

Peter Dowd MP

House of Commons

London SW1A 0AA

Vicky Buchanan
Head of Childrens Social Care
Sefton Council
9th Floor Merton House
Bootle, L20 3JA

6th February 2018

Dear Vicky,

Following your letter sent to Peter Dowd MP on the 7th December 2017, from the Licensing/child sexual exploitation working group. One of the working group's recommendations was requesting Peter to lobby the Home Secretary and the Secretary of State for Education on bullet points A, B and C in your letter.

Subsequently, Peter wrote a letter to both the Home Secretary and the Secretary of State for Education which I shared a copy with yourself. I've attached the response received from the parliamentary under-secretary of State for Children and Families for your attention.

Please be advised, Peter hasn't seen the response yet and will see it on his return from parliament. If you have any comments or want to speak to Peter about the response letter, let me know.

Kind Regards

Anthony Lavelle
Senior Administrative officer Bootle Constituency
Representing the communities of
Bootle, Crosby, Ford, Litherland, Netherton, Old Roan, Orrell, Seaforth and Waterloo

Tel: 0151 933 8432 Email: peter.dowd.mp@parliament.uk



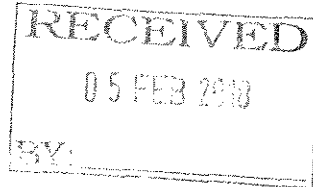
2017-0060455NZPO

Nadhim Zahawi MP

Parliamentary Under-Secretary of State for Children and Families

Sanctuary Buildings 20 Great Smith Street Westminster London SW1P 3BT
tel: 0370 000 2288 www.education.gov.uk/help/contactus

Peter Dowd MP
House of Commons
London
SW1A 0AA



29th
January 2018

Thank you for your recent letters addressed to the previous Secretary of State and the Home Secretary, enclosing correspondence from your constituent, Ms Vicky Buchanan, Head of Children's Social Care, Sefton Council, 9 Floor Merton House, Stanley Road, Bootle, L20 3JA, about the establishment of the council's joint working group to review the topic of licensing and child sexual exploitation (CSE). I am replying as the minister responsible for this policy area.

The letter raises two issues: personal licences for the sale of alcohol, and accommodation for young people over 16 years of age. I will address each of these below.

Firstly, the government is committed to ensuring that all children in care and care leavers aged 16 and 17 are provided with suitable accommodation. Suitable accommodation is described in regulations as accommodation which: so far as reasonably practicable, is suitable for the child in light of his or her needs, including his or her health needs; where the responsible authority is satisfied with the character and suitability of the landlord or other provider; which complies with health and safety requirements related to rented accommodation; and where the responsible authority has, so far as reasonably practicable, taken into account the child's wishes and feelings, and education, training or employment needs.

Recent changes to statutory guidance make it clear that 'bed and breakfast' accommodation is not considered suitable, other than in exceptional circumstances, and that placements in such accommodation should be limited to no more than two working days.

It is the responsibility of local authorities to ensure that the range of accommodation they commission for 16 and 17 year olds meet the criteria set out above. The government is not persuaded that more regulation in this area would result in better accommodation and support. It would also be very costly to introduce a regulated framework, both for the government and for providers.

We believe it is better to maintain the flexibility of the current arrangements, while ensuring local authorities are closely held to account for the quality of the accommodation they provide. Ofsted inspections under the Single Inspection Framework cover the quality of accommodation for care leavers, and they challenge poor practice where found. The government will continue to monitor local authorities' performance in this area, and tackle poor practice where it is highlighted.

Secondly, the council's letter recommended the introduction of a new power to allow councils to defer the determination of a personal licence, where the applicant is under police investigation for CSE, and where licensed premises are central to the investigation. I understand that the former Minister for Preventing Abuse, Exploitation and Crime wrote to the Chief Executive of Sefton Council on 18 March 2016 to inform the council that she had asked officials to consult police and licensing authority representatives about this matter. I am sorry to hear that you did not receive a follow up letter regarding the outcome of this work.

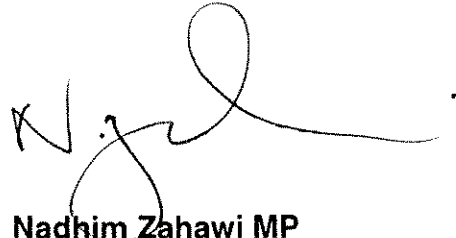
Home Office officials advise that they met national representatives of licensing authorities and the police in March and April 2016 to consider whether they felt this power was required. Participants at these meetings were not convinced that this problem was sufficiently common to necessitate such a reform. They noted that anyone under investigation who was granted a personal licence and later convicted of a relevant offence could then have their licence revoked. They also felt that a personal licence is limited in what it permits people to do, and the police can deal with any specific risk posed by suspects through the use of bail conditions or, in cases where the risk is higher, a custodial remand. Licensing authorities are under a general public law duty to take administrative action promptly. In such a scenario a council may choose to delay the granting of a licence and contact the applicant to explain their reasons where appropriate. The general view was that, even if such a case resulted in the council being taken to court, they would have a strong case. Councils would of course need to seek their own legal advice in each case.

It was also suggested that giving licensing authorities the power to revoke personal licences would solve the problem and that, if the licensing authority knew an applicant was about to appear in court for a relevant offence, it could apply to the court for a memorandum of conviction. Since this work was carried out, the government has given licensing authorities the power to revoke personal licences through the Policing and Crime Act 2017. This power has been in force since 6 April 2017. You may also have seen that, in its recent response to a House of Lords Select Committee review of the Licensing Act 2003, the government said it sees merit in the creation of a central register limited to records of refused, suspended and revoked personal licences, to facilitate more effective enforcement of the Act.

The Local Government Association, the Institute of Licensing, and the National Anti-Fraud Network (NAFN) recently announced a project aimed at developing a national register of taxi and privately hired vehicles, and licence refusals and revocations. This particular register will be maintained and hosted by the NAFN on behalf of all local authorities and will be accessible to 86 per cent of English and

Welsh councils at no extra cost. The government has committed to working with these partners to examine the prospects of adding records of refused, suspended, and revoked personal licences to the national register of taxi and privately hired vehicles refusals and revocations in order to address the problem of individuals making applications in different licensing authority areas following a refusal or revocation elsewhere. We consider it would be disproportionately complex, resource intensive and expensive for the government, local authorities, and magistrates' courts to create and administer a database of all personal licences.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'N. Zahawi', with a large loop at the end of the signature.

Nadhim Zahawi MP
Parliamentary Under-Secretary of State for Children and Families