



WOKINGHAM BOROUGH COUNCIL

A Meeting of the **LICENSING AND APPEALS COMMITTEE** will be held at the FF11room Civic Offices, Shute End, Wokingham RG40 1BNon **MONDAY 3 JULY 2017 AT 7.00 PM**

A handwritten signature in black ink, appearing to read 'Andy Couldrick', written in a cursive style.

Andy Couldrick
Chief Executive
Published on 23 June 2017

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WOKINGHAM BOROUGH COUNCIL

Our Vision

A great place to live, an even better place to do business

Our Priorities

Improve educational attainment and focus on every child achieving their potential

Invest in regenerating towns and villages, support social and economic prosperity, whilst encouraging business growth

Ensure strong sustainable communities that are vibrant and supported by well designed development

Tackle traffic congestion in specific areas of the Borough

Improve the customer experience when accessing Council services

The Underpinning Principles

Offer excellent value for your Council Tax

Provide affordable homes

Look after the vulnerable

Improve health, wellbeing and quality of life

Maintain and improve the waste collection, recycling and fuel efficiency

Deliver quality in all that we do

MEMBERSHIP OF THE LICENSING AND APPEALS COMMITTEE

Councillors

Barrie Patman (Chairman)	John Halsall (Vice-Chairman)	Chris Bowring
Lindsay Ferris	Mike Haines	Emma Hobbs
John Jarvis	Abdul Loyes	Philip Mirfin
Malcolm Richards	Beth Rowland	Chris Smith
Wayne Smith	Bill Soane	

ITEM NO.	WARD	SUBJECT	PAGE NO.
1.		APOLOGIES To receive any apologies for absence.	
2.		MINUTES OF PREVIOUS MEETING To confirm the Minutes of the Meeting held on 7 September 2016.	5 - 8
3.		DECLARATION OF INTEREST To receive any declarations of interest.	
4.		PUBLIC QUESTION TIME To answer any public questions. A period of 30 minutes will be allowed for members of the public to ask questions submitted under notice. The Council welcomes questions from members of the public about the work of this committee. Subject to meeting certain timescales, questions can relate to general issues concerned with the work of the Committee or an item which is on the Agenda for this meeting. For full details of the procedure for submitting questions please contact the Democratic Services Section on the numbers given below or go to www.wokingham.gov.uk/publicquestions	
5.		MEMBER QUESTION TIME To answer any member questions.	
6.		SAFEGUARDING TRAINING FOR HACKNEY CARRIAGE, PRIVATE HIRE DRIVERS AND SCHOOL AND COMMUNITY TRANSPORT VEHICLE DRIVERS To receive and consider a report proposing safeguarding training for hackney carriage, private hire drivers and school and community transport vehicle drivers.	9 - 18

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| 7. | INFORMATION REPORT ON THE HOUSE OF LORDS SELECT COMMITTEE REVIEW OF LICENSING ACT 2003
To receive a report containing information regarding the House of Lords Select Committee review of Licensing Act 2003. | 19 - 22 |
| 8. | ADOPTION OF BYLAWS FOR DERMAL TREATMENTS
To receive and consider a report outlining details of the adoption of bylaws for dermal treatments. | 23 - 32 |

Any other items which the Chairman decides are urgent.

A Supplementary Agenda will be issued by the Chief Executive if there are any other items to consider under this heading.

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**MINUTES OF A MEETING OF THE
LICENSING AND APPEALS COMMITTEE
HELD ON 7 SEPTEMBER 2016 FROM 7.00 PM TO 8.00 PM**

Committee Members Present

Councillors: Barrie Patman (Chairman), Malcolm Richards, Chris Bowring, Richard Dolinski, Michael Firmager, Emma Hobbs, John Jarvis, Abdul Loyes, Ken Miall, Beth Rowland, Chris Smith, Wayne Smith and Bill Soane

Officers Present

Luciane Bowker, Senior Democratic Services Officer
Paul Anstey, Joint Service Manager, West Berkshire and Wokingham Environmental Health and Licensing
Julia O'Brien, Acting Team Manager, Licensing

7. APPOINTMENT OF VICE-CHAIRMAN

Councillor Michael Firmager was appointed Vice-chairman of the Licensing and Appeals Committee for the remainder of the 2016/17 municipal year.

8. APOLOGIES

An apology for absence was submitted from Councillor Chris Singleton.

9. MINUTES OF PREVIOUS MEETING

The Minutes of the meeting of the Committee held on 8 June 2016 were confirmed as a correct record and signed by the Chairman.

10. DECLARATION OF INTEREST

A declaration of interest was submitted by Councillor Bill Soane on the basis that he hired out refrigerator equipment for events in the Henley area.

11. PUBLIC QUESTION TIME

There were no public questions.

12. MEMBER QUESTION TIME

There were no Member questions.

13. LICENSING ACT 2003 - POLICY REVIEW

The Committee considered a report which was set out on agenda pages 7-33. The report was seeking Members' views in relation to a possible review of the Council's Licensing Policy in respect to the addition of a Cumulative Impact Policy for the specific area of Remenham.

Paul Anstey, Joint Service Delivery Manager, West Berkshire and Wokingham, explained that the cumulative impact of the high number of events held in the Henley area had been a reoccurring issue over the years. The residents had requested the consideration of a Cumulative Impact Policy (CIP) relating to future premises licence applications on the river land in the Parish of Remenham from Henley Bridge to Temple Island.

Officers were seeking the Committees' approval to commission an external review of evidence, to be carried out by legal experts, to support or not the adoption of the CIP. Paul felt it was necessary to address this issue through the correct mechanism and this

report was the first step towards a formal review of the possible adoption of a CIP. The results of this independent review would be brought back to the Committee for discussion.

Paul informed Members that this was not the first time that this issue had been considered by the Licensing and Appeals Committee; however it remained a concern to local residents. Paul stated that the geography of the area meant this would be an unusual CIP if compared to other areas in the country. The circumstances were very specific to the Remenham area, it related to a number of licences issued alongside each other throughout the year, and not to specific permanent premises.

