REPORT OF JOHN RIDDELL, WEIGHTMANS LLP, INTO ROTHERHAM MBC TAXI LICENSING AND ENFORCEMENT SERVICE – 2010 TO THE PRESENT.

1. Background

1.1 The tragedy of child sexual exploitation (CSE) within Rotherham MBC is now well known. It is the link between this dreadful crime and taxis that has led to the request for this report. The origins of public concern are well known. The independent inquiry into child sexual exploitation in Rotherham between 1997 and 2013 was conducted by Professor Alexis Jay and published on 21 August 2014. This was followed by the report of the Government Inspector, Louise Casey CB, now Dame Louise Casey, specifically into Rotherham MBC dated 4 February 2015.

1.2 The Jay report identified the part that taxis played in CSE. It describes girls being picked up at lunchtime at school gates and being taken away for sexual activity. It also describes CSE carried out by taxi drivers. The relevant extracts appear at pages 71 to 74 of that report.

1.3 The Casey report deals with similar matters. It also made criticisms of the way in which Rotherham MBC dealt with the issues. In summary, Ms Casey felt that council officers failed to recognise the problem of CSE or to action it properly when they were aware. The Casey report was followed by a letter dated 20 February 2015 by Ms Casey to the Chief Executive. This highlighted particular areas of concern. The relevant extracts of the report appear at pages 103 to 117.

1.4 The particular areas of concern expressed by Ms Casey were:

(a) Rotherham had not taken and does not take sufficient steps to ensure only fit and proper persons are entitled to hold a licence (p103)

(b) The division between taxi licensing administration and enforcement caused difficulties with the exchange of information (p104)

(c) There was a lack of clear policies (p105)

(d) There was interference from the taxi trade and members with the decisions of the Licensing Board. One example was the change from no notice to 10 day notice spot checks (p106)

(e) The investigation of complaints were inadequate and lacked tenacity (p106)

(f) Staff felt under resourced with complaints of understaffing, staff sickness and uneven caseloads (p108)

(g) The new draft policy agreed for consultation in October 2014 did not give sufficient protection to the public and its planned implementation in April 2015 was too long (p109)

(h) The Director of Housing was in denial about the problem of CSE and failed to recognise its significance post Jay (p111)

(i) Officers at Rotherham MBC knew that there was a problem with taxis and CSE but failed to take adequate steps to address it (p112-117)

(j) In her letter to the Chief Executive dated 20th February 2015 Ms Casey referred to her report and expressed her concerns over the failure of the Director of Housing and Neighbourhood services to address links between the taxi service and CSE, especially since the Jay report. This is a repetition of the concerns raised at h and I above.

(k) In the same letter she expressed concern over the failure to present details of sexual impropriety to the Licensing Board in the case of Individual 1. She also refers to this case at p107 of her report.

2. Weightmans' investigation

2.1 In briefest summary my terms of reference were to identify members of staff involved in the taxi licensing and enforcement function, review relevant documentation and produce a report, in light of the criticisms made in the Casey report, as to whether disciplinary or capability procedures should be considered.

2.2 I will discuss the result of my investigations in detail in the body of the report. In summary, however, I performed the following tasks:

(a) I was given an overview of the taxi licensing management functions and the computerised system employed, LALPAC, Individual 2.

(b) I was given an overview of enforcement procedures by the line manager responsible for taxi enforcement Individual 62.

(c) I saw and interviewed relevant members of staff, producing an agreed note of their responses.

(d) I received and reviewed documentation. I raised several requests for additional documentation during the course of my investigations and relevant documents were disclosed. I was provided with e-mail traffic between key individuals, other background documents including policies, documents supplied to Ms Casey, samples of taxi licensing administration files and samples of taxi enforcement files.

2.3 I should make it clear that I wished to carry out a thorough but proportionate investigation. I therefore relied, where possible, on previous investigations and accounts, including the Jay report, the Casey report, the internal audit reports dated 26th June 2015 and 11th January 2016 and documentary evidence supplied. I have also investigated the relevant period covered by the Casey report which is the period from 2010 to the completion of my draft report on 30th May 2016.

