



North Tyneside Council

Regulation and Review Committee

5 July 2017

Thursday 13 July 2017 Room 0.02, Council Chamber, Quadrant, The Silverlink North, Cobalt Business Park, North Tyneside **commencing at 6.00 pm**

Agenda Item	Page
1. Apologies for Absence	
To receive apologies for absence from the meeting	
2. Appointment of Substitute Members	
To be notified of the appointment of any Substitute Members.	
3. To Receive any Declarations of Interest and Notification of any Dispensations Granted	
You are invited to declare any registerable and/or non-registerable interests in matters appearing on the agenda, and the nature of that interest.	
Please complete the Declarations of Interests card available at the meeting and return it to the Democratic Services Officer before leaving the meeting.	
You are also invited to disclose any dispensation from the requirement to declare any registerable and/or non-registerable interests that have been granted to you in respect of any matters appearing on the agenda.	

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Agenda Item	Page
4. Minutes	To follow
To confirm the minutes of the Committee meeting held on 29 June 2017.	
5. Stage Three Corporate Complaints 2016/2017	3
To receive a report on the progress made against recommendations made by the Regulation and Review Committee on Stage Three Corporate Complaints in 2016/17.	
6. Amendments to the North Tyneside Council Hackney Carriage and Private Hire Licensing Policy	7
To consider proposed amendments to the North Tyneside Council Hackney Carriage and Private Hire Licensing Policy in relation to training for sexual exploitation.	

To All Members of the Regulation and Review Committee

Councillor Anne Arkle	Councillor Pam McIntyre
Councillor Debbie Cox	Councillor Dave McMeekan
Councillor Peter Earley (Chair)	Councillor Les Miller
Councillor John Hunter (Deputy Chair)	Councillor Tommy Mulvenna
Councillor Marian Huscroft	Councillor Kate Osborne
Councillor Frank Lott	Councillor John O'Shea
Councillor Wendy Lott	Councillor Alan Percy
Councillor Gary Madden	Councillor Margaret Reynolds
Councillor Maureen Madden	Councillor Lesley Spillard

North Tyneside Council
Report to Regulation and Review Committee
Date: 13 July 2017

ITEM 5

**Title: Progress made
on recommendations
from Stage Three
Corporate Complaints
2016-2017**

Report from Service Area: Law and Governance

Report Author(s): Yvette Monaghan
Senior Manager Customer, Member,
Governor and Registration Services.

Tel: (0191) 643 5361

1. Purpose of Report

To inform Regulation and Review Committee of the progress in relation to the three corporate complaints they have considered during 2016-17.

2. Recommendation(s)

2.1 Note the actions taken.

2.2 Refer any dissatisfaction regarding progress to the Head of Service of the responding Department.

3. Information

3.1 Complaint 1

3.1.1 Regulation and Review Committee met on Thursday, 15th September 2016 to hear a complaint in relation to Special Guardianship allowance paid to the complainant which was responded to by the Fostering and Adoption Service.

3.1.2 The Committee made the following recommendations:

- 1) The Head of Health, Education, Care and Safeguarding be recommended to:
 - a) Calculate and pay to the complainant an allowance using the proposed new financial assessment process by 30th September 2016 and backdated to 10 March 2015. The total allowance, process followed and expected date of payment to be communicated to the complainant as soon as the work required to finalise these has been completed;
 - b) That the new financial assessment process be approved and implemented, using the authority's urgent decision procedures if necessary, by 30th September 2016 should the above recommendation not be within the Head of Service's discretionary powers;
 - c) Notwithstanding recommendation 2, to take the necessary steps to ensure the new financial assessment process for all Special Guardians in the borough be approved and implemented as soon as possible and no later than 1 December 2016;

- d) Undertake a review of record keeping, communication with guardians and response times and for the situation to be monitored to ensure that the delays experienced by the complainant are not repeated and also to implement a policy which empowers officers to have a meeting at short notice with the Head of Service when required; and
 - e) In consultation with the Head of Law and Governance, a review of how case law is received and assessed against the authority's current custom and practice and what procedures are in place to ensure that this is undertaken in a timely manner.
- 2) Should the Head of Health, Education, Care and Safeguarding not implement recommendation 1a (and/or 1b as applicable) the Customer, Member and Governor Services Manager be instructed to arrange for compensation to be paid to the complainant from the Health, Education, Care and Safeguarding Service of the amount due under recommendation 1a); and
 - 3) The Customer, Member and Governor Services Manager be instructed to arrange for the Health, Education, Care and Safeguarding Service to make a payment of £200 to the complainant as a thank you for bringing the issue to the attention of the service area and acknowledgement that the service received was below the expected standard, with a further £200 to the complainant's advocate to recompense her for her train ticket and support to the complainant.

