

# Public Document Pack



**Service Director – Legal, Governance and  
Commissioning**

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Friday 8 March 2019

## Notice of Meeting

Dear Member

### Children's Scrutiny Panel

The **Children's Scrutiny Panel** will meet in the **Council Chamber - Town Hall, Huddersfield** at **10.30 am** on **Monday 18 March 2019**.

This meeting will be webcast live and will be available to view via the Council's website.

The items which will be discussed are described in the agenda and there are reports attached which give more details.

A handwritten signature in black ink, appearing to read "Julie Muscroft".

**Julie Muscroft**

**Service Director – Legal, Governance and Commissioning**

Kirklees Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform the Chair/Clerk of their intentions prior to the meeting.

## **The Children's Scrutiny Panel members are:-**

### **Member**

Councillor Cahal Burke (Chair)

Councillor Donna Bellamy

Councillor Lisa Holmes

Councillor Darren O'Donovan

Councillor Sheikh Ullah

Councillor Edgar Holroyd-Doveton

Dale O'Neill (Co-Optee)

# Agenda

## Reports or Explanatory Notes Attached

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**Pages**

**1: Membership of the Committee**

This is where Councillors who are attending as substitutes will say for whom they are attending.

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**2: Interests**

1 - 2

The Councillors will be asked to say if there are any items on the Agenda in which they have disclosable pecuniary interests, which would prevent them from participating in any discussion of the items or participating in any vote upon the items, or any other interests.

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**3: Admission of the Public**

Most debates take place in public. This only changes when there is a need to consider certain issues, for instance, commercially sensitive information or details concerning an individual. You will be told at this point whether there are any items on the Agenda which are to be discussed in private.

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**4: The Revised Contextual Safeguarding Strategy**

The Panel will consider a presentation on the Revised Contextual Safeguarding Strategy.

Contact Officer: Elaine McShane, Service Director for Family Support and Child Protection  
Marianne R Huison, Superintendent (Crime and Protecting Vulnerable People, West Yorkshire Police)

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## **5: The Risk and Vulnerability Team**

The Panel will consider a presentation on the Risk and Vulnerability Team.

Contact Officer: Ophelia Rix, Head of Safeguarding and Quality Assurance  
Richard McNamara, Detective Chief Inspector  
(West Yorkshire Police)

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## **6: Licensing**

3 - 10

The Panel will consider a report on the work carried out by Licensing in relation to CSE since the previous update on 8th December 2017.

Contact Officer: Wendy Blakeley, Head of Public Protection  
Samantha Lawton, Operations Manager  
(Commercial Regulatory and Operational Services)

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<b>KIRKLEES COUNCIL</b>			
<b>COUNCIL/CABINET/COMMITTEE MEETINGS ETC</b>			
<b>DECLARATION OF INTERESTS</b>			
Childrens Scrutiny Panel			
<b>Name of Councillor</b>			
<b>Item in which you have an interest</b>	<b>Type of interest (eg a disclosable pecuniary interest or an "Other Interest")</b>	<b>Does the nature of the interest require you to withdraw from the meeting while the item in which you have an interest is under consideration? [Y/N]</b>	<b>Brief description of your interest</b>

Signed: ..... Dated: .....

## NOTES

### Disclosable Pecuniary Interests

If you have any of the following pecuniary interests, they are your disclosable pecuniary interests under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.

Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.

Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority -

- under which goods or services are to be provided or works are to be executed; and
- which has not been fully discharged.

Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.

Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.

Any tenancy where (to your knowledge) - the landlord is your council or authority; and the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -

- (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
- (b) either -

the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

**Name of meeting: Children's Scrutiny Panel**

**Date: 18<sup>th</sup> March 2019**

**Title of report: Licensing Update**

**Purpose of report**

To update Members of the work carried out by Licensing in relation to CSE since the previous update on 8<sup>th</sup> December 2017.

