

Restoration of licensing function from May 2016

Summary of evidence to support the return of the licensing function

Ref	Criteria	Evidence	Further information
Licensing			
1.	Commissioners are satisfied are operating well, with no significant value for money deficit	<p>The Licensing service has accurate budget monitoring arrangements in place.</p> <p>Strengthened relationships and the sharing of information with Children and Young People’s services and the police and worked effectively on joint investigations e.g. Stovewood.</p> <p>There has been more regular dialogue with the taxi trade Associations to improve relationships.</p> <p>The Council consulted on the initial Private Hire and Hackney Carriage Licensing Policy in Autumn of 2014. Subsequently Commissioners produced a strengthened policy which was the subject of further consultation and this was agreed in July 2015. The policy includes higher standards of the ‘fit and proper person’ test of drivers.</p> <p>Progress made since the Private Hire and Hackney Carriage Licensing Policy was agreed includes:</p> <ul style="list-style-type: none"> • Audit of all existing drivers (approximately 1200) is now complete - 6% of drivers may fail to meet the new requirements and as a result around 60% no longer hold their licence; • Nearly 1000 drivers have completed the mandatory safeguarding children and vulnerable adults sessions; • Mandatory BTEC requirement for drivers; • Installation of taxi cameras and audio facility – 50 vehicles have had cameras fitted with the remainder due to have them installed in time for the appropriate deadline (the date of which varies depending on 	<p>Appendix E (i and ii) highlights two examples of effective working.</p> <p>The full policy, supporting documents and implementation scheme are available at: http://www.rotherham.gov.uk/downloads/download/219/taxi_licensing</p> <p>See record of licensing decisions at Appendix F.</p> <p>Taxi cameras are required in all Hackney carriage/private hire vehicles licensed for</p>

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		<p>the date of the renewal);</p> <ul style="list-style-type: none"> • Age restrictions on vehicles; • Subscription to Disclosure and Barring Service (DBS) online service – 369 drivers subscribed. The Council will work with license holders and the DBS to ensure that remaining drivers will subscribe to the service prior to the end of September 2016; • Outcomes of court appeals against the new policy to be included once known. <p>A number of changes have been implemented to improve the way in which formal decisions are made; urgent revocation are now subject of consultation with the Commissioner/Advisory Chair; report format has been improved and now supports members to make informed decisions on cases; revised arrangements are being put in place for referrals and complaints from social workers; written statements required from drivers; case hearings recorded and a transcript produced; statement of reasons for decisions produced; Commissioner/Advisory Chair lead the questioning on a systematic basis and evidence submitted to the Magistrates Court includes a statement from the Commissioner.</p> <p>Work taking place to progress plans to upgrade the IT systems used by licensing and enforcement staff. The new IT system will support staff to work together as one team and share intelligence.</p>	<p>the first time i.e. all newly licensed vehicles. The implementation plan requires that taxi cameras will be required to be installed in all licensed vehicles in the next few months (subject to specific exemptions).</p> <p>As part of the taxi driver licence renewal process all licensed drivers are now required to register with the DBS online update system, a system which council officers are able to access. Licences are not being renewed unless officers have been able to confirm that the DBS online registration process has been completed. The number of drivers subscribing to the service will increase as licences are renewed.</p> <div style="border: 1px solid gray; padding: 5px; margin-top: 10px;"> <p>A DIRECTOR at the first Rotherham taxi firm to fit CCTV has welcomed the new rules — saying there is nothing to fear if drivers have nothing to hide.</p> <p>The updated and more stringent policy means cameras and audio equipment must be installed in all cabs by July 6.</p> <p>A number of drivers have filed appeals with the magistrates’ court, claiming that forcing the equipment on them is unfair.</p> <p>But Richard Thom, director of Wickersley-based Merit Taxis, said: “There’s no reason why you would want to turn it off, unless you’ve got something to hide.”</p> </div> <p><i>Source - Rotherham Advertiser, 15th April 2016</i></p>
	<p>Are well-led by officers, have clear definitions of service</p>	<p>Commissioners are confident that the agreed changes in the structure and its management of the service are on track onto deliver.</p>	

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	<p>quality and plans for further improvements are in place</p>	<p>Following the Corporate Governance Inspection the Council started a process of improvement of the service to address past failings. An improvement plan was produced and continues to be maintained.</p> <p>A new structure is in place which brings the together licensing policy/administration and enforcement under one single manager. The new structure has created opportunities to appoint new managers and to ensure continuity as well as the stimulus of new people who will focus on the improvement agenda and good day-to-day management and leadership of the licensing team.</p> <p>New Strategic Director for Regeneration and Environment Services and new Assistant Director of Community Safety and Street Scene have commenced with overall responsibility for the licensing function.</p> <p>The behaviours of the licensing team have improved, staff now understand their positions and are robust in dealing with the taxi licensing trade.</p> <p>The first phase of the Corporate Improvement Plan included actions relating to the development of a new policy and a phased review of licenses which have now been completed.</p> <p>The second phase of the Corporate Improvement Plan is currently under development to ensure continuous improvement and this will be driven by the by this new Senior Leadership Team, in partnership with Commissioners and Elected Members. The plan will be delivered in parallel with a finalised new Corporate Plan for the Council in 2016/17.</p> <p>The new Corporate Plan includes a priority to ensure a robust, effective and efficient licensing service is in place and a performance indicator has been devised to monitor the percentage relating of drivers with offences. Quarterly performance reports against the plan will be presented to the Strategic Leadership Team, Cabinet and Scrutiny. Service/Business</p>	<p>A copy of the improvement plan is attached at Appendix D</p> <p>See proposed Business Regulation Structure at Appendix C.</p> <p>Both the first and second phase improvement plans are focussed around four themes inspirational political and managerial leadership; robust governance, decision-making and performance management; culture of excellence and outstanding implementation; strong, high impact partnerships.</p>

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		<p>Plans are also under development.</p> <p>To ensure effective performance management additional indicators and performance measures are also monitored, focused around five outcomes:</p> <ul style="list-style-type: none"> • All licence holders are “fit and proper” to hold licences; • Decision makers make high quality judgements that protect the public from risk of harm; • The licensing service make maximum use of their statutory powers (where appropriate) to disrupt criminal activity; • The licensing team consistently provides high quality processing of licensing applications; • The Council’s Private Hire and Hackney Carriage Licensing Policy is being effectively implemented. <p>The new Assistant Director for Community Safety and Street Scene has been working with the Directors of Adult Care and Housing and Children and Young People’s Services regarding a protocol which endorses and encourages joint working and information sharing between the two Safeguarding Boards and the Safer Rotherham Partnership (SRP). The SRP has recently developed a multi-agency Information Sharing Protocol which is to be approved in June. Finally, a working protocol and template is being developed to enable social workers and other officers to provide professional witness statements which can be used by licensing as evidence in court when required.</p>	
	<p>Have been quality assured by an independent party, such as a Local Government Association Peer Review or experienced interim</p>	<p>Commissioner Ney has been actively involved in improving the licensing function and the narrative above demonstrates that effective progress has been made.</p> <p>Prior to the arrival of Commissioners, the Council had appointed Weightmans, an independent law firm, to undertake a scrutiny of past licensing staff failings which had been identified in the Casey Report. This work is not yet concluded and the final report is not expected for some</p>	

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	Chief Officers appointed from outside the authority	weeks. All staff have been interviewed as part of this process but the outcome is not expected to impact on the tests for return of decision-making for the licensing function.	
	Individual councillors are in a position to exercise executive authority over these functions	<p>The Advisory Chair of the Licensing Board is Councillor Ellis who is currently taking part in a support programme provided by the Local Government Association (LGA) and peers are required to report to Commissioners on progress.</p> <p>The Advisory Chair and members of the Licensing Board were involved in the development of the new taxi licensing policy, its implementation and all case hearings.</p> <p>All members of the Licensing Board received two days training on the legislation, their role and decision making.</p> <p>The Advisory Chair of Licensing has participated in meetings with the trade to consult on the taxi licensing policy and its implementation; she has been involved in responding to media enquiries, sat in on all case hearings concerning drivers, operators, public house licence reviews and variations and house to house permits.</p> <p>The Licensing Board have sat in on all of case hearings and have an oversight to the development of the new policy, the arrangements for implementation and to monitor progress.</p> <p>The Commissioner has produced an overview analysis of decisions and held a meeting with the members of the board to discuss this and to ensure consistency and confidence in decision making.</p> <p>The Commissioner will maintain an overview of decisions and sit in an advisory capacity with members on a sample basis.</p> <p>The Licensing Board which will be appointed by full Council on 20th May 2016, will continue to be chaired by the previous Advisory Chair, and</p>	<p>The volume of hearings has been around four times normal level providing giving members a range of experience</p> <p>A further round of training is scheduled for the new Licensing Board when appointed in May 2016</p> <p>See summary of license cases heard at Appendix G and record of licensing decisions at Appendix F.</p>

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		following the elections on 5 th May, 15 of the 21 Councillors have been re-elected who were members of the previous board. It is expected that the make-up of the new Licensing Board will have sufficient experience, and new members will be appropriately trained to take up their roles.	