

BIRMINGHAM CITY COUNCIL

REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT TO THE LICENSING AND PUBLIC PROTECTION COMMITTEE

12 APRIL 2017
ALL WARDS

IMPLICATIONS OF CASEY REPORT FOR LICENSING

1. Summary

- 1.1 In February 2015 the Government published the report of Louise Casey CB into child sexual exploitation ('CSE') in Rotherham. The 154 page report considered whether Rotherham was fit for purpose as a Local Authority. Part of her report considered the role played by Rotherham's Licensing Service in relation to the link between CSE and taxi and private hire licensing.
- 1.2 Birmingham Licensing Service has used the Casey report as a benchmark to measure itself against in order to identify whether any of the bad practices that the report identified in Rotherham were matters which Birmingham also needed to address.
- 1.3 Reports have been presented to this Committee in January and September 2016 to update members on progress. This report provides the latest position statement and outlines a consultation process for making safeguarding training compulsory for all hackney carriage and private hire drivers and private hire operators and to require approved CCTV in licensed vehicles.

2. Recommendations

- 2.1 That outstanding minute 720(iii) of 14 September 2016 be discharged
- 2.2 That the action plan in the Appendix be noted
- 2.3 That the proposals in paragraphs 7.1 to 7.3 to consult on a policy requiring all licensed divers and operators to attend safeguarding training be approved
- 2.4 That the proposals to in paragraphs 7.1 to 7.3 to consult on a policy to require all licensed vehicles to carry CCTV recording equipment be approved
- 2.5 That a further update report be presented in October 2017 with final recommendations to this Committee.

Contact Officer: Chris Neville, Head of Licensing
Telephone: 303 6920
E-mail: chris.neville@birmingham.gov.uk

3. Background

- 3.1 As part of the Licensing Action Plan to respond to the threat of CSE across licensed premises and drivers, members of the Licensing and Public Protection Committee were offered training from a barrister on 16th November 2016 who has advised other local authorities, including Rotherham MBC on CSE matters and the links to the taxi trade.
- 3.2 As a consequence of that training, members of the Committee asked for two strands of work to be put in place: firstly, to require all Birmingham licensed hackney carriages and private hire vehicles to be fitted with CCTV equipment, and secondly, for all licensed drivers to be required to attend safeguarding training within a 12-month timeframe, as opposed to the three-year time frame proposed by officers.
- 3.3 Officers have taken detailed advice from the barrister who delivered the training to members to consider the process by which both objectives can be implemented. The considerations are set out below.

4. Safeguarding Training

- 4.1 Officers were putting into place arrangements for all licensed drivers to attend a compulsory safeguarding training course on the basis that it would apply to each driver at the time of their licence renewal. This is consistent with the principle that a hackney carriage or private hire driver's licence cannot be varied during its lifetime: changes can only occur at the point of grant or renewal. The problem with this approach is that since the introduction of three-year driver licences it would take three years before all drivers would be trained. However, our legal advice is that changes can be applied to a licence mid-term depending on the reason for the alteration and providing sufficient consultation has taken place to include the trade and prepare them for the change.
- 4.2 In order to speed up the process of safeguarding training, officers propose to follow a process similar to that used in Rotherham. It will be based on a two stage consultation process: the first stage will outline the broad proposal and include a research phase. The second stage will outline the proposal in more detail, having taken account of the feedback from the first stage. The intention would be to require all drivers to be trained within a year of the policy being approved.

