



NOTTINGHAM CITY COUNCIL
REGULATORY AND APPEALS COMMITTEE

Date: Monday, 1 December 2014

Time: 10.30 am

Place: LB31 - Loxley House, Station Street, Nottingham, NG2 3NG

Councillors are requested to attend the above meeting to transact the following business

Acting Corporate Director for Resources

Governance Officer: Mark Leavesley **Direct Dial:** 0115 876 4302

AGENDA

Pages

- | | | |
|----------|---|-------|
| 1 | APOLOGIES FOR ABSENCE | |
| 2 | DECLARATIONS OF INTERESTS
If you need advice on declaring an interest, please contact the Governance Officer above, if possible before the day of the meeting | |
| 3 | MINUTES
Last meeting held 20 October 2014 (for confirmation) | 3 - 4 |
| 4 | INTRODUCTION OF COMBINED HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCE SAFEGUARDING AWARENESS
Report of Director of Community Protection | 5 - 8 |

CITIZENS ATTENDING MEETINGS ARE ASKED TO ARRIVE AT LEAST 15 MINUTES BEFORE THE START OF THE MEETING TO BE ISSUED WITH VISITOR BADGES

CITIZENS ARE ALSO ADVISED THAT THIS MEETING MAY BE RECORDED BY MEMBERS OF THE PUBLIC. ANY RECORDING OR REPORTING ON THIS MEETING SHOULD TAKE PLACE IN ACCORDANCE WITH THE COUNCIL'S POLICY ON RECORDING AND REPORTING ON PUBLIC MEETINGS, WHICH IS AVAILABLE AT WWW.NOTTINGHAMCITY.GOV.UK. INDIVIDUALS INTENDING TO RECORD THE MEETING ARE ASKED TO NOTIFY THE GOVERNANCE OFFICER SHOWN ABOVE IN ADVANCE.

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NOTTINGHAM CITY COUNCIL

REGULATORY AND APPEALS COMMITTEE

MINUTES of the meeting held at Loxley House, Station Street, Nottingham, on 20 October 2014 from 10.30 - 10.45am

Membership

Present

Councillor Brian Grocock (Chair)
Councillor David Smith (Vice Chair)
Councillor Liaqat Ali
Councillor Bill Ottewell

Absent

Councillor Mohammed Ibrahim
Councillor Glyn Jenkins
Councillor Gul Nawaz Khan
Councillor Carole McCulloch
Councillor Jackie Morris
Councillor Mohammed Saghir
Councillor Timothy Spencer
Councillor Roger Steel
Councillor Michael Wildgust

Venue representatives in attendance

Philip Thompson	- Director / DPS)	Alljay Leisure Limited
Amanda Town	- Director)	
David Lucas	- Solicitor	-	Fraser Brown Solicitors

Colleagues / others in attendance

Tony Charlesworth	- Senior Licensing Officer	-	Communities
Ann Barrett	- Solicitor to the Committee)	Resources
Mark Leavesley	- Governance Officer)	

18 APOLOGIES FOR ABSENCE

Councillor Jenkins - other City Council business
Councillor Ibrahim)
Councillor Spencer) personal
Councillor Steel)
Councillor Wildgust)

19 DECLARATIONS OF INTERESTS

None.

20 MINUTES

The Committee confirmed the minutes of the meeting held on 14 August 2014 as a correct record and they were signed by the Chair.

21 FLIRTZ, 26A FRIARY CHAMBERS, FRIAR LANE, NG1 6DQ - APPLICATION FOR RENEWAL OF SEX ESTABLISHMENT LICENCE

The Committee considered a report of the Corporate Director of Communities regarding an application for the renewal of a Sex Establishment licence for the premises known as Flirtz.

Philip Thompson and Amanda Town, Alljay Leisure Limited, attended the meeting. They were represented by David Lucas, Fraser Browne Solicitors, who presented the application and summarised the professional expertise of the applicant company and its officers, and stated that they had been involved with these premises since December 2006.

Tony Charlesworth, City Licensing, reported receipt on 16 October 2014 of a letter objecting to the renewal of the licence. He stated that due to the deadline for representations being 18 September 2014, and the objections not being on Licensing Act grounds, this letter was not submitted to the Committee for consideration.

Following this, all parties then answered questions from members, following which the Committee considered its decision.

RESOLVED to renew the Sex Establishment Licence for the premises known as Flirtz, located at 26a Friary Chambers, Friar Lane, Nottingham, NG1 6DQ, subject to the existing standard and special conditions on the current licence, a copy of which was included in the report.