During the discussion of the item the following points were made:

- Councillor Smith asked if this policy would encompass the whole Borough or if it would be applied just to Remenham. Paul's view was that the policy would be attached to the whole borough but it would be applied to Remenham specifically. Should another area request its implementation, this would be reviewed individually;
- The Chairman stated that from his research, he was uncertain that the policy would encompass the whole Borough. Paul stated that this was something the experts involved in the review would be able to clarify;
- The Chairman asked for clarity from a legal perspective on the scope of the policy;
- Some Members suggested that the policy could include appendixes for different areas in the Borough;
- Paul explained that the way in which licences were issued at the moment meant that Officers could not take into account the number of existing licences in the area. The CIP would provide a mechanism to take that into account when issuing new licences;
- In response to a question, Julia O'Brien, Acting Team Manager Licensing stated that there were altogether around 13-14 days in the year when events were held in the Henley area;
- Some Members were of the view that the Council should not spend money carrying out this review as it only affected one area of the Borough and for a short period of time per year;
- Some Members were concerned that if the Council introduced this policy, there was the potential for costly legal challenges as the events generated a considerable amount of money;
- In response to a question, Paul confirmed that this report was the result of many discussions around this issue with local residents. Paul emphasised that this was a substantial, technical piece of work that should be carried out by legal experts;
- Paul clarified that licences were issued without a time limit, a review of any licences would only occur as a result of a complaint. Complaints would trigger a Licensing and Appeals Hearing Sub-Committee where the licence would be reviewed;
- Paul stated that the CIP would only apply to new licences, it did not have the power to look at licences retrospectively;
- The Chairman reminded the Committee that only issues contravening the four licensing objectives could be reviewed, these were:
 - 1) *The prevention of crime and disorder*
 - 2) *Public safety*
 - 3) *The prevention of public nuisance*
 - 4) *The protection of children from harm*

- In response to a question Paul informed members that there were other local authorities in the country which had adopted the CIP, however they were normally located in city areas, it would be unusual for Wokingham to adopt a CIP;
- Paul stated that should the Committee decide not to adopt a CIP after the review, nothing would change and licences would carry on being issued as they were at the moment;
- Councillor Dolinski asked if there were any financial benefits to adopting this policy. Paul stated that there was no financial gain, the motive for potentially adopting a CIP was not economical;
- The Chairman pointed out that limiting the licences would potentially have an impact on the local economy;
- Members asked what would happen if a festival wanted to expand its licence. Paul explained that the normal procedures would be put in place. A consultation period would follow and if no representations were received and the Officers deemed it appropriate, the licence would be extended;
- In response to a query, Paul explained that the Licensing regimen had been deliberately de-regulated as the Government wanted to make it more flexible for people to be entertained. The power was delegated to communities to trigger reviews when necessary.

In relation to the cost of the review, Paul stated that the £5,000 figure detailed in the report covered only the legal costs of carrying out the review; it did not cover the consultation aspect. This figure was based on an enquiry which was made previously with a barrister, but the cost could vary and was subject to the relevant Executive Member's approval.

Paul pointed out that differently from many other departments in the Council, Licensing was a cost recovering unit.

After a robust discussion the Chairman asked the Committee to vote to approve or not the recommendation contained in the report. Upon being put to the vote it was:

RESOLVED That: the recommendation contained in the report to commission an external review of evidence to support the adoption of a Cumulative Impact Policy for the parish of Remenham, subject to the agreement from the Executive Member for Resident Services due to the financial implications, be approved.

14. MEETINGS OF APPEALS HEARINGS

This item was not discussed.

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TITLE	SAFEGUARDING TRAINING FOR HACKNEYCARRIAGE, PRIVATE HIRE AND SCHOOL AND COMMUNITY TRANSPORT VEHICLE DRIVERS
FOR CONSIDERATION BY	Licensing and Appeals Committee 3 July 2017
WARD	Non specific
LEAD OFFICER	Julia O'Brien – Team Manager - Licensing Paul Anstey – Public Protection Manager

PURPOSE OF REPORT

Addressing the issue of child sexual exploitation (CSE) has become a priority and a matter of great importance for the community and public authorities. This report seeks approval of the Committee to introduce compulsory safeguarding training for all licensed hackney carriage and private hire vehicle drivers and operators within Wokingham Borough.

OUTCOMES

Protection of the safety of children through appropriate training of taxi drivers and operators.

RECOMMENDATIONS

That the Committee agrees

- i) to the introduction of mandatory safeguarding training for all hackney carriage and private hire vehicle drivers and operators, and
- ii) that officers consult with members of the taxi trade upon the introduction of the training and how it can best be delivered.

SUPPORTING INFORMATION

Background

1 REASONS FOR RECOMMENDATION

- 1.0 This report sets out information collected over a number of years which evidences that there is an identified serious risk to the safety of children which can be reduced through appropriate training of taxi drivers and operators. The Council has an obligation to take measures to protect the safety of children and the proposal delivers this through the use of legal powers granted to the Council.

2 SUPPORTING INFORMATION

- 2.1 There have been a number of high profile and significant cases in recent years pertaining to the sexual exploitation of children. The exposure of poorly managed cases

of CSE in Rotherham and also the subsequent enquiries and reports have been a watershed on how society deals with the identification and processing of CSE incidents. Within the report 'Independent Inquiry into Child Sexual Exploitation in Rotherham (1997 – 2013) Alexis Jay OBE August 2014' the role of taxi drivers in facilitating the abuse of children was identified and highlighted with the following comments made by the author:

“Time and again we read in the files and other documents of children being violently raped, beaten, forced to perform sex acts in taxis and cars when they were being transferred between towns“.