2.4 I also carried out the investigation in accordance with Rotherham MBC's disciplinary procedure and practice guidance notes.

3. The history of taxi licensing and enforcement in Rotherham MBC

3.1 The issues raised above cannot be understood without considering the history of the licensing service. A brief chronology also appears at the conclusion of this report at Appendix A. Although my investigation deals with matters from 2010 onwards this has to be placed in context and I will deal with some matters that arose before that date.

4. The Home Office and Heal reports

4.1 An especially disturbing feature of this case is the fact that the link between the taxis and CSE in Rotherham was identified by a Home Officer researcher and Dr Angie Heal, Strategic Drugs Analyst South Yorkshire Police and Partnerships, in reports made between 2002 and 2006.

4.2 This is outside the period of my investigation. Reports were, however, clearly within the possession of Rotherham MBC within my relevant period (post 2010) and are therefore relevant.

4.3 With breathtaking clarity, given subsequent events, the Home Office researcher wrote in 2002 that:

"*Taxis were suspected to be involved in the targeting of young women and the transport of them to private premises and other towns for prostitution/related purposes. The use of hotels, flats and homes; and the trafficking of young people to other areas explained to a certain extent the lack of a street scene in the town… …….The data gathered also suggested that takeaways had been used where runaways and young women out socialising had been targeted. Young women had also been targeted and collected from outside schools, residential homes and homeless projects. The bus and railway stations were also suspected to be venues where young people were targeted."*

4.4 I have only received chapter 4 of the 2002 report. It is, however, described as "2002 Home Office report". The report is also dated 25 June 2013 in handwritten text which suggests that it was being considered at that point, which is before the Jay and Casey reports.

4.5 The 2003 report by Dr Heal describes widespread CSE, but concentrates on the role of drug dealers and criminals in coercing young women. There is no link made between CSE and the taxi service.

4.6 A second report was made by Dr Heal in March 2006. On page 11 of that report (and in a section headed 'Rotherham') she stated:

> "It is believed by a number of workers in the town that one of the problems that prevent this issue being dealt with effectively is the ethnicity of the main perpetrators. Whilst perpetrators and paedophiles come from a number of different ethnic groups in the town, the main 'gangs' associated with organised sexual exploitation are Asian. This is not a new problem. One worker who had been working in Rotherham for nearly 30 years said that Asian men, particularly taxi drivers, have been involved in the exploitation of young women throughout that period. However, in the 1970s it was a few men who were involved for their own gratification. It was not the level of organised crime that many believe it to be now, which involves career and financial opportunities to young Asian men who get involved. Iraqi Kurds and Kosovan men are also involved in the sexual exploitation of young girls in the town. However, they are not believed to be involved in organised activities against young women. It is more for their own personal gratification."

4.7 It seems certain that this report was in the possession of Rotherham MBC because Ms Heal's role was a partnership one. She also plainly had contact with representatives of Rotherham MBC. She attended a conference entitled 'Every Child Matters but do they

Know It?' at a Rotherham Hotel, on 24th March 2006. Individual 67, a former Social worker records that the conference was also attended by senior Councillors, Individual 67 and Joyce Thacker. It seems inconceivable that these reports were not shared with Rotherham MBC.

4.8 I am supported in this conclusion by Professor Jay who states; "Further stark evidence came in 2002, 2003 and 2006 with three reports known to the police and the Council, which could not have been clearer in their description of the situation in Rotherham. The first of these reports was effectively suppressed because some senior officers disbelieved the data it contained. This had led to suggestions of cover-up. The other two reports set out the links between child sexual exploitation and drugs, guns and criminality in the Borough. These reports were ignored and no action was taken to deal with the issues that were identified in them." (Jay report p1)

4.9 At chapter 10 of her report Professor Jay records that the Home Office report was seen by senior council officials (paragraph 10.14). She states at paragraph 10.6 that the Chief Executive and Executive Director of Children's Services first saw the report in 2012. At paragraph 10.20 she states that Dr Heal's reports were sent to (amongst others) the Principal Community Safety Officers for each local authority.

