

Report of Assistant Chief Executive (Citizens and Communities)

Report to Citizens and Communities Scrutiny Board

Date: 10 October 2016

Subject: Safeguarding in Taxi & Private Hire Licensing – 12 month review of progress

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. The independent enquiry into child sexual exploitation in Rotherham (1997 – 2013) and the significant concerns regarding safeguarding controls for Taxi & Private Hire Licensing in Rotherham lead to an Executive review of the control measures in place within Leeds City Council's Taxi & Private Hire licensing environment. Reports were presented to the Executive Board on 17 December 2014 and 18 December 2015.
2. The main issues identified in the 2014 and 2015 Executive reports highlighted key licensing safeguards requiring urgent progression including, annual Disclosure and Barring Service (DBS) checks on all licence holders, shared enforcement powers and common licensing policies across West Yorkshire Authorities. This report informs the Citizens and Communities Scrutiny Board of the safeguarding policies and improvements that have been implemented in the preceding two years and how the service contributes to public safety generally in the night time economy. Much of the information contained in this report will also feature in the report to Executive Board on 14 December 2016 – Safeguarding in Taxi & Private Hire Licensing – 12 month review of progress.

Recommendations

3. Members of the Citizens and Communities Scrutiny Board are asked to note the report and make any appropriate comments relative to safeguarding.

1 Purpose of this report

- 1.1 To inform Citizens and Communities Scrutiny Board of the safeguarding policies and improvements that have been implemented in the preceding two years and how the service contributes to public safety generally in the night time economy.
- 1.2 Much of the information contained in this report will feature in the report to Executive Board 14 December 2016 – Safeguarding in Taxi & Private Hire Licensing – 12 month review of progress.

2 Background information

- 2.1 There has been significant Executive and Licensing Committee overview of the Taxi and Private Hire licensing functions which has contributed to minimising the safeguarding risks to children and vulnerable adults. Reports have been received by the Executive Board on 17 December 2014 and 16 December 2015 and also Licensing Committee on 17 November 2015. A joint working group of the Children's Services and Adult Social Services, Public Health and NHS Scrutiny Boards was also held in October 2015. This provided the opportunity to engage with representatives from both the Adult and Children's Safeguarding Boards and the Licensing Committee to ensure full support is provided to improve safeguarding in Taxi and Private Hire Licensing by way of expertise and challenge. The findings arising from this Scrutiny work was reflected in the Executive Board report in December 2015.
- 2.2 This process of overview and early intervention has been aligned to and closely monitored by the Cross Council's Safeguarding Board headed by the Assistant Chief Executive, Citizens and Communities. To ensure close monitoring of all of the issues of concern post-Rotherham the Assistant Chief Executive formed a specific Taxi sub-group enabling control measures to be brought into effect more quickly with approval being given for additional resources which enabled programs to be structured for much earlier completion dates; for example transitioning from a three yearly DBS to an annual DBS within a 14 months cycle involving 6,000+ licence holders and the design and delivery of an appropriate safeguarding awareness training course by LCSB.
- 2.3 The work carried out under the overview of Executive Board and the Cross Council Safeguarding group is set out under 'main issues' along with individual up to date position statements.
- 2.4 Executive Board 16 December 2015 did not resolve to place further requirements on the Taxi and Private Hire licensing service but have required an annual update report on progress made because of the importance and concerns nationally around these types of licensing services.

3 Main issues

3.1 New Policies approved by the Licensing Committee

Annual on-line DBS update service – the introduction of the on-line service which enables Officers to conduct DBS checks not only at the point of renewal of

a licence or where a concern is raised but also to randomly check a percentage of the driver profile each month to ascertain if there are any areas of concern revealed that have not been reported in another way. The latest position on progress is as follows:-

As at	January 2016 Estimate			Actual		
	Enrolled in update service	DBS app pending	DBS process to be started	Enrolled in update service	DBS app pending	DBS process to be started
1 st November 15				701	1031	4214
1 st December 15				799	1394	3779
1 st January 16				944	1806	3241
1 st February 16	1382	1888	2748	1557	1718	2752
1 st March 16	1474	2260	2257	1652	2145	2238
1 st April 16	1871	2378	1742	2091	2176	1779
1 st May 16	2300	2491	1200	2472	2280	1309
1 st June 16	2672	2661	658			
1 st July 16	3037	2811	143	3529	2095	433
1 st August 16	3423	2568	0	3929	2032	94
1 st September 16	3829	2162	0	4528	1508	0
1 st October 16	4235	1756	0			
1 st November 16	4642	1349	0			
1 st December 16	5130	861	0			
1 st January 17	5471	520	0			
1 st February 17	5846	145	0			
1 st March 17	5991	0	0			

