

Report of Head of Licensing and Registration

Report to Licensing Committee

Date: 9 December 2014

Subject: Additional licensing safeguarding proposals – improving criminal intelligence lengths with the West Yorkshire Police.

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. A request was made to the Taxi & Private Hire Licensing Section from the trade to engage the services of a uniform Road Traffic Policing Officer, paid for from the Section's financial reserve. This request was explored fully and the benefits highlighted in a draft report which is at **Appendix A**.
2. Securing the paid service of police officer is at the discretion of the local Police Commander. The continued issues around safeguarding and child sexual exploitation have shifted the focus away from road side enforcement to those much more sensitive and important areas.
3. The public safety position is one where intelligence has undoubted primacy. It is intelligence that enables local Authority Officers to respond more effectively to these significant challenges.
4. This information report briefly sets out the changing focus for necessary action and also provides an assurance to the trade that Officers fully explored and had support for the suggestion.

Recommendations

5. That Members note the report and approve the principle behind seeking to secure and pay for the services of an intelligence officer within the West Yorkshire Police.

1 Purpose of this report

- 1.1 To inform Members of the collaborative work undertaken by Officers with the Hackney carriage trade and how the focus of attention for the Council has moved significantly from road side policing to intelligence and disclosure.

2 Background information

- 2.1 Having received the request to seek the paid services of a Roads Policing Officer, Officers fully considered the benefit of the model proposed which is used in Birmingham. An information report was prepared for the Licensing Committee several months ago but was held in abeyance whilst the West Yorkshire Police considered their position.
- 2.2 The West Yorkshire Police face significant financial and resourcing challenges that cannot easily be met, even by this Authority offering to pay for such a position. The demand and the supply issues for Police Constables is a very difficult issue to manage for the Police and it is not eased by simply offering to pay full on-costs.
- 2.3 Whilst senior Police Officers have been sympathetic to the proposal from this Authority the landscape has changed significantly and not only in respect of the Jay Report; there has been many other examples about the issues of child sexual exploitation and licensed drivers in other parts of the country.

3 Main issues

- 3.1 Members are informed that whilst a lot of the media coverage seems to focus on licensed drivers, which is a significant cause of concern, it is not the only areas of concern and child sexual exploitation is not restricted to any particular ethnic minority group or drivers. Society and the Police have challenges across all walks of life, professions and nationality and this report does not intend to stigmatise a particular group of people.
- 3.2 The necessity to change focus has of course become very apparent. There is a realisation amongst those who are associated with the wider range of Council's services that there are many strands of information that are not perhaps linked as effectively as they could be with other sources of intelligence. To work more effectively would be to build an early picture of potential threats or dangers to children, vulnerable adults and women.
- 3.3 The Council cannot rely on the Police alone to filter and assess all of this information. It is proposed to work pro-actively with the West Yorkshire Police and contribute to the costs of the full time services of a civilian support intelligence Officer working within the West Yorkshire Police. Probably the officer would be based within the Leeds City Council's Community Safety environment but that has not been finalised , neither has any of the contractual arrangements for the delivery of that service.
- 3.4 Some members of the trade might be disappointed with this outcome but the Council has to manage its priorities and undoubtedly one of the biggest

challenges facing the Council is to maximise its capability in doing as much as it possibly can to protect those who either fall within its services or who are vulnerable and exposed to paedophiles and criminal networks.

- 3.5 The Chair of the Licensing Committee is aware that there has been an expectation from some of the trade that the proposition to use the services of a Roads Policing Officer would have been finalised much earlier, but it is not within the gift of the Council to achieve such things and the Chair has been fully informed throughout the recent months of all of the issues.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 This is an area which would normally be outside the scope of the Licensing Committee's terms of reference but Officers want to ensure that Members are fully engaged with the issues that have primacy within the Council and the motivation to move towards this intelligence model.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 There are no issues.

4.3 Council policies and City Priorities

- 4.3.1 The Taxi & Private Hire Licensing policies contribute to the following aims:

Best Council Plan 2013 -17

Towards being an Enterprising Council

Our Ambition and Approach

Our Ambition is for Leeds to be the best city and Leeds City Council to be the best council in the UK – fair, open and welcoming with an economy that is both prosperous and sustainable so all our communities are successful.

Our Approach is to adopt a new leadership style of civic enterprise, where the council becomes more enterprising, business and partners become more civic, and citizens become more actively engaged in the work of the city.

Our Best Council Outcomes

Make it easier for people to do business with us

Our Best Council Objectives

Promoting sustainable and inclusive economic growth – Improving the economic wellbeing of local people and businesses. With a focus on:

- Helping people into jobs,
- Boosting the local economy

- Generating income for the council

Ensuring high quality public services – improving quality, efficiency and involving people in shaping their city. With a focus on;

- Getting services right first time
- Improving customer satisfaction

4.3.2 The Taxi & Private Hire Licensing policies contribute to priorities:

- Reduce crime levels and their impact across Leeds
- Effectively tackle and reduce anti-social behaviour in communities

4.3.3 Safeguarding children and vulnerable adults:

Leeds City Council has both a moral and legal obligation to ensure the duty of care for both children and vulnerable adults across all of its services. This cannot be achieved by any single service or agency. Safeguarding is ultimately the responsibility of all of us and depends on the everyday vigilance of staff who play a part in the lives of children or vulnerable adults.

4.4 Resources and value for money

4.4.1 The final financial on-costs have not yet been set out by the West Yorkshire Police but they will be met from the Section's financial reserve for the immediate future, and in any event come in at least 50% less than the trade request to employ a Road Policing Officer. There is no statutory reference to such a proposal within any of the licensing Acts covering Taxi & Private Hire. The main issues would be around data protection, notifiable occupation scheme and Association of Chief Police Officers (ACPO) procedures. All of these issues are safely covered within primary legislation and protocols on information sharing between the local Authority and the West Yorkshire Police on the basis of public safety.

4.5 Legal Implications, Access to Information and Call In

4.5.1 There are no legal issues, other than the procedures.

4.6 Risk Management

4.6.1 All of the contractual issues will be scrutinised and approved at a senior level within the Council and there are no immediate financial challenges.

5 Conclusions

5.1 This is a necessary area of improvement and the benefits of improving on intelligence networking are inescapable. The focus on local government from national government and other Authorities is intense at this moment and in moving forward on this proposal Leeds City Council is demonstrating a constructive and pro-active approach to reducing the potential of harm to children and vulnerable adults.

6 Recommendations

- 6.1 That Members note the report and approve the principle behind seeking to secure and pay for the services of an intelligence officer within the West Yorkshire Police.

7 Background documents¹

7.2

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

Report of Head of Licensing and Registration

Report to Licensing Committee

Date: Not presented to Licensing Committee

Subject: Hackney Carriage trade proposal to secure permanent services of a West Yorkshire Police Constable within Taxi & Private Hire Licensing

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
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Summary of main issues

1. The Taxi & Private Hire Licensing Section has an approved staffing structure of Enforcement Officers who deal with a range of trade issues arising from the licensing function.
2. Unite the Union, representing some Leeds Hackney Carriage drivers has proposed that Leeds follow the Birmingham Licensing Office in 'employing', full time, a uniform constable to enhance the powers available to deal with errant drivers and improve the functionality of the Section across a range of partner agencies.
3. This information report sets out further background information, future actions and necessary considerations.

Recommendations

4. That Members note the report and the steps being taken by Officers to meaningfully consider all of the issues involved in recruiting a full time uniform position for a 'Roads Policing' Officer at no cost to West Yorkshire Police.
5. Officers note the comments of Members and return to Licensing Committee with a report in due course

Appendix A

1 Purpose of this report

- 1.1 To inform members of all of the attendant issues involved in 'employing' a uniform Police Constable within the Taxi & Private Hire Licensing Section.

2 Background information

- 2.1 In order to carry out its statutory functions the Council employs a range of Officers within Taxi & private Hire Licensing, including Enforcement Officers. The funding is by way of fees set upon a variety of licence and functions.
- 2.2 The Section works co-operatively with partner agencies but not always successfully as those agencies struggle with resource and competing demands. Obstacles to success are varied but more often than not the importance or relevance of multi-agency operators is not, or cannot, be always prioritised. This is particularly the case with the Police who have stretched resources.
- 2.3 Birmingham Council has 'employed' on a Council fully funded basis a uniform police constable and motor cycle and for many years and enjoyed a successful relationship. That role has brought efficiencies in a number of areas and a much more pro-active on-street enforcement capability. For example:
- Enforcing traffic and licensing legislation and licence conditions in respect of Hackney carriages, private hire vehicles, drivers and operators using fixed penalty procedures appropriately.
 - Carrying out compliance checks on vehicles and drivers, whether individually, alongside the enforcement team or in multi-agency checks.
 - Gathering information and intelligence for use by the enforcement team
 - Obtaining information regarding driver/operator behaviour for court.
 - Setting up and coordinate Multi Agency enforcement exercises
 - Organising and participate in illegal plying for hire exercises and exercises to identify illegal touting.
 - Attending trade liaison meetings and liaison meetings and liaise with representatives of taxi and private hire associations.
 - Obtaining intelligence from the Police in respect of licensed drivers or operators and provide intelligence to the Police in respect of licensed drivers or operators connected with Police investigations.
- 2.4 It is this approach that has been proposed by Members of the Hackney Carriage trade. Members are informed that this was initially proposed by Officers in 2003 but the consensus at that time was to not pursue the matter. It was again proposed in 2008 but the then Divisional Police Commanders in the Leeds District choose not to support it. Further engagement at Police HQ level were taken up but this was not successful.