REGULATORY AND APPEALS COMMITTEE – 1 DECEMBER 2014

Title:	Introduction of Combined Hackney Carriage and Private Hire Drivers Licence Safeguarding Awareness	
Director:	Andrew Errington Director of Community Protection	Wards affected: ALL
Report author:	Angela Rawson 0115 8761749 Angela.rawson@nottinghamcity.gov.uk	
Other colleagues who have provided input:	Ann Barrett / Tamazin Wilson 0115 8764411	
Relevant Council Plan Strategic Priority:		
World Class Nottingham		X
Work in Nottingham		X
Safer Nottingham		X
Neighbourhood Nottingham		
Family Nottingham		
Healthy Nottingham		
Leading Nottingham		
Summary of issues:		
<p>This report asks members to consider the proposal for the introduction of mandatory Safeguarding Awareness Training for Combined Hackney Carriage and Private Hire Drivers licensed by Nottingham City Council.</p> <p>The Safeguarding Awareness Training would help the driver identify a vulnerable person and raise their understanding of the relationship between driver and vulnerable person and their responsibilities in this area, which in turn helps to protect the public safety of persons being conveyed by Nottingham City Council drivers.</p>		
Recommendations:		
1	From 1 January 2015, all applicants for new private hire or hackney carriage driver licences in Nottingham shall be required to attend Safeguarding Awareness Training provided by Nottingham City Council as part of the application process and before a licence may be granted.	
2	All existing Combined Hackney Carriage and Private Hire Drivers in Nottingham shall be required to attend Safeguarding Awareness Training provided by Nottingham City Council. Such training shall be undertaken as part of the renewal process and shall be timed to coincide with the next renewal, which also requires a DBS (criminal records check) to be undertaken for the driver. In the event of the training not being attended at the time of this particular renewal then the licence may not be granted.	

1. **BACKGROUND**

- 1.1 The Local Government (Miscellaneous Provisions) Act 1976 requires councils to grant Private Hire and Hackney Carriage driver licences so long as certain statutory requirements are met and that Council is satisfied that the applicant is a 'fit and proper person'. There is some degree of flexibility within the application process and councils can introduce policies to help establish that an applicant meets the 'fit and proper person' test.
- 1.2 The current process for a new applicant consists of the following:
- i) Completion of application form
 - ii) Topography Test (knowledge test)
 - iii) Driving Test
 - iv) DVLA Enquiry
 - v) DBS Enquiry
 - vi) Payment of Fees
 - vii) Medical
- 1.3 Currently there is no requirement for applicants to demonstrate any understanding of safeguarding issues as part of the application process, even though Hackney Carriage and Private Hire drivers may frequently come into contact with vulnerable persons. It is therefore proposed that the Council provide Safeguarding Awareness Training and that a policy be introduced requiring prospective new drivers to attend such training before a licence may be granted.
- The training will be in the form of an information-giving session/briefing providing an overview of safeguarding matters and each session will provide drivers with a conduit to help them develop their understanding of the importance of the subject. The training is specifically intended to help a driver understand what a 'vulnerable person' is, their responsibilities as a driver to such persons and how to help where necessary, as well as providing information on how to report any concerns they may have.
- 1.4 It is proposed that with effect from 1 January 2015, the criteria for a new applicant would include the requirement to complete this Safeguard Awareness Training. If the training is not attended then it is proposed that applications be refused under the 'any other reasonable cause' ground allowed by the Act. This is without prejudice to any other potential grounds of refusal that may arise during the application process.
- 1.5 The training would be facilitated in the form of an in-house briefing and could be provided alongside the existing topography/knowledge test taken to save drivers from having to attend the Council offices on more than one occasion. A certificate of attendance would be provided and confirmation of this would be held on the drivers file.
- 1.6 It is also proposed that the requirement to attend a safeguarding training session become mandatory for all existing drivers. However, given the number of existing drivers, a staggered approach is proposed so that the requirement does not become administratively burdensome to the Licensing Department and to allow a reasonable 'run in' period for the drivers to meet the requirement. Any driver renewing their licence is required to undertake a DBS (criminal disclosure check) once every 3 years.

It is proposed therefore that existing drivers be required to sit this training as part of the renewal process for the renewal when their next DBS is due, otherwise their renewal may be refused. This would mean that that each driver should have attended a briefing by 31 December 2017.

- 1.8 A further alternative for existing drivers would be to make the briefings available on a voluntary basis. However, this approach is not recommended as it could prove problematic and inconsistent.
- 1.9 The training requirement also provides commercial benefits to the drivers in that it may provide the driver with a competitive edge when bidding for contracts and similar.

2. REASONS FOR RECOMMENDATIONS (INCLUDING OUTCOMES OF CONSULTATION)

- 2.1 The training provision is intended to develop a drivers understanding of the issues in and around safeguarding of vulnerable persons. Nottingham City licensed operators have been approached for their comments in relation to the proposals and any received will be reported to the Committee at the meeting.
- 2.2 A driver has a responsibility to provide a safe and suitable service to vulnerable persons of all ages and such briefings would help a driver ensure they can demonstrate their own due diligence as a responsible driver.

3. OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

- 3.1 Not implementing proposal
- 3.2 Constraints of implementing scheme and the effect on existing resources.

4. FINANCIAL IMPLICATIONS (INCLUDING VALUE FOR MONEY/VAT)

- 4.1 None - in-house resources

5. RISK MANAGEMENT ISSUES (INCLUDING LEGAL IMPLICATIONS AND CRIME AND DISORDER ACT IMPLICATIONS)

- 5.1 The Council has the power to set a policy for dealing with applications of a certain class. Such policies are subject to tests of reasonableness and legality. The introduction of the policy requiring safeguarding training could be challenged by way of judicial review and any person who has an application refused on the basis of not attending the training may appeal against that decision.

6. EQUALITY IMPACT ASSESSMENT

- 6.1 The proposal if introduced would be applied to all drivers (new and/or existing).

7. BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION

- 7.1 None.

8. PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

8.1 Local Government (Miscellaneous Provision) Act 1976