- 2.2 Attached as Annex 1 is a section from the report on Taxis and Licensing and their association with cases of CSE within Rotherham.
- 2.3 When a taxi driver applies for a licence in Wokingham they are required to demonstrate that they are a “fit and proper person”. This includes the submission of an enhanced DBS check at the highest level which includes the right for the Police to provide information which has not been the subject of a criminal prosecution. The Council has approximately 400 licensed drivers.
- 2.4 Officers have prepared a fact sheet for licensed drivers on matters of CSE and human trafficking which is attached as Annex 2. This will be distributed to all licensed drivers and operators and will be included within our new applicant pack. The question is “are we, as a Licensing Authority given the known connections of the taxi trade to CSE, presently doing enough to protect children?”
- 2.5 A more recent case of CSE, centred in Oxfordshire under the name Operation Bullfinch, resulted in 13 convictions for CSE. A report “Child Sexual Exploitation – Making a Difference” was released in June 2015 by Maggie Blyth of Oxfordshire Safeguarding Children’s Board. Attached as Annex 3 are some extracts from that report relating to taxis and their association with CSE. Within the recommendations there are references to:
- (1) Mandatory safeguarding training for taxi drivers, and
 - (2) Robust contracts for the transportation of vulnerable children to school.
- 2.6 Wokingham, as part of its role as a provider for home to school transport, uses a variety of transport methods including a significant number of taxis. It has for the last 2 years been a condition of the service contract that a driver must undertake mandatory safeguarding awareness training, covering areas such as child abuse, neglect and CSE. At present approximately 100 drivers/operators have undertaken the training which is provided by the internal training team in conjunction with the Corporate Transport Unit. The proposed training will ultimately replace the need for drivers to complete this awareness training.
- 2.7 A hackney carriage, private hire or school and community services vehicle driver will often find themselves in a position of transporting children who are either on their own or accompanied by adults. They will have the opportunity of observing behaviour that might be indicative of abuse, CSE or human trafficking. In addition they may find themselves as a potential target for unfounded allegations of CSE or abuse. It is therefore vitally important for drivers to be aware of the signs and know how to react to them, and in doing so safeguard children and themselves.

- 2.8 The recommendation is that the Council should introduce a condition within a driver licence requiring compulsory attendance at safeguarding training approved by the Council. Such measures would it is believed make children much safer and meet our duty under the Care Act 2014 through the implementation of necessary processes and procedures to protect children.
- 2.9 In seeking a training provider for the training Wokingham has had discussions with other local authorities across Berkshire who were also in the process of introducing a similar licence condition in relation to CSE. There is agreement between Bracknell Forest, West Berkshire, Wokingham and Reading to pursue a single training provision. The size of the pool of people requiring training means that we can benefit from economies of scale and deliver more frequent courses which will assist with the processing of new driver applications. Bracknell Forest have taken the lead to secure a training provider.
- 2.10 The supplier selected consists of training officers employed by Bracknell Forest, Reading, Wokingham and West Berkshire and who presently provide CSE training for a range of outside groups including Council staff. Their proposal is to provide training at venues throughout the geographical area that they cover. Applicants and licensed drivers / operators from any of those authorities will be able to select a course at the location and date that best suits their needs. As to the time of the course whilst previous experience has shown a course in the day is more popular consideration will be made of other times should demand be sufficient. The course will also be available to escorts employed in such areas as Home to School transport
- 2.11 The licensing authority will operate upon a cost recovery basis and with present knowledge of likely numbers and patterns of attendance it is recommended that the fee is set initially at £20 per attendee with an annual review of charge to be undertaken to ensure cost recovery
- 2.12 Consultation will take place with all Licence holders and groups working within the CSE field via letter, email or the website and will examine the introduction of the training and how best it can be delivered. The results of the consultation would be brought back to this Committee with recommendations upon how compulsory safeguarding training could and should be delivered.

Corporate Implications (this must include Financial Implications)

The Council as licensing authority has the power to require licensed drivers and operators to undertake safeguarding training including refresher training in accordance with their policy

The Council has a duty to protect children and there is clear evidence that the taxi trade has been implicated in CSE previously. To take no action could be criticised should there be a public enquiry into an incident in Wokingham.

It is intended that the training will be funded through a new charge to be included within the licensing fees.

Reasons for Decision
Protection of the safety of children through appropriate training of taxi drivers and operators

Alternative Options considered, if any
The Council could provide information on safeguarding to taxi drivers and operators and not require attendance at a training session. Evidence from training already conducted for drivers and operators involved in home to school transport is that training is vital for drivers to fully understand the safeguarding implications for children and themselves.

List of Background Papers
Rotherham Report on Taxis and Licensing and their association with cases of CSE, CSE fact sheet, CSE- Making a Difference

Contact Julia O'Brien	Service Public Protection Partnership
Telephone No 01635 519849	Email Julia.obrien@westberks.gov.uk
Date 20 June 2017	Version No. 1

**Extract from Independent Inquiry into Child Sexual Exploitation in Rotherham
(1997 – 2013) Alexis Jay OBE, August 2014**

Taxis and Licensing

8.16 One of the common threads running through child sexual exploitation across England has been the prominent role of taxi drivers in being directly linked to children who were abused. This was the case in Rotherham from a very early stage, when residential care home heads met in the nineties to share intelligence about taxis and other cars which picked up girls from outside their units. In the early 2000s some secondary school heads were reporting girls being picked up at lunchtime at the school gates and being taken away to provide oral sex to men in the lunch break.

8.17 A diagram and backing papers supplied to the Police in 2001 by Risky Business linked alleged perpetrators with victims, taxi companies and individual drivers.

8.18 In the Borough at present there are 1200-1300 licensed taxi drivers, though they may not all be active. There are also well over 100 licensed taxi operators. The licensing of the vehicles and drivers is the responsibility of the local authority. There are statutory tests that must be complied with before a driver licence may be granted. The primary concern is for the 'fit and proper' test of the individual, although there is no legal definition of what this means. In Rotherham, applicants are obliged to obtain an enhanced disclosure from the Disclosure and Barring Service (DBS). The DBS check uses the same Police National Computer (PNC) information as the standard check but also includes a check of police intelligence records held locally. Any information held locally can at the discretion of the Chief Officer of Police be disclosed on the certificate.