3.1.3 An apology was offered for the delay in the complaint being concluded and the following actions were taken in relation to the recommendations:

Recommendation 1a: the Special Guardianship Allowance was recalculated resulting in a revised figure of £894.97 per month once the Special Guardianship Orders were granted. A payment of £13,096.86 compensation was made.

Recommendation 1b: See recommendation 1.

Recommendation 1c: The Council are considering the advice of counsel with a view to making decisions regarding a new financial assessment process.

Recommendation 1d: It is already the case that officers dealing with urgent issues are able to discuss these directly with the Head of Service at all times. Service Manager, Fostering and Adoption Service, asked to review the delays in this case and ensure that any broader learning is shared across the service.

Recommendation 1e: A review of how case law is received and assessed against the authority's current custom and practice has taken place.

Advocate paid £200 as per the recommendation of the committee.

3.2 **Complaint 2**

3.2.1 Regulation and Review Committee met on Wednesday 5 April 2017 to consider a complaint against the Council's Environment, Housing and Leisure Service. The complaint was about her neighbours hoarding behaviour.

3.2.2 The committee made the following recommendations to the Head of Environment, Housing and Leisure:

1. That Housing Services on or by 1 May 2017 issue the tenant of [address], with a notice requiring the removal of the items stored in the communal hallway within seven days from the notice or the Authority will clear the hallway;
2. That Housing Services on or by 1 May 2017 issue the tenant of [address], with a notice requiring the removal of the items stored in the rear yard within seven days from the notice or the Authority will clear the yard; and
3. That Housing Services consider fitting a device/making changes to the front door of [address], to ensure the door closes automatically and once closed can only be opened from the outside with a key.

3.2.3 In relation to recommendations 1 and 2 Housing Services gave notice to the tenant of [address], requiring the removal of items stored in the hallway and rear yard. Housing Services have however sought further advice with regards to the Authority clearing the hallway and yard in default and the Authority is unable to carry out this work without a warrant from the court, but will continue to support and work with the tenant to enable her to clear her possessions. With regards to recommendation 3 this work has been undertaken.

3.2.4 The complainant has been advised that she can now complain to the Housing Ombudsman as the Authority have been unable to carry out all of the recommendations of the Regulation and Review Committee.

3.3 **Complaint 3**

3.3.1 The Regulation and Review Committee met on Monday 15 May 2017 to consider a complaint against Environmental Health - Consumer Protection Group. The Committee heard the complaint related to the approach the Authority had taken to manage issues regarding a privately owned first floor property situated above the property owned by the complainant, who believed that the approach taken delayed action that had a direct effect to him financially.

3.3.2 In relation to the Committee's recommendation that within reasonable cost and using all relevant legislation, the Authority make every attempt to bring the property at [address] into use and at the earliest opportunity, the Authority would comment as follows:

3.3.3 The Head of Environment, Housing and Leisure currently has the delegated authority in relation to Housing Act 2004: Empty Dwelling Management Orders (EDMO) (s132). The use of such an order is taken as a "last resort" but should the use of such an order be necessary the Housing Strategy Team would take this forward as they have done in the past.

3.3.4 The use of EDMO's to secure the reuse of an empty property is subject to a number of qualifying criteria including importantly that the dwelling must have been wholly unoccupied for at least two years and there be no reasonable prospect that the dwelling will become occupied in the near future. In terms of the period of time the property has been empty the home owner moved from the property into respite care in April 2015, into sheltered accommodation on 27th January 2016 and to her current home on the 14th July 2016. Up until that time the property was her primary and only residence. She remained actively pursuing a Home Loan to improve the property until its refusal in January 2016.

For the purpose of presenting evidence to the Residential Property Tribunal the important date for consideration is the 14th July 2016. This means that consideration for the use of EDMO would not be taken until July 2018. The Authority may consider the use of an EDMO at this time should the other qualifying criteria also be met.

- 3.3.5 To confirm Environmental Health Officers have no power to enforce a sale of the property. Costs of repairs have been incurred given that 'works in default' have been undertaken. However the Authority can only recover those funds when the owner chooses to sell. The property is therefore to be treated as an 'address of concern' within the Borough and an Action Plan to tackle the property is to be devised by Environmental Health staff. The Authority will continue to attempt to reach a voluntary agreement with the owner in relation to accessing assistance through the Authority's repair and manage scheme and an action plan is to be drawn up by Officers to assist this process.

