

Minutes of Licensing Committee

Meeting Date: Tuesday, 31 January 2017, starting at 6.30pm
Present: Councillor J Alcock (Chairman)

Councillors:

S Atkinson	G Geldard
I Brown	R Hargreaves
S Brunskill	S Hind
P Elms	G Mirfin
M Fenton	J White

In attendance: Head of Legal and Democratic Services, Solicitor and Tony Baxter, Ex-Inspector, Lancashire Constabulary Public Protection Unit.

Not in attendance: Councillors R Bennett and A Knox.

529 APOLOGIES

Apologies for absence from the meeting were submitted on behalf of Councillors G Scott and R Swarbrick.

530 MINUTES

The minutes of the meeting held on 1 November 2016 were approved as a correct record and signed by the Chairman.

Committee received the minutes of the Licensing Sub-Committee held on 5 December 2016.

531 DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTEREST

There were no declarations of pecuniary and non-pecuniary interest.

532 PUBLIC PARTICIPATION

There was no public participation.

533 CHILD SEXUAL EXPLOITATION/SAFEGUARDING TRAINING FOR ELECTED MEMBERS

The Chairman introduced Tony Baxter, formerly an Inspector with Lancashire Constabulary Public Protection Unit, to present training to Members as required by Lancashire Safeguarding Children Board and the Office of the Police and Crime Commissioner.

He set out high profile issues in other authorities in the north of England, and advised members of references to child sexual exploitation and related matters reported in the previous 24 hours.

The underlying principle for those who come into contact with children in the course of providing a service is “Say something if you see something”. He outlined the circumstances in which Child Sexual Exploitation (CSE) can arise – generally as a result of a relationship where something is offered to a person under the age of 18 in anticipation of a return of some kind. The young person may be made to feel that they have consented, will be embarrassed or otherwise discouraged from reporting matters.

He set out the wide range of activities involved and stressed that perpetrators can be of all ages, genders and ethnic backgrounds and that boys are vulnerable as well as girls.

The risk factors for particularly vulnerable young people were explained, together with possible warning signs that a young person is being exploited.

On average 400 referrals to Lancashire Police each quarter throughout the county, of which approximately 35% are actual crimes. In 2015 there had been more than 30 allegations against taxi drivers in Lancashire of CSE.

He gave training to drivers, with a focus on introduction of awareness of the issues, signs of vulnerability, and alerting drivers to Human Trafficking offences and the circumstances in which they may commit such an offence.

General guidelines for Licensing Committees were to ensure that they follow their own procedures; take all evidence into account as they have a different burden of proof compared to the criminal standards that the Police have to apply; to look at the whole picture and not just convictions; to ensure appropriate DBS checks are conducted; to share information with the local Police (CSE Team where appropriate) as this may disclose more than the DBS department can release; and to remember that the responsibility in licensing is to the public and the possible victims.

There was discussion on the impact of DBS checks and Police intelligence, and the effect and reliability of anonymous and uncorroborated allegations. Members also discussed the position with regard to late night refreshment premises.

Mr Baxter would forward his presentation for distribution.

RESOLVED: That Mr Baxter be thanked for his informative and helpful presentation.

534 INTRODUCTION OF DBS CHECKS FOR PRIVATE HIRE OPERATORS

The Chief Executive submitted a report seeking Committee’s approval of the introduction of DBS checks for private hire operators. Currently, such checks were carried out for all drivers as part of the fit and proper person assessment, but not for operators. The operators hold a substantial amount of personal information, including awareness about possible empty properties and about the movements and activities of vulnerable children and adults. The proposed introduction of a requirement for submission of a DBS record would only impact

on the small number of operators who were not also already drivers, for whom such checks were already conducted. The Chief Executive wished to consult on this proposal.

RESOLVED: That Committee

1. approve in principle the introduction of DBS checks on private hire operators; and
2. authorise the Head of Legal and Democratic Services to consult licence holders upon the proposed introduction of DBS checks for private hire operators.

535 EXTENSION OF TRAINING PROVISION ON THE PREVENTION OF CHILD SEXUAL EXPLOITATION

The Chief Executive submitted a report seeking approval for extension of mandatory training on issues surrounding Child Sexual Exploitation to all existing private hire and hackney carriage drivers. Currently, all new applicants underwent such training, and it was proposed to introduce this requirement for existing drivers at such time as they were to renew their current licence.

RESOLVED: That Committee

1. approve the extension of mandatory training and testing to all existing private hire and hackney carriage drivers on issues surrounding Child Sexual Exploitation; and
2. authorise the Head of Legal and Democratic Services to determine the specific requirements of such training and testing and to vary this based on guidance received from the Government, the Police or other relevant body.

536 UPDATE ON TAXI ENFORCEMENT OPERATION

The Chief Executive submitted a report for Committee's information on the outcome of the taxi enforcement operations arranged following the annual taxi meeting on 13 September 2016. Two operations had been conducted.

At the first, on 5 December 2016, with the Police and VOSA, the Taxi Enforcement Officer had stopped 10 vehicles of which 8 were satisfactory. One was issued with a delayed Prohibition Notice for 4 days and another with an immediate Prohibition Notice. Both Notices had been complied with in their entirety.

The second operation on 16 December 2016 concentrated on drivers illegally plying for hire. Three of the 6 vehicles targeted accepted the fare, despite it not being pre-booked. They were warned on the night and have received Notices under the Council's Infringement Notice Scheme.

RESOLVED: That the report be noted.

537 IMPLEMENTATION OF THE IMMIGRATION ACT 2016

The Chief Executive submitted a report for Committee's information on the Implementation of the Immigration Act 2016 and its impact on the Council as a licensing authority.

Provisions under Section 36 and Schedule 5 of the Act embed immigration safeguards into the existing private hire and hackney carriage licensing regime and came into effect on 1 December 2016. The Council must carry out immigration checks before they issue or renew a licence and be satisfied that documentation provided is genuine.

Provisions with regard to the Licensing Act 2003 are contained in Schedule 4 of the Immigration Act, which the Home Office have indicated is likely to come into effect in Spring 2017. The impact of this will be consultation with the Secretary of State on applications for personal licences for retail of alcohol and for late night refreshment premises, and restrictions on holding a premises licence if there are immigration issues for the proposed licence holder in relation to entitlement to work in the UK. Granting a transfer of premises licences must be referred to the Secretary of State, and must be rejected after a hearing if the licensing authority considers it appropriate to do so for prevention of illegal working in licensed premises. Further immigration and licensing offences and checks are introduced with regard to personal licences.

Additional powers are granted to Immigration Officers, who may take action and issue Notices under the Act in relation to licensed premises.

Officers have attended training with regard to the private hire and hackney carriage provisions and will do so in respect of the responsibilities under the Licensing Act 2003.

RESOLVED: That the report be noted.

538 RIBBLE VALLEY SAFETY ADVISORY GROUP

Committee received the minutes from the meeting of the Ribble Valley Safety Advisory Group dated 27 October 2016.

The meeting closed at 7.47pm.

If you have any queries on these minutes please contact Diane Rice (414418).