<b>Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?</b>	<b>Not applicable</b>
<b>Key Decision - Is it in the <a href="#">Council's Forward Plan (key decisions and private reports?)</a></b>	<b>Not Applicable</b>
<b>The Decision - Is it eligible for call in by Scrutiny?</b>	<b>No applicable</b>
<b>Date signed off by <a href="#">Strategic Director</a> &amp; name</b>	<b>Karl Battersby 6.3.19 Strategic Director – Economy and Infrastructure</b>
<b>Is it also signed off by the Service Director (Finance)?</b>	<b>Not applicable</b>
<b>Is it also signed off by the Service Director for Legal Governance and Commissioning?</b>	<b>Not applicable</b>
<b>Cabinet member <a href="#">portfolio</a></b>	<b>Cllr Naheed Mather</b>

**Electoral wards affected: Not Applicable**

**Ward councillors consulted: Not applicable**

**Public or private: Public**

**GDPR Implications: Yes this has been considered. No personal information is contained within the report**

## 1. **Summary**

- 1.1 This report is to update members on the work taking place in Licensing in relation to safeguarding and Child Sexual Exploitation ('CSE')
- 1.2 The whole purpose of any licensing regime is to regulate and or curtail an activity that could be deemed harmful or detrimental to the public or a section of it. The role of the licensing service is to administer and enforce these licensing regimes, and in doing so protect the public from harm.
- 1.3 In respect of taxi licensing this means ensuring drivers and operators of licensed vehicles are 'fit and proper' and that vehicles are safe and suitable.
- 1.4 In respect of licensed premises, this ensures premises and their operators protect the public from harm, crime and disorder, public nuisance, and that they protect children from harm. It should be noted that for takeaways / fast food restaurants a premises licence is only required if hot food is served between 23:00 and 05:00 the following morning. A hotel / bed & breakfast would only need a premises licence if they were selling alcohol. This is of particular concern as premises that operate outside of these restrictions have little or no regulation.

## 2. **Information required to take a decision**

### Background

- 2.1 Since December 2017, education surrounding CSE in respect of licence holders has focused mainly on licenced takeaways and on hotel and accommodation providers.
- 2.2 Since October 2017 a total of 90 takeaways across the district have received CSE education from Licensing. As part of regular enforcement duties, Licensing Officers have visited licenced takeaways to educate the licence holders on what child sexual exploitation is, how to recognise the signs and how to report suspicious activity.
- 2.3 In June 2018 Licensing and West Yorkshire Police conducted some 'test purchase' exercises on hotels and accommodation providers. The hotels selected by the Police were intelligence led, and the purpose of the operation was to see how the hotel would respond to a potential CSE incident. Before conducting the test purchases it had was agreed any of the hotels failing to recognise the signs of CSE, would be given the opportunity to attend a training course.

### Hotels and Accommodation Providers

- 2.4 In order to test how hotels would respond to a real CSE situation, Licensing have assisted West Yorkshire Police with what could be referred to as 'test purchases'. This effectively was an undercover male Police officer, trying to check into a hotel room with an underage girl. The undercover officer made it clear to the hotels he wanted a double room, but only for a couple of hours and that he wanted to pay in cash. Neither the undercover officer nor the underage girl had any identification. The young girls who took part in the 'test purchase' exercise were 16 year old Police Cadets, however they were chosen because visually they looked younger than 16 years of age.
- 2.5 The Police were looking for staff at the respective hotels to report their suspicions to the Police within 20 minutes. It was also a learning opportunity for the Police as the call handlers and the response teams were not aware of the operation so the Safeguarding Unit were using the exercise to help provide feedback and give any further training to their teams should it be required.



- 2.6 If any of the hotels failed to recognise the signs of CSE they would be given the opportunity to attend a training course. On this occasion failures would not be publicised in the press. The hotels selected to visit was based on Police intelligence. In total 9 hotels were visited, 4 of which failed to spot the CSE signs and effectively failed the 'test purchase'. These 4 hotels were invited on, and attended, the CSE training course which had been organised by Licensing in conjunction with West Yorkshire Police.
- 2.7 The training course was open to all hotels and accommodation providers across Kirklees and was held at Dewsbury Town Hall. There were 15 attendees in total from 6 different premises. The course was delivered by Claire Hudson, an Advanced Investigative Officer from West Yorkshire Police; however, speakers also included DI Donnelly, PC Birkinshaw and Laura Dobson from Licensing.
- 2.8 The operation proved successful and was well received by all the hotels managers and staff. West Yorkshire Police and Licensing are looking to organise a future operation to see how other hotels and accommodation providers would deal with a potential CSE situation, also to re test the premises which were unsuccessful to see what information was taken on board from the training course.
- 2.9 If, following subsequent test purchase operations, a licensed premises fail then, where a premises licence is in place, there would be potential for a review of that licence; which could ultimately result in the revocation of that licence.