4. Appendices

None

5. Contact officers

Joanne Lee, Public Protection Manager Tel: 643 6901

Frances McClen, Environmental Health Group Leader Tel: 643 6640

Paula Gibbons, Service Manager Fostering and Adoption Tel: 643 8207

Louise Foster, Service Development Officer (Tenants) Tel: 643 7621

Yvette Monaghan, Senior Manager Customer, Member, Governor and Registration Services Tel: 643 5361

6. Background information

The following background papers have been used in the compilation of this report and are available for inspection at the offices of the author(s) of the report and at www.northtyneside.gov.uk

- North Tyneside Council Constitution
- Minutes of Regulation and Review Committee

North Tyneside Council Report to Regulation and Review Committee Date: 13 July 2017

ITEM 6

Title: Proposed Online Child Sexual Exploitation Awareness training for new and existing hackney carriage/private hire drivers.

Report from Service Area: Environment, Housing and Leisure

Report Authors: Colin MacDonald
Senior Manager, Technical & Regulatory Services Tel: (0191) 643 6620

Joanne Lee, Public Protection Manager Tel: (0191) 643 6901

Wards affected: All

PART 1

1.0 Purpose

The purpose of the report is to ask Committee to consider the following:

- (1) replace the existing face to face Child Sexual Exploitation (CSE) Awareness training for new hackney carriage/private hire drivers with an online version;
- (2) amend Chapter 3, Paragraph 34 of the current Hackney Carriage and Private Hire Licensing Policy to require new applicant's for a driver's licence to undertake Child Sexual Exploitation Awareness (CSE) training before a licence is issued; and,
- (3) consider whether to explore the possibility of existing drivers being required to undergo additional or refresher CSE Awareness training at suitable, for example, three yearly, intervals.

1.1 Recommendations

Committee is requested to consider the proposals and, if approved, to amend the Hackney Carriage and Private Hire Licensing Policy accordingly.

1.2 Background Information

1.2.2 CSE Awareness Training For New Applicants

A proposal to introduce online CSE Awareness training was previously considered by Committee on 4th April 2017 where a number of concerns were raised by Members. Officers were instructed to carry out further work on the proposal and to review the procedures, in particular, to put safeguards in place to ensure that the person undertaking the training was the driver/applicant.

The current Hackney Carriage and Private Hire Licensing Policy came into force on 1st April 2017 and requires all new drivers to undertake Child Sexual Exploitation (CSE) Awareness training within three months of their licence being issued.

Chapter 3, Paragraph 34 of the Policy states: It is a requirement that all new licensed drivers undertake child sexual exploitation awareness training within 3 months of a new licence being granted. If training is not undertaken within 3 months the driver will be referred to Regulation and Review Committee.

The effect of this policy is that new applicants are issued with a hackney carriage/private hire driver's licence before completing the CSE awareness training.

The current Policy does not contain any provision for existing drivers to undergo additional or refresher training.

1.2.3 Current Training Arrangements

Training is currently undertaken in face to face sessions. Members of the Licensing Team liaise with the course trainers to arrange appointments, send invitations to drivers, provide attendance lists and maintain records of driver attendance/non-attendance.

Each training session is delivered by officers from the Council's Human Resource: Organisational Development (HROD) team with a Licensing Officer and Police Officer also present. The training lasts for approximately one hour and includes a short video (Sick Party).

To date, to facilitate training for new and existing drivers, twenty five sessions have taken place over the last eighteen months with over 1200 attendees.

The most recent training courses took place on Thursday 1st June 2017 with a view to mopping up outstanding new, and existing, drivers that still require training, with two sessions offering a total of 256 places.

1.2.4 Proposed Online Training

With reductions in the HROD team it has become increasingly difficult to facilitate face to face training and, going forward, will result in far fewer training sessions being available for new applicants.

This would impact on new drivers who may not be able to attend a training course within the three month time limit set out in the Council's policy.

To resolve this, the HROD team has developed an online version of the training course, accessed via the Council's Learning and Development Management System (Learning Pool). There would be no cost to drivers for this training.