5. CCTV in Vehicles

- 5.1 Rotherham, Warrington, Wigan and Southampton are all examples of licensing authorities that have made CCTV compulsory for hackney carriages and private hire vehicles. CCTV can be used in different ways in vehicles: at one extreme are systems that record vision and audio continuously and at the other are systems which are permanently off until the driver or customer activates them. In Rotherham, for instance, audio must be recorded between 10.00pm and 6.00 am, or at any time when carrying an unaccompanied child.
- 5.2 The use of CCTV in licensed vehicles is often challenged through the courts by the licensed trade, but the outcome of challenges depends on the reasonableness of the policy and the reasons for it. Southampton, for instance, was successfully challenged by the Information Commissioner because it required permanent audio recording, regardless of the circumstances.
- 5.3 A successful CCTV policy might set out a named provider or providers to install the equipment and/or a technical specification for the type of equipment that would be acceptable. It would set out a timeframe within which all vehicles would be required to have the equipment installed. Given the number of vehicles licensed by Birmingham and taking into account the number of installers that might need to be approved, it is possible that it would take 12 months from the date that any policy was enacted for every vehicle to have equipment installed.

6. Birmingham Action Plan

- 6.1 Officers in Birmingham have considered the findings of the Casey Report against our own policies, procedures and working practices to determine whether there are areas from which we can learn and/or improve. The resulting action plan (see Appendix) looks at the main areas for concern that Casey identified in Rotherham's Licensing service, how we compare and what we need to do to improve.
- 6.2 Since the Action Plan was last considered by the Committee in September 2016, members of the Committee have received training on issues related to taxi licensing. Revisions to the driver, vehicle and operator licence conditions have taken longer to develop than was anticipated due to the extent of the challenges from the trade and the lengthy consultation that this has required. The new conditions are presented for approval at today's Committee meeting. Consultation on the quality rating scheme for drivers cannot be finalised until the driver, vehicle and operator conditions have been approved.

7. Consultation

- 7.1 It is proposed to combine the safeguarding and the CCTV proposals into one consultation which will follow a two-stage process. The first stage will be to broadly outline the ambition of the proposed changes and to gather information from other local authorities that have implemented similar policies, as well as considering the technical options available in terms of CCTV. After the Committee has considered the findings of the first stage, a detailed proposal would then be put forward as a second stage for final consultation with the public and the trade.
- 7.2 A suggested timetable for the consultation and new policies is set out below:
- First stage framework consultation to be launched on 1st May 2017 for 6 weeks. This consultation to be with trade representatives only.
 - Outcome of first stage consultation to be reported to the Committee in July 2017, with a detailed proposal for safeguarding and CCTV policies.
 - Second stage consultation based on detailed proposals begins on 1st August 2017 for 6 weeks. This consultation to be wider ranging, using the Council's BeHeard website, allowing all licensed drivers and operators and the general public the opportunity to comment. Results to be reported to the Committee in October 2017 for new policies to be implemented on 1st November 2017.
 - Depending on the outcome of both consultation stages, all Birmingham licensed drivers would have received safeguarding training and all vehicles would have CCTV installed by October 2018.
- 7.3 The initial consultation will be to explain the wish of the Licensing and Public Protection Committee to see all drivers and operators receiving safeguarding training for reasons of public safety. It will outline the subject areas to be covered in the training and the likely duration of the training course and the fact that it will be delivered in-house by Birmingham City Council's Youth Services Team. In respect of CCTV the consultation will explain that the Committee would like to see every vehicle fitted with CCTV for reasons of public safety, and invite comment on the various options for recording audio and vision.

8. Implications for Resources

- 8.1 The cost of safeguarding training is estimated at £50 per driver. The cost of CCTV is estimated at £500 per vehicle. Both amounts would be paid for by individual drivers.

9. Implications for Policy Priorities

- 9.1 The work identified in this report helps to deliver the Leader's priority of a Fair City and the outcome of ensuring the most vulnerable people are safe from crime, violence and abuse.

10. Implications for Equality and Diversity

- 10.1 The Casey Report identified a misplaced sense of political correctness which inhibited open discussion about problems linked to minority ethnic groups for fear of being labelled 'racist'. This resulted in action not being taken which permitted perpetrators to remain at large and victims not being protected.
- 10.2 An Equality Assessment will be undertaken to be presented to this Committee in October 2017 with the final recommendations

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil