

Regulation and Review Committee

13 July 2017

Present: Councillor P Earley (Chair)
Councillors D Cox, M A Green, John Hunter, F Lott,
W Lott, M Madden, D McMeekan, T Mulvenna, K Osborne,
A Percy and L Spillard.

RQ18/07/17 Apologies

Apologies for absence were submitted on behalf of Councillors J Allan, A Arkle, J O'Shea and M Reynolds.

RQ19/07/17 Substitute Members

Pursuant to the Council's Constitution the appointment of the following substitute member was reported:

Councillor M A Green for Councillor J O'Shea.

RQ20/07/17 Declarations of Interest

Councillor John Hunter declared a non-registerable personal interest in minute PQ23/07/17 Proposed Online Child Sexual Exploitation Awareness training for new and existing hackney carriage and private hire licensed drivers as his son was a taxi driver licensed by North Tyneside Council. Councillor Hunter informed the committee that he would leave the meeting for the discussion on this matter.

RQ21/07/17 Minutes

Resolved that the minutes of the meeting held on 29 June 2017 be approved and signed by the Chair.

PQ22/07/17 Corporate Complaints Annual Report

At its annual meeting in May 2016 Council agreed to move the responsibilities of Appeals and Complaints Committee to the Regulation and Review Committee (minute C13/05/16). These included the responsibility to consider and determine the Authority's final response to all complaints referred to it under stage three of the Corporate Complaints Procedure.

The Committee received a report updating it on the response by the appropriate service area to recommendations made by the Committee with regard to the three corporate complaints heard by the Committee in the 2016/17 municipal year. The Senior Manager Customer, Members, Governor and Registration Services attended the meeting to present

the report.

In September 2016 the Committee heard its first stage three corporate complaint in relation to the Special Guardianship allowance paid to the complainant, this was responded to by the Fostering and Adoption Service. In response to the complaint the Committee made five recommendations which related to the calculation of and the process undertaken to calculate a Special Guardianship Allowance with a deadline for implementation by 1 December 2016. Other recommendations related to access to the Head of Service, compensation payments and a review of how case law was received and assessed in a timely manner.

In response to the Committee's recommendations the compensation payments had been made, the process for reviewing case law and implementing any necessary changes had been reviewed and Members were assured that officers dealing with urgent issues were able to discuss these directly with the Head of Service at all times. The proposed new financial assessment process for all Special Guardians was still not in place due to 'considering the advice of counsel with a view to making decisions regarding a new financial assessment process'.

The Committee, in particular Members who had heard the complaint and determined the recommendations, expressed disappointment and concern that the recommendation relating to the financial assessment process had not been implemented ten months after it had been made and seven months since the deadline set by the Committee for its implementation had passed.

The Senior Manager Customer, Members, Governor and Registration Services, not being part of the service area in question, was unable to provide any further information to the Members other than to state that it was a complex case and work was progressing with a report expected to be submitted to Cabinet in September 2017.

Members requested the Chair of the Committee write to the Head of Health, Education, Care and Safeguarding seeking an explanation as to what process was currently being used; the timeline of events since the complaint had been heard; and when the proposed new process might be in place.

In April 2017 the Committee heard its second stage three corporate complaint which was a complaint against the Housing Service regarding the service's action in response to the complainant's complaints about a neighbour's hoarding. In response to the complaint the Committee made three recommendations which related to issuing Notices to the tenant regarding the location of her possessions and the risk they posed and for an adjustment to the front door to the property to ensure it closed automatically and could only be opened from the outside with a key.

The Committee was informed that Housing Services had given notice to the tenant requiring the removal of items stored in communal areas. However, after seeking further advice, officers had been informed that the Authority would be unable to clear the items itself without a warrant from the court, which was unlikely to be granted. Officers were continuing to support and work with the tenant to enable them to clear their possessions themselves and progress had been made.

The Committee was pleased to note that recommendation regarding the front door had been accepted and implemented.

13 July 2017

The Committee, in particular those Members who heard the complaint and determined the recommendations, expressed grave concern that the tenant was still in breach of their tenancy agreement and still posed a fire risk to themselves and their neighbours, particularly in light of the recent terrible fire and tragic loss of life in Grenfell Tower, London.

It was noted by the Committee that the complainant had been advised to go to the Housing Ombudsman but it considered that this was an unsatisfactory response by the Authority to the situation.

Members requested the Chair of the Committee write to the Head of Environment, Housing and Leisure seeking a full explanation as to why the Authority had not sought a warrant for authority to remove the tenant's possessions which were breaching their tenancy agreement and causing a fire risk; the latest advice and opinion from the Tyne and Wear Fire and Rescue Service on the risk to the tenant, their property and their neighbours' of a fire at the property; and reassurance that the Action Plan seen at the meeting in April was being implemented.

In May 2017 the Committee heard its third stage three corporate complaint which was against Environmental Health - Consumer Protection Group in relation to the approach the Authority had taken to manage issues regarding a privately owned first floor property situated above a property owned by the complainant, who believed that the approach taken delayed action that had directly effected him financially.

Whilst the Committee determined that the Authority had met all its statutory duties in relation to the matter it did recommend that within reasonable cost and using all relevant legislation, the Authority aid every attempt to bring the privately owned property situated above the complainant's property into use at the earliest opportunity.

In response to this recommendation it was clarified that the Authority had no power to enforce a sale of the property. The property was being treated as an 'address of concern' within the Borough and an Action Plan to tackle the property was to be devised by officers from Environmental Health. The Authority would continue to attempt to reach a voluntary agreement with the owner in relation to accessing assistance through the Authority's repair and manage scheme.

The Head of Environment, Housing and Leisure currently had the delegated authority in relation to Empty Dwelling Management Orders (EDMO) under section 132 of the Housing Act 2004. The use of such an order was taken as a "last resort" as there were a number of qualifying criteria including that the dwelling must have been wholly unoccupied for at least two years and there be no reasonable prospect that the dwelling would become occupied in the near future. For the purpose of presenting evidence to the Residential Property Tribunal the date for consideration was the 14th July 2016. This meant that consideration for the use of EDMO would not be taken until July 2018. The Authority might consider the use of an EDMO at this time should the other qualifying criteria also be met.

The Chair of the Committee thanked the Senior Manager Customer, Members, Governor and Registration Services for her report and attendance at the meeting.

Resolved that (1) the updated information relating to the stage three corporate complaints heard by the Committee be noted and the implementation of some of the Regulation and Review Committee's recommendations be welcomed;
(2) the Chair of the Committee write to the Head of Health, Education, Care and

Safeguarding to seek an explanation as to what process was currently being used for the calculation of Special Guardianship Allowances; the timeline of events since the complaint had been heard; and when the proposed new process might be in place; and
(3) the Chair of the Committee write to the Head of Environment, Housing and Leisure to seek a full explanation as to why the Authority had not sought a warrant to grant it authority to remove the tenant's possessions which were breaching their tenancy agreement and causing a fire risk; the latest advice and opinion from the Tyne and Wear Fire and Rescue Service on the risk to the tenant, their property and their neighbours' of a fire at the property; and reassurance that the Action Plan seen at the meeting in April was being implemented.

**PQ23/07/17 Proposed Online Child Sexual Exploitation Awareness training for new and existing hackney carriage and private hire licensed drivers.
(Previous minute RQ71/04/17)**

(Prior to the consideration of this matter Councillor John Hunter left the room and took no further part in the meeting.)

The Committee received a report seeking agreement to proposed changes to the North Tyneside Council Hackney Carriage and Private Hire Licensing Policy in relation to child sexual exploitation (CSE) awareness training and authorisation to undertake the necessary consultation on the changes.

A proposal to introduce online CSE awareness training was previously considered by Committee on 4 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 recommended amendment would require all new applicants for a hackney carriage or private hire driver's licence to complete an online CSE awareness training before a licence was issued. If training was not undertaken within 3 months the driver would be referred to Regulation and Review Committee. Currently the training was undertaken in face to face sessions which were conducted every three months. Each training session was delivered by officers from the Council's Human Resource: Organisational Development (HROD) team with a Licensing Officer and Police Officer also present. With reductions in the HROD team it had become increasingly difficult to facilitate face to face training and, going forward, would result in far fewer training sessions being available for new applicants which 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 Policy. To resolve this, the HROD team had developed an online version of the training course, accessed via Learning Pool, the Authority's Learning and Development Management System.

Creating an online training package modernised the way the Council operated through improved use of technology and innovation; improved the availability of the training to new applicants; could be undertaken at a time of the applicant's own choosing and in more than one visit if required; reduced officer time in preparing and delivering face to face training; and complied with the principals of the Council's Target Operating Model.

A link to the e-learning module had been sent to Members a week before the meeting to allow them to view the whole training package if they wished and an officer from the HROD

attended the meeting and presented an overview of each section of the module at the meeting.

The Committee was informed that applicants would access the training on their smart-phone, tablet/device or PC and if they did not have access to a smart-phone, tablet/device or PC would be able to access the training using a Council I-pad in the Licensing Office, ideally to be undertaken just prior to sitting the Knowledge Test. There would be no pass mark but the training would include questions and exercises that would test the knowledge and understanding of the driver as he/she progressed through the module.

To ensure as far as possible that the person accessing the training was the applicant/driver they would be given a unique log-in to access the Council's e-learning module; a warning message would be displayed on screen to confirm that the person completing the training was the person who had logged on; when the applicant has successfully completed the training they would be issued with a Certificate to be downloaded and used to evidence that they had successfully completed the training. Only when an applicant had provided evidence that they had completed the training would they be permitted to take the Knowledge Test. As a further test to ensure it was the applicant that had completed the CSE module additional questions that could only be answered if the CSE awareness training had been successfully completed would be included in the Knowledge Test. The Knowledge Test took place under exam conditions in the Licensing Office, Killingworth and included verification of the applicant's identity and monitoring by CCTV.

Should an online version of the CSE Awareness training be introduced there would be no reason for new applicants for a licence to wait to attend a course as the training would be available at any time and the Policy could be amended to require the CSE awareness training be completed before a licence was granted which would reduce risk by ensuring that all drivers operating in the borough had an awareness of child sexual exploitation.

In addition, the current Hackney Carriage and Private Hire Licensing Policy contained no provision to require existing drivers, approximately 1400 people, to undergo additional or refresher CSE Awareness training. The Committee was requested to consider whether such a provision was required and if so its frequency and method. For these changes to be implemented a period of consultation would be required in accordance with the Authority's Hackney Carriage and Private Hire Licensing Policy and good practice.

During discussion on the matter, Members expressed concern regarding the lack of testing within the module and drivers not taking it seriously and going too quickly through the module and the number of questions relating to CSE in the Knowledge test.

In relation to the online training module, Members reached a consensus on the following points:

- a) the person completing the CSE awareness module should be tested at the end of each section and only allowed to progress when they had either answered the questions correctly or had answered incorrectly twice and been told the right answer with a recommendation to review the section again; and
- b) a signature line be added to the certificate which the driver/applicant must sign.

When considering the question of refresher training for those drivers already trained on CSE, Members agreed with the proposal that CSE awareness refresher packages should be made available and considered that it needed to be completed every three years for newly licensed drivers and for existing licensed drivers at the time their next DBS check was required; this would facilitate a smooth renewal process and converge with the transition to three year licences. The Members did not express a view on what form the renewal training should take but did consider that it was an essential part of the licensing regime.

The officer from the HROD team informed the Committee that the module used the term sexual exploitation training and not child sexual exploitation training as the risks and identifying factors related to all types of sexual exploitation and taxi drivers could potentially witness both.

Resolved that (1) the replacement of the face to face briefing sessions on sexual exploitation for newly licensed drivers with an on-line e-learning module be approved subject to the two changes set out as a) and b) above;

(2) consultation be undertaken on the proposed change to Chapter 3, paragraph 34 of the current Hackney Carriage and Private Hire Licensing Policy which would require a new applicant for a driver's licence to undertake sexual exploitation awareness training before a licence was issued; and

(3) consultation be undertaken on the proposal that sexual exploitation awareness refresher packages would be required to be completed every three years for new drivers and for existing licensed drivers at the time their next DBS check was required regardless of when they had last completed the training.