



Derby City Council

LICENSING COMMITTEE

12 November 2015

ITEM 6

Report of the Acting Strategic Director of
Neighbourhoods

Derby City Council's Consideration of the Casey's Rotherham MBC Report

SUMMARY

- 1.1 The report into child sexual exploitation (CSE) in Rotherham was published earlier this year. The report was critical of the actions of the statutory agencies, including the Local Authority, in terms of preventing and addressing CSE; it identified a number of key issues, including within taxi licensing, which had contributed to the failure to protect vulnerable young people.
- 1.2 A report on these issues, their links to CSE, and their relevance to taxi licensing in Derby was taken to the Licensing Committee on 2 July 2015 for consideration.
- 1.3 A number of recommendations were agreed, including the recommendation to the Monitoring Officer for amendments to the Members' Code of Conduct to restrict:
 - Contact from Members the purpose of which is to influence the processing of individual applications
 - Members making representations on behalf of the trade or individual drivers at sub-committee hearings
 - Diluting regulatory standards after representations with the trade.
- 1.4 A set of FAQs has now been produced to supplement this resolution and appear at Appendix 2 of this report. These are intended to provide clarity for Members in deciding whether their actions are appropriate or not.

RECOMMENDATIONS

- 2.1 To note the FAQs which appear at Appendix 2 of this report

REASONS FOR RECOMMENDATION

- 3.1 To aid all Members in respect of the Members Code of Conduct.
- 3.2 To demonstrate the Council's proactive response to the Casey Report.

SUPPORTING INFORMATION

- 4.1 A report on the review into cases of CSE in Rotherham was published earlier this year. Their finding covered the roles and activities of all the statutory agencies, including the local authority, and was critical of many perceived failures by these organisations. The report included a section on taxi licensing issues that may have contributed to these failures in protecting vulnerable young people.
- 4.2 In response to the issues identified by Casey, a report was presented to the Licensing Committee on 2 July 2015 setting out these issues and their significance for Derby. The report recommended a number of actions necessary to address these issues.
- 4.3 These recommendations were agreed by the Committee, including a recommendation to the Monitoring Officer for amendments to the Members' Code of Conduct to restrict the following:
- Contact from Members the purpose of which is to influence the processing of individual applications
 - Members making representations on behalf of the trade or individual drivers at sub-committee hearings
 - Diluting regulatory standards after representations with the trade.

The above recommendation was approved by Full Council on 22nd July 2015 which served to automatically amend the Council's Code of Conduct for Elected Members.

- 4.4 In order to supplement these changes and to give clarity to Members about the appropriateness of their actions, some FAQs have been produced. These are attached at Appendix 2.
- 4.5 A template for officers to complete following each Member contact is attached at Appendix 3 for information.
- 4.6 Once completed, each form will be sent to Legal Services to be logged and, if necessary, referred to the Monitoring Officer for action.

OTHER OPTIONS CONSIDERED

- 5.1 None. The recommendations set out in the report are necessary, in the overriding public interest.

This report has been approved by the following officers:

Legal officer Financial officer Human Resources officer Estates/Property officer Service Director(s) Other(s)	Lucie Keeler Michael Kay
For more information contact: Background papers:	Sandra Mansell 01332 641931 sandra.mansell@derby.gov.uk None

List of appendices:	Appendix 1 – Implications Appendix 2 – FAQ's Appendix 3 – Member contact template
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IMPLICATIONS

Financial and Value for Money

- 1.1 None arising from this report.

Legal

- 2.1 The Localism Act 2011 requires the Council to have a Code of Conduct for all Elected Members to ensure strong ethical governance. The Code of Conduct should incorporate the Nolan Principles of Good Governance.

Personnel

- 3.1 None arising from this report.

IT

- 4.1 None arising from this report.

Equalities Impact

- 5.1 None arising from this report.

Health and Safety

- 6.1 The proposals set out ensure that the Council's taxi licensing administration processes are sufficiently robust and adequately safeguard the wider public interest.

Environmental Sustainability

- 7.1 None arising from this report.

Property and Asset Management

- 8.1 None arising from this report.

Risk Management

- 9.1 The proposals set out ensure that any risks associated with the Council's taxi licensing administration processes are sufficiently managed to adequately safeguard the wider public interest. The Council will monitor the risks associated with the function and horizon scan to identify potential new risks.
- 9.2 The proposals take account of the Council's safeguarding responsibilities, particularly in relation to children, young people and vulnerable adults and

strengthen this element to reflect best practice.