8.19 The occupation of 'taxi driver' is a notifiable occupation. If a taxi driver is arrested or charged or convicted or is the subject of an investigation then the Licensing Authority is informed. The Licensing Authority may immediately suspend or revoke the licence if it is in the interests of public safety to do so. In 2010, the Council decided to locate all matters of temporary suspension with the relevant director, rather than with a less senior member of staff.

8.20 The Responsible Authorities' meetings in Rotherham were introduced in 2006 to share and discuss matters in relation to licensed premises such as late night takeaways, but they were later extended to include other matters related to licensing such as taxi and private hire licensing and safeguarding issues. Taxis are a standing item on the meeting's agenda. They are now held once every eight weeks with members including the Police, Fire, Child Safeguarding, Public Health and others. In March 2005, the Council's Task and Finish Group on CSE asked that discussions take place about safe travel, though there is no record of what specific actions followed. In June 2008 the Safeguarding Board learned that work had started involving taxi drivers and licensed premises as part of the preventive agenda by encouraging recognition and referral of young people thought to be at risk of sexual exploitation.

8.21 The Safeguarding Unit convened Strategy meetings from time to time on allegations involving taxi drivers. We read some of the most serious, from 2010, and were struck by the sense of exasperation, even hopelessness, recorded as the professionals in attendance tried to find ways of disrupting the suspected activity. Strategy meetings about one specific taxi firm had been held on four occasions in a seven week period. The minutes of one meeting record a total of ten girls and young women, three of whom were involved in three separate incidents of alleged attempted abduction by taxi drivers. The seven other girls had alleged that they were being sexually exploited in exchange for free taxi rides and goods. Two of the girls involved were looked after children. The Licensing Enforcement Officer took the step of formally writing to the Police following the incidents of alleged attempted abductions by drivers, complaining about the Police failure to act. In one incident, a driver accosted a 13-year-old girl. She refused to do what he asked and reported this to her parents who followed the taxi through the town,

where they managed to identify the driver and dialled 999 for assistance. According to the Licensing Enforcement Officer, the Police did not attend until later and took no action. In his email to the Police he stated that 'a simple check would have revealed that the driver had been arrested a week previously in Bradford for a successful kidnapping of a lone female.' He concluded by acknowledging that police priorities were not the same as Licensing, but he 'should not be holding this together on his own'.

8.22 A further issue of safeguarding concerned those taxi firms which had a contract with the Council to transport some of the most vulnerable children to various resources within the authority. Some of the Council's difficulty was that they did not always have the drivers' names when allegations were made. Nor did they have a list of the drivers who transported children as part of the Council contract.

8.23 Following a review undertaken in 2012, the Council's Housing and Neighbourhood Services developed a formal procedure for the referral and communication of concerns about the safeguarding of children and vulnerable adults. This replaced a more informal arrangement. A plan for child safeguarding training for taxi drivers has also been put together with Sheffield City Council. Once finalised, it is intended that the training package will be delivered to all new applicants in Rotherham. This will be mandatory as part of the application process, and the existing drivers will be targeted in a phased way. The Council has also produced a 'Taxi Driver's Handbook', which includes CSE and safeguarding issues.

8.24 We were advised that four CSE related cases of taxi drivers had resulted in revocation of licence since 2009. They worked for four different companies. In one instance, the driver was arrested for sexual offences and supplying a controlled drug to a 15 year old girl. The CPS decided not to charge him, due to the perceived unreliability of one of the prosecution witnesses and the driver requested that the immediate suspension of his licence be lifted. However, the Licensing Board fully revoked the suspended driver licence. Council licensing staff described their relations with the taxi trade as being 'very difficult' on occasions, but they had always taken the right course of action on safeguarding issues. They worked closely with the Police, mostly on 'soft' intelligence, since written information tended to be much blander.

8.25 In a number of different meetings, the Inquiry talked to 24 young people, aged 14-25, who lived in the Council area. One of the main items for discussion with them was safe transport. When asked about taxis, there was an immediate and consistent response from the young women and men on every occasion. All avoided the use of taxis if at all possible. Their parents and partners strongly discouraged, even forbade, them from being on their own at night in a taxi, unless it was a company they personally knew. The girls described how on occasions they would be taken on the longest, darkest route home. One said the driver's first question would be 'How old are you, love?'. All talked about the content of their conversation quickly turning flirtatious or suggestive, including references to sex.

8.26 All the young people we met preferred to use the bus, despite their nervousness and dislike of the Rotherham Interchange, which they described as attracting drug dealers, addicts and people involved in a range of criminal activity. Many of these people congregated outside the Bus Station. The young people described their sense of intimidation and 'running the gauntlet' to get to their buses.

8.27 The use of limousines for purposes of sexual exploitation was raised by a number of people as a historic and current issue. It was also discussed at the Safeguarding Board in 2011. Such vehicles with more than 8 seats are nationally regulated by the Driver and Vehicle Standards Agency. In Rotherham, they have recently been seen waiting for young girls outside school gates. The Police have targeted limousine companies as part of organised operations to prevent sexual exploitation.

HUMAN TRAFFICKING AND CHILD SEXUAL EXPLOITATION GUIDANCE FOR LICENSED DRIVERS

Why do I need to know?

Recently there have been high profile cases involving Human Trafficking and Child Sexual Exploitation in the national media. We want to protect those who are vulnerable in our society; and due to their role in the community, drivers of licensed vehicles can play a key role in helping to identify potential victims and report concerns to the authorities.

You should also be aware that if you transport a child, knowing or believing that the child will be sexually exploited during or after the journey, you could be found guilty of the offence of Human Trafficking with a potential sentence of up to 14 years imprisonment.

Please read the following information carefully so you know what to look out for and how to report concerns. If you need more information, please ask.

What is Human Trafficking?

Moving a person (adult or child) from one place to another into conditions of exploitation, using deception, coercion, the abuse of power or the abuse of someone's vulnerability.

What is Child Sexual Exploitation (CSE)?

Situations, contexts and relationships where young people receive "something" as a result of them performing sexual activity or having another person perform sexual activity on them.