4.10 It does not appear that the officers responsible for taxi licensing management and enforcement were aware of the reports at the time of their publication or before the publication of the Jay report. I will discuss that in more detail below.

5. The division of taxi licensing management and enforcement

5.1 Before 2008 all taxi licensing functions were performed by one team of 11 members of staff. This included three enforcement officers and two counter staff who would receive applications. I will describe the particular roles in more detail below but taxi licensing management dealt with the issue and renewal of licences and enforcement investigated complaints and other possible breaches of licence conditions.

5.2 A re-alignment of the licensing enforcement function into the wider licensing team took place in January 2008. The change was brought about by a directorate re-structuring carried out by, Individual 3, as advised by, Individual 4, and an agency contracted interim regulatory services manager (Individual 5). Decisions on the re-structuring following consultations started in June 2007.

5.3 I was informed that there were two factors that influenced the decision. The first was the change of statutory guidance. In June 2007 new Licensing Act 2003 section 182 statutory guidance was introduced. This required at section 11.4 that "licensing authorities may not initiate their own reviews of premises licences. Officers of the local authority who are specified as responsible authorities under the 2003 Act, such as environmental health officers, may however request reviews on any matter which relates to the promotion of one or more of the licensing objectives."

5.4 Licensing enforcement officers at times identified issues that caused grounds for review so there was a view that to comply with the new mandatory guidance there should be a split between those who were assessing the possible need for licensing review representations and those advising and aiding the Licensing Committee – that is to say there should be an element of separation between the investigation of licensing concerns and the management of the licence application process. The need to create a Chinese wall because of the guidance was subsequently confirmed by LGA NALEO representatives. The structuring that was subsequently implemented made

that demarcation. The small size of the licensing enforcement team meant that it was believed that it was not possible to retain a taxi based enforcement function separate from that of the Licence Premises Regulations team.

5.5 It was also believed that it was beneficial that licensing enforcement, which covered premises and taxi aspects, would benefit from being structurally located and managed within a wider enforcement focused service (the Neighbourhood Enforcement Unit, which was part of Safer Neighbourhoods) which would allow consistency of enforcement practice in areas like PACE. This would also allow additional resources, including out of hours provision which was an issue at the time with LEOs, to be drawn from other neighbourhood enforcement teams. The move was viewed to bring resilience to a small licensing enforcement officer team. The licensing enforcement officers were also using the same IT system as the neighbourhood enforcement unit. The licensing enforcement officers at first operated as one sub unit within the unit, reporting to a principal EHO with each officer having a geographical responsibility.

5.6 After about 6 months, in July 2008, Individual 3 initiated a further review at the directorate. This review involved a consultative process across the directorate and a re-structuring plan based on locality working.

5.7 Consultation responses were received, including those from the Neighbourhood Enforcement Unit, the views of Individual 6, Individual 7 and feedback from the three licensing enforcement officers, including a South Yorkshire Police Officer via Individual 8. No-one gave a dissenting voice to a continuation of the licensing enforcement function alignment introduced 7 months previously, but they did request that the licensing enforcement officers should not be split into geographical working teams.

5.8 In providing her feedback to the consultation via email dated 19th August 2008 to Mark Ford, Individual 6 commented that the proposed structure had previously not been successful. She further commented that, 'the volume of work is not split evenly meaning that the one officer which covers the town centre SNA was overloaded with not only premises issues but taxi enforcement issues which became apparent that it was too much for one officer to cover. Since I have been in this new post I requested for them to put back together as a Borough wide team this enables all officers to be aware of issues and complaints that they are dealing with taxis, premises, late night refreshments etc., rather than just one area.'

5.9 She continued by saying, "I would suggest that the licensing enforcement team has a dedicated officer to which they report to ensure the day to day running at this early stage is kept up until systems are in place that would allow minimal management." It should be noted that, in recognising the bedding in of licensing enforcement into the Public Protection Unit, it had been agreed that a lead Principal Officer should provide the focus for the supervision of the licensing enforcement officers until systems and management arrangements were firmed up and the required departmental locality working arrangements fully implemented. Individual's 9 viewpoint was, therefore, already recognised as being a sensible interim arrangement. This included the co-location of the enforcement officers.

