by those establishments that fall outside of Ofsted’s regulatory regime. However it would provide clarity and consistent standards across England if all residential placements providing care and supported accommodation for 16 – 18 year olds fell within a national regulatory scheme. A [letter](#) from Lisa Pascoe, Ofsted’s Deputy Director, Social Care Policy dated 4 May 2017 to all Directors of Children’s Services provides clarity on this issue; and in particular, paragraphs 9 and 11 as detailed below:-

Accommodation for young people aged over 16

9. This remains an area of challenge and fluidity. A provider can provide accommodation for young people over the age of 16 without registration. If they provide care and accommodation then they should be registered. However, the level of care provided is not specified in the Care Standards Act and clearly some young people as they move into independent living require some level of support in order to make the transition. This level of care usually reduces over time and does not include the provision of meals, medication, personal care etc. The young people are free to come and go as they wish. Staff may be present for parts of the day and even overnight for security reasons but are not providing direct care. These are unregulated settings and can operate without registration. However, providers who accommodate young people under the age of 16 are then operating an unregistered setting and therefore operating illegally;

11. The challenge is that it is the needs of the young people which determines the requirement of registration and not the model, and therefore it is not possible to define with any certainty that a setting will never require registration.”

RECOMMENDATION

That Sefton’s Members of Parliament be requested to lobby the Secretary of State for Education to ensure that all residential placements for 16 – 18 year olds, whether care or supported accommodation are inspected by a national regulatory body.

6.3 Keep them safe: an interactive Child Sexual Exploitation learning tool

Keep them safe is a free online learning tool from Pace and Virtual College which has been accessed by more than 29,000 parents and professionals (as of March 2016).



The course is aimed at parents and the 20-30 minute e-learning training course is a valuable source of information to:

- find out more about child sexual exploitation
- learn the signs and indicators of when a child might be being exploited
- understand the impact child sexual exploitation can have on families
- know what to do if you suspect a child might be at risk of this abuse

RECOMMENDATION

In order to raise awareness of Child Sexual Exploitation issues with Sefton parents the Head of Schools and Families be requested to promote the Child Sexual Exploitation e-learning tool with all schools and governing bodies and with a request that school e-newsletters contain a hyperlink to the e-learning tool.

7. DOCUMENTATION CONSIDERED BY THE WORKING GROUP

- 7.1 Care Quality Commission document “Not Seen, Not Heard - A review of the arrangements for child safeguarding and health care for looked after children in England [click here](#)
- 7.2 Taxicab Licensing Handbook and Partnership Pathway documentation [click here](#)
- 7.3 report considered by Cabinet on 10 March 2016 on Child Sexual Exploitation Post Rotherham [click here](#)
- 7.4 relevant sections relating to Licensing/CSE from the recent Ofsted inspection report into Children’s Services in Sefton [click here](#)
- 7.5 revised Guidance issued under section 182 of the Licensing Act 2003 [click here](#)
- 7.6 Alexis Jay report - Independent Inquiry into Child Sexual Exploitation in Rotherham (1997 – 2013) [click here](#)
- 7.7 report considered by the Licensing and Regulatory Committee on 26 September 2016 on the implications of the recent review into the South Ribble Taxi Licensing Service [click here](#)
- 7.8 correspondence between the Chief Executive and the former Home Secretary regarding the issue of a personal licence [click here](#)
- 7.9 ‘Time to listen’– a joined up response to child sexual exploitation and missing children [click here](#)



8. ACKNOWLEDGEMENTS AND THANKS

In producing this report on licensing/child sexual exploitation acknowledgements and thanks are attributed to the following individuals for their time and input:-

- Kara Haskayne, Service Manager, Safeguarding Children - Independent Reviewing
- DCI Gayle Rooney, Merseyside Police
- Michael Hearty, Merseyside Police Licensing Sergeant
- Andrew Naisbitt, former Trading Standards and Licensing Manager
- Kevin Coady, Principal Licensing Officer
- Peter Yates, Service Manager, Corporate Parenting
- Julie Bucknall, Nicola Driscoll, Ellie Fairgrave and Emma Murphy from the Multi-Agency Safeguarding Hub

Thanks must also go to the Members of the Working Group who have worked hard and dedicated a great deal of time to this review, namely:-



Councillor Dave Robinson, Lead Member, Licensing/CSE Working Group



Councillor Sue Bradshaw



Councillor Pat Keith



Councillor Brenda O'Brien



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Sefton Council 

**Overview
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