Those exploiting the child/young person have power over them by virtue of their age, gender, intellect, physical strength and/or economic or other resources. Violence, coercion and intimidation are common, involvement in exploitative relationships being characterised in the main by the child or young person's limited availability of choice resulting from their social/economic and/or emotional vulnerability.

Those being exploited might receive things like food, accommodation, drugs, alcohol, cigarettes, gifts, money or affection.

Young people may be targeted if they are perceived as vulnerable, for reasons such as: coming from a dysfunctional household, loneliness, homeless or in residential care, learning disabilities.

What should I look out for?

- Dropping off or collecting young people (girls and boys) from hotels/B&Bs/house parties
- Picking up young people from other cars
- Young people who look distressed or intimidated
- Observing suspicious activity in hot-spot areas, such as pubs or takeaways
- Young people under the influence of drugs and/or alcohol
- Attempts to avoid paying fares in return for sexual favours
- Regular males requesting taxi rides to and from locations - taking young people with them
- Taking young people to A&E who are not in the presence of parents
- Young people with injuries

Annex 2

- Customers who do not know the destination of the journey or those who allow others to speak for them when addressed directly
- Changes in behaviour, e.g. becoming withdrawn, aggressive or depressed

What should I do?

To report concerns:

Dial 999 – in an emergency, such as when you believe a child is about to be exploited

Dial 101 – Police non-emergency number, to record and report non-emergency concerns

Dial 0800 555 111 – Crimestoppers can take details anonymously if you do not want to talk to the police.

Behave professionally:

- Never touch a child or young person unnecessarily or inappropriately
- Do not make offensive or inappropriate comments (such as the use of swearing or sexualised language)
- Try not to be over-friendly or talk about personal or intimate issues
- Do not misuse personal details obtained via the business (for example communicating with a child using mobile phones, at their postal address or by social network)
- Never accept or solicit an offer of a sexual favour instead of payment
- Seat lone customers in the rear of the vehicle
- Discuss with or notify your customer before deviating from an agreed route or before using a central locking system
- Report other drivers or colleagues who you believe have acted inappropriately

Things to remember

- A child may not consider themselves to be being exploited, they may see their abuser as a boyfriend/girlfriend or other person of trust
- Victims and abusers can be male or female

More information

If you would like more information in relation to Human Trafficking or CSE, please use the following contacts:

Wokingham Borough Council 01635 519167 or licensing@wokingham.gov.uk

Children and Adult Services: 01189 746105 or ChildrenServicesReception@wokingham.gov.uk

Thames Valley Police: 101 or 999 in an emergency, also see www.thamesvalley.police.uk/cse

NSPCC: 0808 800 5000 or help@nspcc.org.uk

Annex 3

Extract from Report “Child Sexual Exploitation – making a difference” Maggie Blyth Oxfordshire Safeguarding Children’s Board June 2015

There are two areas in particular that require further work involving the regulation and use of taxi drivers and the commissioning of services to provide help and ‘I have no doubt the Kingfisher team would have been very helpful to us if they had existed 12 years ago.’ Oxfordshire county council has set a high bar for ensuring the children it is responsible for are transported safely, but maintaining such standards requires robust strategic coordination across different departments within the county council. Oxfordshire licensing authorities (district councils) need to improve how they share information about drivers, delegate enforcement powers and require taxi drivers to complete safeguarding training as part of any knowledge test.

The regulation of the contracts to transport vulnerable children across Oxfordshire and the licensing of taxi drivers should be more robust.

The district councils are committed to sharing information to improve the regulation of taxi licensing across Oxfordshire and deal with safeguarding issues in a pro-active way. However, collaboration across all the district councils is needed, with monitoring of this, to overcome the challenge presented by licensing rules that make it increasingly common for a driver to be licensed in one area but drive a private hire vehicle in another area. This has the effect of cancelling out any council’s attempt to protect the public by raising the bar for its licensing criteria. Information exchange between licensing authorities needs to be set on a formal footing to enable the effective assessment of whether a driver passes the ‘Fit and Proper Person’ test. This determines whether a license is refused or revoked due to conduct. We recommend that licensing of taxi drivers should be linked to mandatory safeguarding training across Oxfordshire and the rest of the country. Work has begun to co-ordinate practice across the district council areas and local police area command areas on the roll out of ‘Say Something If You See Something’ training to hotels, guest houses, door staff, parks and street scene staff and others who can act as ‘eyes and ears’ on the ground.

Oxfordshire county council and all district councils must work more closely together to ensure that the regulation of the contracts to transport vulnerable children and taxi licensing across Oxfordshire is more robust.

Summary of risks and gaps

There should be core national standards for the licensing of taxis and private hire vehicles which include safeguarding factors. This would help to eliminate risks because of differential standards across neighbouring licensing authorities. The standards should include mandatory safeguarding training and the requirement for a driver to prove that the majority of their work is in the area in which they are licensed.

For Oxfordshire County Council, with district councils, to develop a single joint operator framework covering all aspects of transportation of children and taxi licensing arrangements to ensure the highest standards of practice are in place to safeguard children.

TITLE	HOUSE OF LORDS SELECT COMMITTEE REVIEW OF LICENSING ACT 2003
FOR CONSIDERATION BY	Licensing and Appeals Committee 3 July 2017
WARD	Non specific
LEAD OFFICER	Julia O'Brien – Team Manager - Licensing Paul Anstey – Public Protection Manager

PURPOSE OF REPORT

To inform Members of a report from the House of Lords Select Committee on the Licensing Act 2003.

