



Derby City Council

STANDARDS COMMITTEE
19 July 2016

Report of the Director of Governance and
Monitoring Officer

ITEM 6

Referrals to the Monitoring Officer Relating to Taxi Licensing Issues

SUMMARY

- 1.1 On 25 November 2015 Full Council approved an amendment to the Code of Conduct for Councillors in that any instance of Member interference with Taxi Licensing would be recorded and reported to the Monitoring Officer.
- 1.2 The Monitoring Officer reviews the records on a quarterly basis or sooner if the circumstances as they present require earlier intervention.
- 1.3 In order to provide additional oversight, the Monitoring Officer will report the instances which have required her intervention to the Standards Committee for awareness raising and consideration and comment as necessary
- 1.4 The Report in the Public Interest issued by Grant Thornton on 16th June 2016, expressed concerns about the Taxi Licensing function operated by the Council. In response, the Administration has prepared an Action Plan. The Action Plan also makes reference to the instances of Member interference in taxi licensing being reported to the Standards Committee.

RECOMMENDATION

- 2.1 To note the contents of this report

REASONS FOR RECOMMENDATION

- 3.1 All complaints received in respect of issues relating to the Code of Conduct are reported to the Standards Committee.

SUPPORTING INFORMATION

- 4.1 The Taxi Licensing Team in conjunction with Legal Services maintains a record of all reported occasions when a Member raises a query about any aspect of taxi licensing.
- 4.2 The Monitoring Officer undertakes a quarterly review and I am able to advise the Committee that some of the instances relate to general queries for example, where to locate a policy, queries about dates etc. As indicated at paragraph 94 of the Report in the Public Interest some of the queries also related to the status of DBS checks which has been an issue addressed with the support of Legal Services.
- 4.3 However there have been three instances to date where the Monitoring Officer has felt it appropriate to intervene. In these instances, the advice of the Monitoring Officer is that these will be accepted as formal complaints without the requirement for a completed Complaints Form.

4.4 Complaint One:

This complaint was raised in respect of a Councillor Nawaz and is detailed within the Report in the Public Interest. As Grant Thornton explored this issue directly with Councillor Nawaz, the Monitoring Officer did not feel it appropriate at that time to undertake a duplicate process.

- 4.5 The Report in the Public Interest at paragraph 93 states as follows:

“The Council's taxi licensing officers now maintain a record of contacts with Members. This shows that some Members have not always acted appropriately. For instance on 21 January 2016, a licensing officer recorded that he met with the vehicle proprietor of a licensed private hire vehicle, known not to comply with licence conditions. The vehicle proprietor was accompanied by another male and by one of the Members for the Arboretum ward (who serves on the Integrating Communities and Inspiring Young People Boards). The Member involved himself in the discussion and the officer recorded that 'My impression was that [the Member] was expressing disagreement or dissatisfaction with the licence condition relating to vehicle signage and that the fact that I was enforcing it in relation to the vehicle in question'. The Member made other suggestions which were not supportive. The Member has stated that he was trying to be helpful. Whilst we accept that the Member had no improper intentions, his interventions were perceived by the officer as being unhelpful. The Council needs to reinforce guidance to Members to avoid such direct involvement.”

4.6 Complaint Two:

On 23rd March 2016, the Monitoring Officer met with Councillor Janghir Khan who was at that time a member of the Licensing committee. Cllr Khan had sat on a taxi licensing sub-committee when the decision had been made to revoke a license. The taxi driver concerned subsequently wrote to the Council advising that he was unable to put his full reasons to the sub-committee due to Cllr Khan being present and that Cllr Khan had failed to declare an interest. The taxi driver alleged that Cllr Khan was known to the family; it was implied that this was more than just an acquaintance. The taxi driver in question later appealed to the Magistrate Court and produced video evidence of Cllr Khan at a family wedding. In Court, Cllr Khan, who was required to give evidence, maintained his position that he was in attendance as it was part of a wider community event that that he was not a close friend of the taxi driver's family.

- 4.7** During his interview with the Monitoring Officer on 23rd March 2016, Cllr Khan advised that upon receipt of the Agenda for the sub-committee he undertakes a careful check to ensure he does not have a conflict of interest and that if he was at all uncertain he would contact Democratic Services for advice. Cllr Khan advised he did not know the taxi driver or his family and therefore was unclear as to why the allegation was being made that he was a family friend. Cllr Khan advised that he had not attended any events where he knowingly believed the taxi driver to be.

4.8 Complaint Three:

On 17th June 2016 the Monitoring Officer was advised that Councillor Nawaz had submitted a reference to the Crown Court in support of two taxi drivers who were being prosecuted for the possession/supply to cannabis. It is understood that the reference was on council letterhead. The taxi drivers in question were convicted of the offences. The Monitoring Officer is due to meet with Councillor Nawaz on 12th July 2016. In the meantime, the Monitoring Officer has suspended all references being sent out using council letterhead without the prior approval.

OTHER OPTIONS CONSIDERED

- 5.1** Not applicable for this report

This report has been approved by the following officers:

Legal officer Financial officer Human Resources officer Estates/Property officer Service Director(s) Other(s)	Janie Berry, Director of Governance and Monitoring Officer Steven Mason, Democratic Services Officer
For more information contact: Background papers: List of appendices:	Janie Berry 01332 643616 janie.berry@derby.gov.uk Derby City Council Councillor Code of Conduct; Report in the Public Interest issued by Grant Thornton on 16 th June 2016 Appendix 1 – Implications

IMPLICATIONS

Financial and Value for Money

- 1.1 Not applicable

Legal

- 2.1 The Code of Conduct requires all instances of complaints to be referred to the Standards Committee as outlined in the report.

Personnel

- 3.1 Not applicable

IT

- 4.1 Not applicable

Equalities Impact

- 5.1 Not applicable

Health and Safety

- 6.1 Not applicable

Environmental Sustainability

- 7.1 Not applicable

Property and Asset Management

- 8.1 Not applicable

Risk Management and Safeguarding

- 9.1 The Council must operate a robust taxi licensing function which can uphold the need for public protection.

Corporate objectives and priorities for change

- 10.1 The principles of good ethical governance require the issues related in this report to be considered by the Standards Committee.