#### Licensed Takeaways

- 2.10 To educate and raise awareness of CSE, Licensing Officers have been visiting licenced takeaways since October 2017. A licenced takeaway is usually a premises which supplies hot food or drink after 11:00pm and/or is a premises that supplies alcohol. The visits are unannounced and were also used as an opportunity to conduct routine Licensing inspections. Licensing Officers engaged with the licence holder and staff at the premises, discussing what CSE is, what to look out for and how to report it.
- 2.11 A total of 90 takeaways have received visits so far in the following areas;

Marsden, Slaithwaite, Holmfirth, Honley, Meltham, Netherton, Linthwaite, Golcar, Milnsbridge, Kirkheaton, Lepton, Kirkburton, Skelmanthorpe, Denby Dale, Shepley, Waterloo, Almondbury, Moldgreen, Aspley, Birchencliffe, Fartown, Mirfield, Batley

#### Taxi Licensing

- 2.12 Over the last two years, officers have been working on a project for approval by the Chairs of the West Yorkshire Licensing Committees (or equivalents). The projects aim was to establish some harmonisation and introduction of minimum standards in certain areas of licensing (not necessarily identical policies).
- 2.13 The project has now reached a stage where consultation has taken place on a proposed fitness and suitability policy, and driver training policy. Officers are currently working on the responses to that consultation and whether any changes need to be made to those policies. It is envisaged that these policies will be presented to each authorities licensing committee in June 2019.

#### Suitability policy

- 2.14 The draft suitability policy includes a more stringent and robust approach to the consideration of convictions or any information which will relate to a person's fitness and propriety, in essence it permits the Council to assess a person's whole character.

- 2.15 When considering a person character the overriding aim of the Council. must be the protection of the public and others who use (or can be affected by) Hackney Carriage and Private Hire services.
- 2.16 As part of this assessment the Council is concerned to ensure that
- An individual does not pose a threat to the public.
  - The Council's obligations to safeguard children and vulnerable adults are met.
  - The public are protected from dishonest persons.
- 2.17 The standards of safety and suitability are not set as a base minimum. They are set high to give the public the assurance it requires when using taxi services. The Council does **not** have to strike a balance between the driver's right to work and the public's right to protection. The public are entitled to be protected. This means that the Council are entitled and bound to treat the safety of the public as the paramount consideration and the Council makes no apologies that this is tough stringent policy.
- 2.18 Taxis are used by almost everyone but they are used regularly by particularly vulnerable groups: children; the elderly; disabled people; and the intoxicated. A taxi driver has significant power over a passenger who places themselves, and their personal safety, in the driver's hands.
- 2.19 In making a decision on whether to grant or renew a licence the Council are in effect holding out the licensee as someone who can be trusted to convey passengers from A to B safely. That passenger maybe you, or your elderly mother, or your teenage daughter, or a person who has had too much to drink or a vulnerable person.

#### Driver training policy

- 2.20 The licensing service arranged for licence holders to undergo CSE training in 2015 following the reports of Jay and Casey. Currently, new applicants have to complete a multiple choice test that consists of a number of questions, interspersed in the questions are safeguarding questions.
- 2.21 The work and aim of the harmonisation project is to introduce the following requirements for training of new candidates applying to hold a licence:-
- (1) Advance driving test
  - (2) English test
  - (3) Local knowledge test
  - (4) Regulatory framework of the private hire industry
  - (5) Professional standards which will include
    - Health and safety
    - Professional customer service
    - Fares
    - How to drive safely and efficiently
    - Providing a safe and legal vehicle
    - Transporting parcels, luggage and other items
  - (6) Safeguarding training and test
    - Adults safeguarding
    - Children's safeguarding
    - Vulnerable passengers
  - (7) Equality and disability training and test
    - Wheelchair users

- Users with assistant dogs
- Elderly passengers
- Recognising non visible disability

#### (8) Practical wheelchair course

This will include a new requirement for mandatory refreshment training every 3 years

- 2.22 At the same time, Kirklees has developed an overarching policy encompassing all the different aspects of taxi and private hire licensing which is good practice. Authority was sought to consult on the whole of the Kirklees policy. This report is due to be heard before members of the Licensing and Safety Committee on 13<sup>th</sup> March 2019 where officers will be seeking adoption of the policy.
- 2.23 The purpose and vision of the changes is to ensure there is a raising of standards and skills amongst taxi drivers in order to protect the travelling public; and ensure people across West Yorkshire are transported safely and protected from harm; that people in Kirklees experience a high quality, clean, sustainable and green environment, as well as improve the customer experience.
- 2.24 These policies will enhance the licensed trade and ensure that as a licensing authority the Council is taking its safeguarding responsibilities seriously and putting appropriate measures in place.