OUTCOMES

Information supplied for Members to note
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RECOMMENDATIONS

Members are requested to note the Report
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SUPPORTING INFORMATION

1 INTRODUCTION

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|-----|---|
| 1.1 | On 25 May 2016, the House of Lords appointed a Select Committee to “consider and report on the Licensing Act 2003”. The report of this Committee, “The Licensing Act 2003: post-legislative scrutiny” was published on 4 April 2017. |
| 1.2 | The introduction to the report concludes that ‘while the implementation of the Act leaves a great deal to be desired, to a large extent this is caused by an inadequate statutory framework whose basic flaws have, if anything, been compounded by subsequent piecemeal amendments. A radical comprehensive overhaul is needed, and this is what our recommendations seek to achieve’. |

2 SUPPORTING INFORMATION

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| 2.1 | <p>Key conclusions and recommendations in the report include the following:</p> <ul style="list-style-type: none"> The Government made a substantial error in creating new committees for local authorities to deal with licensing. The evidence received about the poor operation of licensing committees was convincing and the committee was extremely concerned by what it heard. Planning committees are more effective and reliable, and are well-equipped for making licensing decisions. They should take over the licensing function. Coordination between the licensing and planning systems should begin immediately. Licensing appeals should no longer go to magistrates' courts but should, like planning appeals, go to the planning inspectorate. |
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- The Late Night Levy does not pay for the cost of policing as intended, and in its current form is fundamentally wrong in principle and in practice. Unless amendments already made prove effective, the Late Night Levy should be repealed. So should Early Morning Restriction Orders, which no local authority has yet introduced.
- Fees for licensing should be set locally, not nationally. In doing so, local authorities must bear in mind that there are doubts about the legality of any element of a fee which goes beyond what is needed to process the application.
- There is no justification for the Licensing Act not applying to sales airside at airports.
- The legality of Minimum Unit Pricing is still under consideration by the Supreme Court. If it is found to be lawful and is introduced in Scotland, and is found to be effective in cutting down excessive drinking, England and Wales should follow Scotland's lead.
- Scotland's example should also be followed in helping disabled people to access licensed premises by requiring an application for a premises licence to include a disabled access statement
- There is not presently a case for further deregulation
- Creation of a national database for personal licence holders
- An 'Agent of Change' principle be adopted in both planning and licensing guidance to help protect both licensed premises and local residents from consequences arising from any new development in their nearby vicinity
- Notices of application should not need to be given by an advertisement in a local paper.

2.2 The Chairman of the Committee, Baroness McIntosh of Pickering, said:

"It was a mistake and a missed opportunity to set up new licensing committees when the planning system was already available to regulate the use of land for many different purposes. The planning system is well suited to dealing with licensing applications and appeals, and the interests of residents are always taken into account.

The Committee was shocked by some of the evidence it received on hearings before licensing committees. Their decisions have been described as 'something of a lottery', 'lacking formality', and 'indifferent', with some 'scandalous misuses of the powers of elected local councillors'."

2.3 The Berks and Bucks Licensing Group are compiling a response to an Institute of Licensing Survey on the report to inform further discussions with bodies such as the Local Government Association.

Corporate Implications (this must include Financial Implications)

None

Reasons for Decision

Report for Members Information

Alternative Options considered, if any

None

List of Background Papers

None

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Date 22 June 2017	Version No. 1

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TITLE	ADOPTION OF BYELAWS FOR DERMAL TREATMENTS
FOR CONSIDERATION BY	Licensing and Appeals Committee 3 July 2017
WARD	Non specific
LEAD OFFICER	Julia O'Brien – Team Manager - Licensing Paul Anstey – Public Protection Manager

PURPOSE OF REPORT

The Committee is asked to consider adopting Byelaws to regulate cosmetic piercing and semi permanent skin colouring, acupuncture, tattooing, electrolysis and ear piercing under one set of consolidated model Byelaws. Frequently the registered practitioners and premises undertake treatment for more than one activity and so by consolidating the Byelaws the effect will be to improve operation efficiency and help local businesses to more easily understand the regulatory activity.

It is important for this industry to be effectively regulated due to the risks associated with the treatments being offered. There is the potential risk of transmission of blood borne viruses (BBV) for example HIV, Hepatitis B and C, as well as other infections, potential physical damage and bleeding if the treatment is completed incorrectly.

The Local Government Act 2003 amended the Local Government Miscellaneous Provisions Act 1982 to include cosmetic (body) piercing and semi permanent skin colouring within the list of treatments the Local Authority can regulate.

OUTCOMES

Inclusion of Section 120 Schedule 6 would bring operators of cosmetic piercing and skin coloring practices /businesses under the legal control of the Council

RECOMMENDATIONS

The Committee agrees the model byelaws and recommends the Council pass a resolution to adopt the Model Byelaws: Acupuncture, Tattooing, Semi-Permanent Skin-Colouring, Cosmetic Piercing and Electrolysis as set out in Annex 1 to this report.

SUPPORTING INFORMATION

Cosmetic piercing (piercing of the body including the ear) and semi-permanent skin colouring (including micropigmentation, semi permanent make-up and temporary tattooing) which last approximately 8-10 years has grown in popularity over the years. All these processes, and in particular tattooing and ear piercing, carry a potential risk of BBV transmission if infection control procedures are not observed. (e.g. use of sterile equipment for each client).

Until the change in legislation local authorities in England, outside London and in Wales did not have the powers to make byelaws controlling the cleanliness and hygiene of premises used for these practices, other than those used in conjunction with the business of tattooing, ear piercing, electrolysis and acupuncture. Present byelaws control standards of those activities.

Within Wokingham Borough Council at present we have 23 premises and 47 practitioners registered for conducting tattooing, ear piercing, electrolysis and acupuncture.

Officers inspect on application to ensure standards of cleanliness and procedures are place in line with the Byelaws.

Certificates of registration are issued subject to compliance with the Byelaws that relate to each specific treatment and subject to the satisfaction of the local authority as to the person's skills, knowledge and suitability to carry out these treatments. The model Byelaws exist to secure the hygiene of the treatment, the practitioner and the treatment room.

Training to ensure the competency of practitioners is not set out within the Byelaws. It is instead specified in non statutory advice and guidance that is frequently issued by a range of trade organisations. The report therefore does not ask the Committee to approve competency guidance prior to registration of practitioners as it has no statutory basis. Officers will, as in the practice in other industries, cover competency of practitioners by using the powers within the Health and Safety at Work Act 1974 which places a duty on business not to expose customers to risk. In practice the practitioner would informally be asked to obtain suitable training and/or supervision, and as a last resort served with a legal notice requiring training.