1.2.5 Proposed Procedure for Online Training

Following discussions between officers from HROD and Licensing, the proposed procedure to be followed by applicants would be as follows:

- applicants will access the training on their smart-phone, tablet/device or pc;
- applicants who do not have access to a smart-phone, tablet/device or pc will be able to access the training using a Council Ipad in the Licensing Office, ideally to be undertaken just prior to sitting the Knowledge Test;
- applicants would be given a unique log-in to access the Council's e-learning module;
- a warning message will be displayed on the first screen to confirm that the person completing the training is the person who has logged on;

- the training will include questions and exercises that will test the knowledge and understanding of the driver as he/she progresses through the module;
- when the applicant has successfully completed the training they will be issued with a Certificate that can be downloaded and used to evidence that they have successfully completed the training;
- only when an applicant has provided evidence that they have completed the training will they be permitted to take the Council's Knowledge Test. This will be way of sight of the Certificate;
- to ensure it was the applicant that has undertaken the training additional questions that could only be answered if the CSE awareness training had been successfully completed would be included in the Council's mandatory Knowledge Test. Officers will monitor responses to these questions; and,
- the Knowledge Test takes place under exam conditions in the Licensing Office, Killingworth and includes verification of the applicant's identity and monitoring by CCTV.

1.2.6 Benefits of Online Training

The benefits of online training include:

- modernises the way in which this service is delivered and the way in which the Council operates through improved use of technology and innovation;
- improves the availability of the training to new applicants;
- can be undertaken at a time of the applicant's own choosing and if required, in more than one visit;
- reduces officer time in preparing and delivering face to face training; and,
- complies with the Council's Target Operating Model (TOM).

To ensure the online training is clear and easy to understand it is proposed to carry out a test of the system using existing drivers. In addition a link has been provided to Members of Regulation and Review Committee to view and test the training.

Officers from the HROD team will also attend the meeting to demonstrate the online training and be available to answer any queries committee may have about it.

1.2.7 New Applicants to Undertake CSE Training Before Issue of Driver's Licence

As described above, the current Hackney Carriage and Private Hire Licensing Policy states that new applicants are issued with a hackney carriage/private hire driver's licence before completing the CSE awareness training.

Should Committee be minded to approve the implementation of an online version of the CSE Awareness training, as outlined above, there would be no reason for new applicants for a licence to wait to attend a course. Online training would be available at any time and could be completed before their licence is issued.

1.2.8 Additional and/or Refresher CSE Awareness Training

The current Hackney Carriage and Private Hire Licensing Policy contains no provision to require existing drivers to undergo additional or refresher CSE Awareness training.

As previously stated above, the current arrangements for face to face training are not sustainable and it would be extremely difficult to embark on another training exercise to accommodate the number of drivers currently licensed by the Council (approximately

1400).

If Committee is minded to approve the introduction of online training, however, there is an opportunity to make this available to existing drivers. This could be on either a voluntary/information basis or as a requirement of renewal of a future licence.

1.3 Decision Options

1.3.1 Option 1

Approve the proposed amendments to the Policy as outlined above and amend the Policy and relevant conditions of licence accordingly.

This is the recommended option.

Option 2

Request that officers undertake further work on any or all of the options.

1.5 Contact Officers:

- 1.5.1** Colin MacDonald, Senior Manager, Technical & Regulatory Services, Tel: 0191 643 6620
Joanne Lee, Public Protection Manager, Tel: 0191 643 6901
Alan Burnett, Principal Trading Standards & Licensing Officer, Tel: 0191 643 6621

1.6 Background Information:

- 1.6.1** The following background papers have been used in the compilation of this report and are available for inspection at the offices of the author of the report.

1. Local Government (Miscellaneous Provisions) Act 1976
2. [North Tyneside Council Hackney Carriage and Private Hire Licensing Policy](#)

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and Other Resources:

There are no financial implications for the Authority arising directly from this report.

2.2 Legal

2.2.1 Legislative Framework

The Local Government (Miscellaneous Provisions) Act 1976 makes provision for the licensing authority to issue licences for hackney carriage and private hire drivers, vehicles, and operators.

Local authority Hackney Carriage and Private Hire licensing activity is governed by legislation and best practice guidance, including the Town Police Clauses Acts of 1847 and 1889, the Local Government (Miscellaneous Provisions) Act of 1976 and the Transports Acts of 1980 and 1985. In response to this legislation, the Authority has developed a Licensing Policy which has supported and informed its licensing function.

2.3 Consultation/Community Engagement:

There has been no consultation regarding this issue.

2.4 Human Rights:

The economic interests connected to the use of a licence may be considered to be a possession belonging to existing licensees and as such are afforded protection under Article 1 of Protocol 1 of the European Convention on Human Rights.

2.5 Equalities and Diversity:

There are no equality and diversity implications arising from this report. The North Tyneside Council Hackney Carriage and Licensing Policy has been subjected to an Equality Impact Assessment.

2.6 Risk Management:

There are no significant risk management implications to the Authority arising directly from this report.

2.7 Crime and Disorder:

It is not considered that there are any crime and disorder implications arising directly from this report.

2.8 Environment and Sustainability:

It is not considered that there are any environment and sustainability implications arising directly from this report.