

WEST LINDSEY DISTRICT COUNCIL

MINUTES of a Meeting of the Licensing and Regulatory Committee held in the Council Chamber at the Guildhall, Gainsborough on Tuesday 9 June 2015 commencing at 6.30 pm.

Present: Councillor Jessie Milne (Chairman - In the Chair)

Councillor Mrs Sheila Bibb
Councillor David Cotton
Councillor Steve England
Councillor Pat Mewis
Councillor Judy Rainsforth
Councillor Mrs Diana Rodgers
Councillor Thomas Smith
Councillor Lewis Strange

In Attendance:

Phil Hinch	Licensing Team Manager
Lesley Beevers	Regulatory Team Manager
Katie Coughlan	Governance and Civic Officer

Apologies : Councillor Angela Lawrence
Councillor Malcolm Parish (Vice-Chairman)

Membership : No substitutes were appointed for the meeting

7 PUBLIC PARTICIPATION PERIOD

There was no public participation.

8 MINUTES FOR APPROVAL

(a) Licensing and Regulatory Committee – 9 December 2014 (LR.02 15/16)

RESOLVED that the minutes of the Meeting of the Licensing and Regulatory Committee held on 9 December 2014 be confirmed and signed as a correct record.

(b) Licensing and Regulatory Committee – 21 May 2015 (LR.03 15/16)

RESOLVED that the minutes of the Meeting of the Licensing and Regulatory Committee held on 21 May 2015 be confirmed and signed as a correct record.

9 MINUTES FOR NOTING

- (a) Meeting of the Taxi and General Licensing Sub-Committee held on 17 December 2014 (LR.04 15/16)

RESOLVED that the minutes of the Meeting of the Taxi and General Licensing Sub-Committee held on 17 December 2014 be noted.

- (b) Meeting of the Taxi and General Licensing Sub-Committee held on 26 March 2015 (LR.05 15/16)

RESOLVED that the minutes of the Meeting of the Taxi and General Licensing Sub-Committee held on 26 March 2015 be noted.

- (c) Meeting of the Taxi and General Licensing Sub-Committee held on 21 May 2015 (LR.06 15/16)

RESOLVED that the minutes of the Meeting of the Taxi and General Licensing Sub-Committee held on 21 May 2015 be noted.

- (d) Meeting of the Licensing Sub-Committee held on 26 February 2015 (LR.07 15/16)

RESOLVED that the minutes of the Meeting of the Licensing Sub-Committee held on 26 February 2015 be noted.

10 MEMBERS' DECLARATIONS OF INTEREST.

No declarations of interest were made at this point in the meeting

11 MATTERS ARISING SCHEDULE (LR.08 15/16)

Members gave consideration to the Matters Arising Schedule which set out the current position of all previously agreed actions as at 1 June 2015.

RESOLVED that progress on the Matters Arising Schedule as set out in report LR.05 15/16, be received and noted.

12 PRESENTATION: - BACKGROUND AND CONTEXT TO SAFEGUARDING IN THE TAXI TRADE AND PROPOSED AMENDMENTS TO TAXI DRIVER POLICY RE: SAFEGUARDING AND CODE OF CONDUCT (LR.09 15/16)

Consideration was given to a report which sought to inform Members of the Committee of detailed proposals to amend Policy which would affect the taxi driver application process with regard to safeguarding and the introduction of a code of conduct.

The report also sought to inform members about the key findings in relation to licensing regarding the Rotherham inquiry and the comparative situation here within West Lindsey.

With regard to the latter, the Committee received a short presentation from the Licensing Team Manger in respect of Child Sexual Exploitation (CSE) in Rotherham.

Officers outlined the nature of CSE and Members were advised that

- It was a grooming process and form of child abuse
- Victims were treated like adults and given gifts and attention from older men
- Perpetrators gained the victim's trust and made them believe they were in a relationship/in love
- This had a powerful effect for girls craving love and attention e.g. from deprived backgrounds/growing up in care
- Drugs, alcohol and sex may then be introduced
- Victims would be forced to have sex with their abuser and even other men
- Threats, violence and coercion could follow
- This could result in victims becoming dependent on drugs/alcohol, afraid of their abuser, isolated from family and scared they wouldn't be believed if they made a complaint

The effects and consequences to victims were outlined to the Committee, these being: -

- Victims suffer from suicidal feelings and often self-harm
- Many become pregnant and will contract STIs
- Some may have to deal with abortions or suffering a miscarriage
- Many go on to enter violent and abusive relationships

The effects and consequences to the community were outlined to the Committee, these being: -

- 1,400 young peoples' lives were seriously damaged
- Councillors and senior officers were forced to resign
- Long term impact on public opinion of Authorities and feelings in the community
- Serious damage to Council reputation.

The Key Findings of the Casey Report were shared with Members.

- This was a council in denial about serious and on-going safeguarding failures
- It had an archaic culture of sexism, bullying and discomfort around race
- Failed to address past weaknesses, in particular in Children's Social Care
- It had weak and ineffective arrangements for taxi licensing which left the public at risk
- It had ineffective leadership and management, including political leadership
- There was no shared vision, a partial management team and ineffective liaisons with partners
- There was a culture of covering up uncomfortable truths, silencing whistle-blowers and paying off staff rather than dealing with difficult issues.