#### Other Work

- 2.25 In December 2018 last year Licensing supported West Yorkshire Police with Operation Standedge – an operation designed to make the town safer in the short term until longer term measures could be introduced. To support this operation Licensing Officers visited town centre premises over the weekends along with the Police to conduct checks and show an increased presence within the town centre.
- 2.26 Public Protection have identified safeguarding/CSE officers whose role it is to be a point of contact and to share information on CSE matters to relevant authorities. This has involved attending the CSE Operational group and MACSE meetings, raising awareness of CSE within Environmental Health and Licensing and being the point of contact for any CSE related issues.
- 2.27 This work has resulted in Food Officers reporting suspicious circumstances in takeaways and Environmental Health keeping a log of any CSE referrals the team come across.
- 2.28 Any addresses from MACSE meetings are cross referenced with addresses within Environmental Health and Licensing to see if there are any premises to be aware of. If so this information is cascaded to the team.
- 2.29 Licensing have monitored and undertaken inspections on a takeaway which was identified from the MACSE meetings of having links to CSE. It is a premises that officers still monitor when in the area.
- 2.30 The service have established close links with West Yorkshire Police and have two officers from West Yorkshire Police who are based within the licensing service. In addition, due to changes in management there have been meetings with the Inspectors this year to continue to work in partnership with regard to the service and safeguarding
- 2.31 Joint enforcement within the service is routine in nature, with officers carrying out multi-agency inspections and operations like those listed above.

## Safeguarding Public Protection

- 2.32 A safeguarding group has been established within public protection to examine safeguarding with the service and ensure all officers are aware what safeguarding means, internally and externally, including what that looks like at each level of the service.
- 2.33 Currently, a public protection safeguarding policy is being drafted, processes updated and training will be undertaken and documented where necessary. The service has been strengthening and working in partnership to establish links with the CSE, Early Support and Children's services.

### **3 Implications for the Council**

#### **3.1 Working with People**

The purpose and vision of the changes is to ensure there is a raising of standards and skills amongst licensed drivers in order to protect the travelling public; and ensure people across West Yorkshire are transported safely and protected from harm; that people in Kirklees experience a high quality, clean, sustainable and green environment, as well as improve the customer experience.

#### **3.2 Working with Partners**

In developing its policies the licensing services have worked with a number of partners, including, Safe Guarding Children's Board, West Yorkshire Police, Public Health, Environmental Health, other West Yorkshire Authorities (inc York).

#### **3.3 Place Based Working**

The proposed policy brings together into one place a number of existing policies. The changes outlined in this report, seek to address some of the issues surrounding air-quality within Kirklees.

#### **3.4 Improving outcomes for children**

The Council wants to ensure children have the best start in life and to ensure that the people of Kirklees feel safe and are protected from harm. The Council has a duty to protect the travelling public and safeguard children travelling in licensed vehicles and in particular for the purposes of school transport.

#### **3.5 Other (eg Legal/Financial or Human Resources)**

Not applicable

### **4. Consultees and their opinions**

- 4.1 Through this work stronger links have been made with partnering agencies, which has resulted in a closer working relationship and has enable officers to consult more effectively

### **5. Next steps and timelines**

- 5.1 Although a lot of work has already been undertaken the service recognises that more work needs to be undertaken, such as -

- raise awareness of safeguarding amongst restaurants, bars and clubs; and train management and door staff on identifying safeguarding issues.
- Discuss at Pub Watch what, if any training is currently in place.
- Work towards safeguarding training being a condition on every licenced premises.
- Continue partnership working with West Yorkshire Police e.g. test purchases, joint operations and delivering educational training courses.
- Continue to develop knowledge as a service on Licensing safeguarding matters.
- Continue to share information in multi-agency meetings/groups to highlight areas of risk.
- Introduce the new training for taxi drivers in relation to Safeguarding as part of the West Yorkshire work.
- Work with Environmental Health so that on inspections they too are educating on CSE.
- Continue to educate licenced takeaways.
- Build in a process whereby Licensing Officer's visit any new licence holder to discuss their role and responsibility around safeguarding the community.

## 6. **Officer recommendations and reasons**

6.1 That the report be noted

## 7. **Cabinet portfolio holder's recommendations**

7.1 Not applicable

## 8. **Contact officer**

8.1 Russell Williams  
Group Leader – Licensing  
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## 9. **Background Papers and History of Decisions**

9.1 Not applicable

## 10. **Strategic Director responsible**

10.1 Karl Battersby  
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