- 3.2 The 16 month target date for completion (which included initial training and subsequent anticipated problems for the first two months of renewal) is on target.
- 3.3 A range of unreported convictions and police cautions have come to light as progress has been made on the implementation of the annual DBS policy. This has been a time consuming piece of work not only in terms of the process of moving licence holders onto annual DBS's, but also checking the returned disclosures against the licence holders existing file to see if there are any unreported changes.
- 3.4 Of the 4528 who have now returned their disclosures to the service, there have been 57 convictions or cautions revealed which had not been reported to the service. To date 3 decisions to revoke driver licences have been taken, with others cases receiving formal written warnings and/or training requirements, along with other decisions pending and awaiting further information.
- 3.5 Private Hire Operator Conditions**
- 3.6 The introduction of controls on telephone booking facilities and information recording of all journeys undertaken by 'out of town' Hackney Carriages which has had significant success within the Leeds licensing district. This condition has now been recognised by other authorities and one neighbouring authority, following the implementation of it, has managed to gather sufficient evidence to enable that Authority to suspend 6 Private Hire Operator licences directly in respect of Hackney Carriage vehicles which are licensed by Rossendale but operating in their district.
- 3.7 Convictions Criteria**
- 3.8 This policy takes account of all types of sexual offending; criminal activity involving drugs, violence or dishonesty and is now embedded and has not met any legal challenges. It has been shared with the West Yorkshire Combined Authority approach to accept as best practice. It also has been presented to the Local Government Association and the Home Office for consideration as a model national policy.
- 3.9 Compulsory safeguarding training**
- 3.10 Compulsory safeguarding awareness training for all existing licence holders, escorts and permit holders has been designed by LCSB and delivered by Carolyn Eyre, an experienced practitioner, appointed following a procurement exercise in accordance with the council's contracts standing orders. There are 187 contracted trainings sessions of which 71 were completed by 31 August 2016 equating to 39% (2296) of the licence base with 61% (3654) due to attend.
- 3.11 Officers are keen to emphasise that the design of the safeguarding training correctly leans towards educating drivers to understand some basic issues which can help them to avoid misunderstandings and it is not on the basis of treating drivers as 'suspects'.

- 3.12 This authority has a very high proportion of professional drivers who carry out their day to day jobs over many years and who never receive complaints or enforcement attention and deserve recognition for their service in what can be a challenging role.
- 3.13 Immediate suspension policy**
- 3.14 Licensing Committee reviewed and approved this policy which means that where an allegation or information is received about a licensed driver, which raises a real safeguarding or public safety concern, consideration is given to the immediate suspension or revocation of that licence. An immediate suspension decision means that the driver cannot drive until the suspension is lifted by the Courts or following investigation by officers.
- 3.15 Licensing applications by non UK citizens**
- 3.16 Executive Board approved significant strengthening of the previous policy to reduce the risk of applicant fraud and also required statutory declarations by applicants to protect the Council. All applications for over-seas information can now only be made through a consulate or embassy. An associated measure was also approved by the Executive that Elected Members, Officers or MPs should not supply references in the decision making process.
- 3.17 Police Disclosures**
- 3.18 Members have previously been made aware of the concerns of Officers regarding the high threshold set by the police for the disclosure of information that Officers feel is highly relevant to the Council carrying out its statutory obligations to make 'fit and proper' person assessments. The Assistant Chief Executive was specifically asked to raise this issue at senior Police Command level and those discussions led to an improved understanding of our requirements and the necessity for improved intelligence sharing to meet our statutory requirement. The common law powers of the Police to properly inform the Council of significant public safety issues outside of the provisions of the Data Protection Act have been more widely used by investigating officers.
- 3.19 To enable both a more strategic overview of licensing issues and to create efficiencies within the disclosure process, in terms of timescales and more appropriate information release, the service has appointed a Research Officer to work across different databases in order to maximise public safety information and particularly safeguarding intelligence. The Licensing Heads of other West Yorkshire Authorities have agreed in principle to an information sharing agreement that will enable the officer to undertake a much closer scrutiny of all the licensing databases and identify risks.
- 3.20 The post holder still has obligations to observe the Data Protection thresholds of the West Yorkshire Police, but will have the ability, under senior police officer guidance, and with more experience and understanding of the statutory role and responsibilities of the Council towards safeguarding and national legislation to make more pragmatic decisions on disclosure.

3.21 Safeguarding referrals.

3.22 Licensing Officers receive safeguarding referrals from the West Yorkshire Police, the LCC Local Authority Designated Officer (LADO), Children's Services and by public complaint. These referrals are promptly investigated and any licensing actions required carried out as soon as possible.