The registration scheme for acupuncture, tattooing, electrolysis and ear piercing were adopted by this council following the implementation of the Local Government Miscellaneous Provisions Act 1982.

In 2003 the Department of Health produced new model Byelaws to cover Cosmetic Piercing and semi permanent skin colouring. The proposal is to update the existing byelaws which will provide a similar and consistent standard across all treatments. It will reduce the burden for businesses for complying with and displaying several sets of Byelaws where more than one type of treatment is offered.

If agreed by Committee and subsequently Council, there is a prescribed procedure to be followed by the local authority prior to adoption of the model Byelaws. In summary the procedure involves advertising the intention to adopt the Byelaws in a local newspaper, and having a copy available for the public to view at no charge in named Council offices. After not less than a calendar month the submission can then be made to the Secretary of State for confirmation.

Corporate Implications (this must include Financial Implications)

There will be a cost involved in the newspaper advertisement, however there will be income generated with at present unregistrable operators becoming eligible for registration.

Reasons for Decision

Inclusion of Section 120 Schedule 6 would bring operators of cosmetic piercing and skin coloring practices /businesses under the legal control of the Council

Alternative Options considered, if any
None

List of Background Papers
Department of Health: Regulation of Cosmetic Piercing and Skin-Colouring businesses – February 2004
CIEH Tattooing and Body Piercing guidance Toolkit
Model Byelaws: Acupuncture, Tattooing, Semi-Permanent Skin-Colouring, Cosmetic Piercing and Electrolysis

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MODEL BYELAWS

Acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis

Byelaws for the purposes of securing the cleanliness of premises registered under sections 14(2) or 15(2) or both of the Local Government (Miscellaneous Provisions) Act 1982 and fittings in such premises and of persons registered under sections 14(1) or 15(1) or both of the Act and persons assisting them and of securing the cleansing and, so far as appropriate, sterilization of instruments, materials and equipment used in connection with the practice of acupuncture or the business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis, or any two or more of such practice and businesses made by in pursuance of sections 14(7) or 15(7) or both of the Act.

Interpretation

1.—(1) In these byelaws, unless the context otherwise requires—

“The Act” means the Local Government (Miscellaneous Provisions) Act 1982;

“client” means any person undergoing treatment;

“hygienic piercing instrument” means an instrument such that any part of the instrument that touches a client is made for use in respect of a single client, is sterile, disposable and is fitted with piercing jewellery supplied in packaging that indicates the part of the body for which it is intended, and that is designed to pierce either—

(a) the lobe or upper flat cartilage of the ear, or

(b) either side of the nose in the mid-crease area above the nostril;

“operator” means any person giving treatment, including a proprietor;

“premises” means any premises registered under sections 14(2) or 15(2) of the Act;

“proprietor” means any person registered under sections 14(1) or 15(1) of the Act;

“treatment” means any operation in effecting acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis;

“the treatment area” means any part of premises where treatment is given to clients.

(2) The Interpretation Act 1978 shall apply for the interpretation of these byelaws as it applies for the interpretation of an Act of Parliament.

2.—(1) For the purpose of securing the cleanliness of premises and fittings in such premises a proprietor shall ensure that—

(a) any internal wall, door, window, partition, floor, floor covering or ceiling is kept clean and in such good repair as to enable it to be cleaned effectively;

(b) any waste material, or other litter arising from treatment is handled and disposed of in accordance with relevant legislation and guidance as advised by the local authority;

(c) any needle used in treatment is single-use and disposable, as far as is practicable, or otherwise is sterilized for each treatment, is suitably stored after treatment and is disposed of in accordance with relevant legislation and guidance as advised by the local authority;

(d) any furniture or fitting in premises is kept clean and in such good repair as to enable it to be cleaned effectively;

- (e) any table, couch or seat used by a client in the treatment area which may become contaminated with blood or other body fluids, and any surface on which a needle, instrument or equipment is placed immediately prior to treatment has a smooth impervious surface which is disinfected—
 - (i) immediately after use; and
 - (ii) at the end of each working day.
 - (f) any table, couch, or other item of furniture used in treatment is covered by a disposable paper sheet which is changed for each client;
 - (g) no eating, drinking, or smoking is permitted in the treatment area and a notice or notices reading “No Smoking”, and “No Eating or Drinking” is prominently displayed there.
- (2)(a) Subject to sub-paragraph (b), where premises are registered under section 14(2) (acupuncture) or 15(2) (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the 1982 Act, a proprietor shall ensure that treatment is given in a treatment area used solely for giving treatment;
- (b) Sub-paragraph (a) shall not apply if the only treatment to be given in such premises is ear-piercing or nose-piercing using a hygienic piercing instrument.
- (3)(a) Subject to sub-paragraph (b), where premises are registered under section 15(2) (tattooing, semi-permanent skin-colouring and cosmetic piercing) of the 1982 Act, a proprietor shall ensure that the floor of the treatment area is provided with a smooth impervious surface;
- (b) Sub-paragraph (a) shall not apply if the only treatment to be given in such premises is ear-piercing or nose-piercing using a hygienic piercing instrument.
- 3.—(1)** For the purpose of securing the cleansing and so far as is appropriate, the sterilization of needles, instruments, jewellery, materials and equipment used in connection with treatment—
- (a) an operator shall ensure that—
 - (i) any gown, wrap or other protective clothing, paper or other covering, towel, cloth or other such article used in treatment—
 - (aa) is clean and in good repair and, so far as is appropriate, is sterile;
 - (bb) has not previously been used in connection with another client unless it consists of a material which can be and has been adequately cleansed and, so far as is appropriate, sterilized.
 - (ii) any needle, metal instrument, or other instrument or equipment used in treatment or for handling such needle, instrument or equipment and any part of a hygienic piercing instrument that touches a client is sterile;
 - (iii) any jewellery used for cosmetic piercing by means of a hygienic piercing instrument is sterile;
 - (iv) any dye used for tattooing or semi-permanent skin-colouring is sterile and inert;
 - (v) any container used to hold dye for tattooing or semi-permanent skin-colouring is either disposed of at the end of each treatment or is cleaned and sterilized before re-use.
 - (b) a proprietor shall provide—
 - (i) adequate facilities and equipment for—
 - (aa) cleansing; and
 - (bb) sterilization, unless only pre-sterilized items are used.
 - (ii) sufficient and safe gas points and electrical socket outlets;
 - (iii) an adequate and constant supply of clean hot and cold water on the premises;
 - (iv) clean and suitable storage which enables contamination of the articles, needles, instruments and equipment mentioned in paragraphs 3(1)(a)(i), (ii), (iii), (iv) and (v) to be avoided as far as possible.