Appendix A

3 Main issues

- 3.1 The Council can, through its licensing function, pay for the employment of a constable in such a role and delegate powers to that Officer who could then provide a wide range of enforcement services.
- 3.2 Cost is a key issue and that would have to be funded solely as a licensing function. Hackney Carriage trade representatives have already indicated that spread across the whole of the trade the cost would be acceptable and manageable. Officers will look at ways of managing that cost in the most effective way for the trade and measuring impact.
- 3.3 Members will note that a stumbling block in the past has been the issues in reaching agreement with Senior Police Officers to creating such a post. Co-operative partnerships have moved forward since that time but it will need high level engagement to consider the proposals and more than as Members and the trade will be aware that allocation of resources, training and funding are not as straightforward as they might seem in an organisation with such intensive resource issues as the West Yorkshire Police.
- 3.4 Early engagement has taken place with the proposing Union representatives and Leeds City Council Officers have met with the Birmingham Constable in a trade meeting. The issues have been favourably received at the Hackney Carriage trade forum. The Licensing Committee Chair, Councillor Charlwood, is keen to ensure that all of the issues are explored enthusiastically.
- 3.5 Officers have encouraged the various trade representatives of the Hackney Carriage forum to take up an offer to make a collective visit to Birmingham, which they have agreed to do.
- 3.6 Additionally we had also engaged with colleagues at a senior level in Birmingham and the benefits of their experiences are set out below:-
 - A Police Officer has the power to deal with moving traffic offences on the highway, whereas licensing Enforcement Officers do not.
 - Licensing officers are unable to carry out stop-check exercises without Police assistance. Having a Police Officer in-house makes gaining Police support for our exercises far easier and increases the likelihood that Police support will be available for any given exercise. Part of the Officer's role is to build relationships between the Police and Licensing and to negotiate additional Police resources for large-scale enforcement events.
 - The current post holder has recruited and trained a team of 30 Special Constables to assist our officers on plying for hire investigations. He has trained them in Taxi and Private Hire legislation and has trained them to act as evidence gatherers by taking un-booked journeys in private hire vehicles. The additional resource that these officers provide adds to the impact that our own officers can make in respect of dealing with illegal plying for hire. It also addresses the problem that most drivers recognise our own officers. Private Hire drivers will refuse to take them on journeys because they know

Appendix A

who they are, whereas they will take plain clothes Police Officers, not recognising them as Enforcement Officers.

- Taxi and Private Hire legislation is complicated. The majority of Police Officers have probably never had cause to enforce it and therefore would not be in a position to be able to enforce it when asked. A dedicated Police Officer becomes specialist in the subject and can help Police colleagues to understand it.
- A proposal for a second Constable has come from Hackney Carriage trade representatives in a regular consultative meeting between representatives and Licensing Officers.

- 3.7 Whilst there are significant benefits in supporting Leeds City Council Officers in the night time economy it should be noted that the city has a day time economy with different characteristics. There is an important contribution in that area as well with the tourist, business and visitor influx. The issues of road safety, passenger safety and traffic offences are as important across the day as they are during the night time economy.
- 3.8 If progressed there would be a performance framework in place which touches upon driver education, safety solutions outside of schools and contribute to the 'Vision for Leeds'.
- 3.9 Members will note that the Birmingham post is filled by a motor cyclist and there are many benefits to that. This is an area that the West Yorkshire Police would wish to consider further as there are benefits to the preferred transport being a car.
- 3.10 The next steps for progress are for arrangements to put in place for formal engagement with the West Yorkshire Police through the most appropriate channels and for the author of this report to progress matters and keep Members informed of the progress.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 As set out earlier in the report the consultation has been restricted to the Hackney Carriage trade representatives and would need much more information before progress is made with wider consultation being involved.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 Not undertaken at present but no significant issues are identified as this time.

4.3 Council policies and City Priorities

- 4.3.1 The Taxi & Private Hire Licensing policies contribute to the following aims:

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4.4 Resources and value for money

4.4.1 There is insufficient information at this time to provide a comprehensive briefing on this, but please note the comments at 3.2.

4.5 Legal Implications, Access to Information and Call In

Appendix A

- 4.5.1 If the proposal was to be developed the appropriate advice would be taken on the different aspects of the role, levels of authority under the scheme of delegation and prosecution process.

4.6 Risk Management

- 4.6.1 There is insufficient information at this time to provide a comprehensive briefing on this, but initial thoughts are centred mainly on security of equipment. Health and Safety considerations would be accommodated within the Police safe working practices.

5 Conclusions

- 5.1 There is much more work to be undertaken on this issue and the proposal hinges on the views of the West Yorkshire Police in considering this outline report. Initial contact with senior management in the West Yorkshire Police has been positive but to translate that into a successful conclusion could be difficult and it is for the Police to indicate whether they are insurmountable in the current climate. This report is under consideration within the West Yorkshire Police Senior Management Team (Leeds) and Safer Leeds.

6 Recommendations

- 6.1 That Members note the report and the steps being taken by Officers to meaningfully consider all of the issues involved in recruiting a full time uniform position for a 'Roads Policing' Officer at no cost to West Yorkshire Police with the Taxi & Private Hire Licensing Section.
- 6.2 Officers note comments from Members and return to Licensing Committee with a report in due course.

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