3.23 Taxi & Private Hire Resources

3.24 A review of staff skills and responsibilities within the Licensing team has been undertaken and additional fraud detection training delivered by the UK Border Agency in relation to identifying common types of forgery and counterfeiting of the type of documents commonly used to provide supporting evidence for identity (driving licences, passports, supporting documentation etc).

3.25 An additional senior licensing and compliance post has been created to enable closer scrutiny prior to the point of decision making.

3.26 The previously approved increase in Enforcement Officer establishment has now been fully taken up and their training is significantly advanced, with most Officers able to undertake independent investigations. There has also been the introduction of a new rota which extends the number of nights worked during each week and working hours which now extend until 4:30am on certain nights of the week in response to the pattern of the night time economy. It is important that Members recognise that the issues of safeguarding and investigations into other serious complaints are quite distinct from on-street enforcement issues and that the traffic management issues within the night-time economy are the responsibility of the Police.

3.27 Combined Authority

3.28 There has been clear recognition by Leaders of West Yorkshire Councils and Chief Executives of the need for the taxi & private hire licensing elements to work in a much more cohesive way in terms of policy, decision making and enforcement capability. This has led to the creation of a licensing working group involving the heads of those services to prioritise a range of issues and establish a more common approach to alleviate clear disparities.

3.29 The outcomes hoped for in attaining common standards across the West Yorkshire Authorities have not been straightforward and there are various reasons for this. However, an independent senior consultant was tasked with drawing together all of the issues and options proposals and that will be presented to the next meeting of Leaders and Chief Executives on 19 October 2016 so that clear direction can be given to Officers on how and what key issues to progress next.

3.30 The ability for Enforcement Officers to operate lawfully in other licensing districts was addressed by Full Council on 13 January 2016, which approved the delegation of certain enforcement powers to Officers of other West Yorkshire Authorities and this has been reciprocated by those other authorities to Leeds City

Council Officers which enables enforcement activity on the streets of Leeds in the night time economy on drivers and vehicles licensed from across West Yorkshire.

- 3.31 Important progress has been made on the decision making model with the schemes of delegation and all authorities now delegate decision making from Licensing Committee to Officers to make determination on policy approved by Licensing Committee or the Executive.
- 3.32 There is a significant obstacle in terms of information technology and the West Yorkshire Authorities in working more closely and utilising the information and intelligence held in individual authorities' databases. At least two authorities are moving to the same licensing system as Leeds City Council and it is likely that the other authorities will follow. This would enable mobile browser access to all databases and a much easier sharing and checking of information during the course of enforcement activities on the streets. The Chairs' of West Yorkshire Licensing Committees have undertaken to hold regular meetings to develop closer working relationships and the issues around licensing databases moving to a common database is an item of the agenda of their next meeting which will add support to Officers desire to move forward on this issue.

4 Corporate considerations

4.1 Consultation and engagement

- 4.1.1 All existing policies have been subject to consultation with feedback being considered by the Licensing Committee prior to final decisions or recommendations to the Executive.
- 4.1.2 The majority of the content of this report will form part of a Licensing Committee update report in November 2016 so that they may consider the proposed draft report to Executive Board and any observations made by the Citizens and Communities Scrutiny Board on 10 October 2016

4.2 Equality and diversity / cohesion and integration

- 4.2.1 Equality, Diversity, Cohesion and Integration Screening Assessments have been carried out on all policies agreed at Licensing Committee or approved by Executive decision.

4.3 Council policies and best council plan

- 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 taxi and private hire service is a ring-fenced account with all licence income being expended on the service. Whilst the safeguarding and service improvements have incurred additional expenditure the service is able to meet that from a controlled surplus budget and there is no additional cost to the Council.

4.5 Legal Implications, access to information and call In

4.5.1 All previous reports and approval processes have been subject to legal overview and a test of proportionality. In respect of this report there are no legal implications.

4.6 Risk management

- 4.6.1 The very nature of the function of Taxi & Private Hire Licensing will probably mean that any safeguarding assessments would place the service in a medium to high risk category despite all of the control measures the Council has in place. The biggest challenge to the Council in conducting its enforcement activity and addressing public safety concerns is the introduction of the De-regulation Act in October 2015. Officers feel that technology has overtaken many effective control measures this authority has when drivers decide to move to other local authorities with significantly reduced rigour in the application process.

5 Conclusions

- 5.1 One of the main obstacles that has to be overcome in West Yorkshire is that other authorities ensure that their licensing enforcement capability have sufficient resources and skills to sustain the very necessary controls required within the licensing environment. These are issues that are being pressed through the Combined Authority approach.

6 Recommendations

- 6.1 Members of the Citizens and Communities Scrutiny Board are asked to note the report and make any appropriate comments relative to safeguarding.

7 Background documents¹

- 7.1 None.

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.