4.—(1) For the purpose of securing the cleanliness of operators, a proprietor—

(a) shall ensure that an operator—

- (i) keeps his hands and nails clean and his nails short;
- (ii) keeps any open lesion on an exposed part of the body effectively covered by an impermeable dressing;
- (iii) wears disposable examination gloves that have not previously been used with another client, unless giving acupuncture otherwise than in the circumstances described in paragraph 4(3);
- (iv) wears a gown, wrap or protective clothing that is clean and washable, or alternatively a disposable covering that has not previously been used in connection with another client;
- (v) does not smoke or consume food or drink in the treatment area; and

(b) shall provide—

- (i) suitable and sufficient washing facilities appropriately located for the sole use of operators, including an adequate and constant supply of clean hot and cold water, soap or detergent; and
- (ii) suitable and sufficient sanitary accommodation for operators.

(2) Where an operator carries out treatment using only a hygienic piercing instrument and a proprietor provides either a hand hygienic gel or liquid cleaner, the washing facilities that the proprietor provides need not be for the sole use of the operator.

(3) Where an operator gives acupuncture a proprietor shall ensure that the operator wears disposable examination gloves that have not previously been used with another client if—

- (a) the client is bleeding or has an open lesion on an exposed part of his body; or
- (b) the client is known to be infected with a blood-borne virus; or
- (c) the operator has an open lesion on his hand; or
- (d) the operator is handling items that may be contaminated with blood or other body fluids.

5. A person registered in accordance with sections 14 (acupuncture) or 15 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the Act who visits people at their request to give them treatment should observe the requirements relating to an operator in paragraphs 3(1)(a) and 4(1)(a).

6. The byelaws relating to *state subject matter* that were made by *insert name* on the *insert date* and were confirmed by *insert name of confirmation authority* on *insert date* are revoked.

COUNCIL'S SIGNATURE

COUNCIL'S SEAL

The foregoing byelaws are hereby confirmed by the Secretary of State for Health
on _____ and shall come into operation on _____

Member of the Senior Civil Service

Department of Health

NOTE – THE FOLLOWING DOES NOT FORM PART OF THE BYELAWS

Proprietors shall take all reasonable steps to ensure compliance with these byelaws by persons working on premises. Section 16(9) of the Local Government (Miscellaneous Provisions) Act 1982 provides that a registered person shall cause to be prominently displayed on the premises a copy of these byelaws and a copy of any certificate of registration issued to him under Part VIII of the Act. A person who contravenes section 16(9) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale (see section 16(10)).

Section 16 of the Local Government (Miscellaneous Provisions) Act 1982 also provides that any person who contravenes these byelaws shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale. If a person registered under Part VIII of the Act is found guilty of contravening these byelaws the Court may, instead of or in addition to imposing a fine, order the suspension or cancellation of the person's registration. A court which orders the suspension of or cancellation of a person's registration may also order the suspension or cancellation of the registration of the premises in which the offence was committed if such premises are occupied by the person found guilty of the offence. It shall be a defence for the person charged under the relevant sub-sections of section 16 to prove that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence.

Nothing in these byelaws extends to the practice of acupuncture, or the business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis by or under the supervision of a person who is registered as a medical practitioner, or to premises in which the practice of acupuncture, or business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis is carried out by or under the supervision of such a person.

Nothing in these byelaws extends to the practice of acupuncture by or under the supervision of a person who is registered as a dentist, or to premises in which the practice of acupuncture is carried out by or under the supervision of such a person.

The legislative provisions relevant to acupuncture are those in section 14. The provisions relevant to treatment other than acupuncture are in section 15.

The key differences in the application of requirements in respect of the various treatments are as follows:

*The references in the introductory text to provisions of section 14 (acupuncture) of the Local Government (Miscellaneous Provisions) Act 1982 **only apply to acupuncture.***

*The references in the introductory text to provisions of section 15 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the Local Government (Miscellaneous Provisions) Act 1982 **do not apply to acupuncture.***

*The references in paragraph 1(1) in the definition of "premises" to provisions of section 14 (acupuncture) **only apply to acupuncture.***

*The references in paragraph 1(1) in the definition of "premises" to provisions of section 15 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) **do not apply to acupuncture.***

*The requirement in paragraph 2(2) that treatment is given in a treatment area used solely for giving treatment **applies to acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis but not to ear-piercing or nose-piercing using a hygienic piercing instrument.***

*The requirement in paragraph 2(3) that the floor of the treatment area be provided with a smooth impervious surface **applies to tattooing, semi-permanent skin-colouring and cosmetic piercing but not to acupuncture or electrolysis or ear-piercing or nose-piercing using a hygienic piercing instrument.***

*The requirements relating to dye or a container used to hold dye used for treatment in paragraphs 3(1) (a) (iv) and (v) **apply to tattooing and semi-permanent skin-colouring.***

*The requirement in paragraph 4(1)(a)(iii) that an operator wears disposable examination gloves that have not previously been used with another client **does not apply to acupuncture otherwise than in the circumstances described in paragraph 4(3).***

*The provisions of paragraph 4(2) in relation to washing facilities **apply to cosmetic piercing using only a hygienic piercing instrument.***

*The exception whereby the byelaws do not apply to treatment carried out by or under the supervision of a **dentist** applies only to **acupuncture** (see section 14(8) of the Act).*