The Key Findings relative to Taxi Licensing were also shared with the Committee and the following points were noted

- The team was divided into two sub teams (policy and enforcement) and the two teams used different databases, which did not interface and did not share information easily
- Complaints and information gathering was not recorded on the data system
- The taxi policy was significantly out of date and dated back to 1974
- The report found that there was no indication of what would be classified as a serious concern requiring suspension
- The influence of members resulted in officers being under pressure to facilitate the trade rather than protecting the public. It was reported that Members had been reluctant to hear cases relating to matters showing up in the DBS checks so it resulted in no action being taken against convictions.

In concluding, the comparative position at West Lindsey was outlined during which the following points were noted : -

- WLDC had one team carrying out policy, administration and enforcement duties
- All complaints and intelligence was discussed within the team and where appropriate recorded on the database. Any serious concerns regarding the status of being a 'fit and proper' person would be referred to the relevant Committee for determination
- September 2013 – the current Taxi Policy was amended to include a knowledge test
- February 2015 – consultation began to amend the policy in order to introduce a low-risk driver training scheme
- June 2015 – report to be presented at L&R Committee for approval of a Safeguarding Code of Conduct for Taxi Drivers
- Autumn 2015 – report to be presented at L & R Committee for a more robust convictions policy
- An information sharing process has been agreed with Lincolnshire Police regarding licensees whose licences have been revoked/suspended/refused
- Should any undue pressure be put on Officers from Members, this would be reported in line with Council policy.

The Committee thanked the Licensing Manager for his comprehensive report and presentation and debate ensued regarding the content of the report. All wholeheartedly supported the introduction of a Code of Conduct, which was viewed as common sense.

Making reference to the consultation responses which had been received Members referred to the suggestion that Taxi Drivers should be expected to fit cameras within their vehicles and some were very supportive of this proposal being further investigated and implemented. The Committee wanted to protect the public at all costs.

Whilst other Members were supportive of the reasoning behind introducing cameras in vehicles, there were concerns as to how this would be implemented and enforced and at what cost this would be to the trade.

Seeking guidance from the Licensing Manager, Committee were advised that with regard to the Code of Conduct, its contents were arguably common sense, however by having expectations laid down in writing, and being made explicit this would assist Officers in the future if complaints were made in respect of inappropriate behaviours. Making reference to the possible introduction of cameras in all vehicles, Officers advised that this would be a further Policy change and as such would need to be given separate consideration by the Committee. Members were reminded that any changes to Policy or conditions / restrictions placed on the trade legally had to be proportionate, fair and reasonable, based on evidence. Officers were confident that the issues which arose in Rotherham would not have been negated if cameras were in all vehicles, as the issues in relation to Child Sexual Exploitation which occurred in Rotherham, were wide ranging and far greater than children just being transported in licensed vehicles.

Members sought and received an update on the amendments which were being made to the Convictions Policy and noted that this would be brought to a future meeting.

Members wished to place on record their thanks to the Team and the exemplary way in which they discharged their duties and responsibilities.

Following much debate, and in light of Members' comments and views, and the professional advice of Officers, on that basis it was :-

RESOLVED that having considered implementing a change of policy in relation to the taxi / private hire driver application process, the Policy changes referred to at (a) and (b) below be **RECOMMENDED** to the Prosperous Communities Committee for approval and adoption with immediate effect:

- (a) that all new drivers on initial application and all existing drivers upon renewal be expected to sign up to and abide by the Safeguarding Code of Conduct; and

- (b) that all new drivers on initial application and all existing drivers upon renewal be expected to complete the required Safeguarding Awareness training module as a pre-requisite to making their application;
- (c) in light of the discussions and debate around the possible introduction of cameras as a mandatory requirement, the Licensing Manager further investigate the feasibility of such, discuss his initial findings with the Chairman of Committee and if deemed appropriate, a further report be submitted to the Committee at a future meeting.

Note: Councillor David Cotton declared a non-pecuniary interest in the above item of business as he was a Magistrate who sat on the Family Panel.

13 FOOD HEALTH AND SFAETY PLAN 2015 / 16

Members gave consideration to a report which presented the 2015/2016 Food, Health and Safety Service Plan for approval.

The production of the Food and Health and Safety Service Plan was a statutory requirement.

Tables in the report set out the demand on the service over the last four years and also the planned inspection/intervention programme for 2015-16. The service was not currently resourced to deliver all of the inspections required under the FSA guidance, however all risk category A and B premises were inspected, along with any new premises or following a complaint.

In responding to Members' queries, Officers advised that a rating of "unrated" meant the premise had yet to be inspected.

Confirmation was given that star ratings were still issued and Officers would be keen to see the displaying of such become a mandatory requirement. In responding to Members comments, Officers advised that concerns regarding any food premises should be reported as this would trigger an inspection. Again responding to questions, Officers advised that the main reason for falling rating inspections was as a result of premises not completing the required paperwork.

RESOLVED that

- (a) the Food and Health and Safety Service Plan be received noted and approved; and
- (b) should performance fall below 95%, a further progress report be submitted to the Committee for consideration.

14 WORK PLAN

Members considered their work plan for remaining meetings during the ensuing civic year.

The Governance and Civic Officer advised that the Convictions Policy, as referred to throughout the course of the meeting, would be added to the Work Plan

RESOLVED that the work plan as at 1 June 2015 be noted.

The meeting concluded at 7.48 pm

Chairman