- 9.3 The proposals minimise the risk to the public by providing greater confidence in the system for assessing whether a person is a 'fit and proper individual' to drive a taxi.

Corporate objectives and priorities for change

- 10.1 The proposals set out in this report will deliver **better outcomes for communities**.

Please note;

- It is always the responsibility of the Member to declare any interest and not that of the Officers.
- These FAQ's are being issued to all Members as recognition that not all Members have received the level of training that is provided to Members on the Licensing Committee.
- For any further advice, Members should contact Democratic Services as first point of contact for matters in relating to the Members Code of Conduct.

FAQ's - Members Code of Conduct

Q1	A Member contacts the Licensing Team for generic information on a licensing process as they have had a constituent in their area enquiring about how to become a licensed driver, is it appropriate for the Member to do this?
A1	Yes, it would be appropriate for the Member to contact the Licensing Team who will inform the Member of the process for a member of the public to apply to become a licensed driver for provide the Member with the contact details of the Licensing Team so that the constituent can contact the Licensing Team directly to discuss.
Q2	A Member contacts the Licensing Team and asks whether the application of one of their constituents could be put at the 'top of the pile' for processing, is it appropriate for the Member to do this?
A2	No, this is not appropriate and is in breach of the Members Code of Conduct 6(a). You must not use you position as a Member to improperly give you or any other person an advantage or disadvantage in the application process.
Q3	A Member contacts the Licensing Team to find out what date a certain driver will be appearing before a sub- committee and once informed request to participate on that sub-committee as a panel member, is it appropriate for the Member to do this?
A3	No, this would not be appropriate. Members will not be informed of any details of Sub – Committees and what is being considered

	<p>until Democratic Services contacts all Members for availability to participate in that Sub – Committee. This is to avoid any potential for Members to sit on Sub-Committees of people they know.</p> <p>Further should a Member when in a Sub-Committee immediately realise they know one of the people appearing they should declare an interest not sit on that matter and leave the room whilst the matter is being dealt with.</p>
Q4	A person is appearing before a Sub-Committee and is being represented by his local elected Member, what should the Member be doing in these circumstances?
A4	The Member should ensure that at the start of the Sub-Committee they declare an interest as they will know the members on the Sub Committee. They should also consider whether they are best person to act as a representative for an individual in the Sub-Committee arena dependant on what matters they will be raising on the persons behalf.
Q5	A Member contacts the Licensing Team and questions a process/ previous committee decision etc. and when provided with the information is frustrated and indicates that the officer/other are incompetent and that they will make representations about this, is it appropriate for the Member to do this?
A5	This is not appropriate behaviour and is in breach of Members Code of Conduct 3(2) (b) namely that you must not bully any person. Should you have concerns about a member of staff or department, this complaint should be directed through the appropriate channels i.e. member/officer Code of Conduct.
Q6	If a Member of the Licensing Committee wishes to be provided with more information of a policy or a specific function of the Licensing Committee is it appropriate for them to contact the Licensing Team for this information?
A6	Yes, the Licensing Team are available to assist with any queries a Member may have on policies or licensing functions, as are Legal Services available to offer advice and assistance as required.

Q7	If a Member receives their papers for an upcoming Sub-Committee sees within the paperwork a person who is known to them but not personally, should they just keep quiet and proceed with the Sub Committee hearing?
A7	If a Member is ever in doubt as to whether to declare an interest they should to contact Democratic or the Monitoring Officer Services to discuss the matter in advance of the Sub-Committee.
Q8	A Member comes to the Licensing Team to say that a number of their constituents have come to them saying that they are continually being stopped by Licensing Enforcement Officers regarding the state of their vehicles as such the Member says that we should remove the 2 strike rule making drivers attend Sub-Committee, is this appropriate?
A8	<p>No, this is not appropriate as it an attempt to circumvent the established Licensing Policies which are in place, for the benefit of their constituents.</p> <p>It would however be appropriate if a Member asked the Licensing Team when a policy had last been reviewed and if suggest the matter went back to Committee if it had not been reviewed for a number of years.</p>

Appendix 3

OFFICER'S NOTIFICATION OF MEMBER'S CONTACT

Date	
Officer Name	
Member's Name	
Contact method (e.g. face to face, telephone, email – see attached)	
Officer response email – see attached)	
<p>When completed, send to lucie.keeler@derby.gov.uk for logging.</p> <p>DATE SENT: _____</p>	