5.10 She concluded that, 'It would be ideal for this team to be located with the PEHO that manages them for continuity of management.'

5.11 In response to the consultation one of the licensing enforcement officers, Individual 8, made comment at the same time. In essence he supported Individual 6 stating, "The licensing enforcement function when bolted into the current PPU did not work when

split into north, south and central teams. To try and implement this on a macro level over three PPU's would result in diluted, poor and slow service delivery. It would isolate the licensing enforcement officers concerned and hinder communications cascaded from the client authority. It would also make it more difficult for officers to support the work of other licensing colleagues."

5.12 He concluded by saying, "It would ultimately frustrate and isolate officers as workload could not be evenly distributed by so many proposed line managers."

5.13 The above comments by the staff to keep the Licensing Team together was reported by Mark Ford to his Director, however, the outcome of the departmental wide review, which was reported to elected members, was to maintain the licensing enforcement officers within the Neighbourhood Enforcement Team (now called Community Protection). They were therefore allocated to geographical areas with three separate managers although co-located within the same office. The licensing enforcement officers' primary focus was to continue as licensing enforcement officers and not to generalise.

5.14 As part of several further service reviews in Mark Ford's unit, it was decided and reported to elected members in 2011 that licensing enforcement would stand alone with officers dedicated totally to that role. Before then, it was planned that enforcement officers would carry out a series of roles, as this gave greater flexibility of resources.

6. The structure of taxi licensing in 2010

6.1 Taxi licensing management and enforcement, then, operated separately. Both functions, however, were part of Housing and Neighbourhoods under the directorship of Dave Richmond. I will deal with licensing administration and enforcement in turn.

6.2 Taxi licensing management dealt with taxi licensing, but also liquor licensing, street collections, gambling and house-to-house collections. Taxi licensing covered three types of licence: drivers, vehicles and operators.

6.3 The structure of licensing management throughout most of the relevant period was as follows. Alan Pogorzelec. Individual 64. An Officer, Individual 9 and senior Officer, Individual 10, worked with her, with the assistance of two officers, Individual 11 and Individual 12. The staff operated through a computerised system called LALPAC.

6.4 There were, however, changes in staff. The team lost two members of staff who were not replaced; Individual 13, and Individual 14 who had worked 3 days a week in a job share with Individual 11 who worked 2 days. Individual 15 had filled the post briefly but had then been absent through ill health. This all equates to a loss of 1.6 members of staff.

6.5 In 2011, it was decided that licensing enforcement should stand alone, with officers dedicated totally to that role. Before then enforcement officers had carried out a number of roles, as this gave them greater flexibility of resources. From 2011 three licensing enforcement officers (2.5 because Individual 16 worked part time) were operating across the three areas of Rotherham MBC, being south, central and north. They reported to the Principal Community Protection Officer. Individual 17 was managed by Individual 18 in the central area, Individual 16 was managed by Individual 19 in the north and Individual 8 was managed by Individual 20 in the south.

6.6 It should be noted that taxi licensing only formed part of their function. The officers undertook other forms of licensing enforcement, including liquor licensing. One enforcement officer, Individual 8, said that he dedicated about 30% of his time to taxi licensing enforcement. Individual 17 told me that taxi licensing accounted for 90% of his work.

6.7 It should also be noted that Individual 16 had been absent through stress in 2010 and that the unit continued to work with diminished capacity.

6.8 The officers worked with a computerised system called FLARE, which was in effect a computerised case management system. They were given access to LALPAC during the relevant period but did not always use it. The investigations could lead to the suspension or revocation of licences through the Licensing Board or suspension by an officer.

6.9 The officer's power of suspension was originally exercised by Individual 64. Dave Richmond, however, took over the function after case A in August 2010.

7 Procedures in taxi licensing management

7.1 The working practices are described in detail in the notes of meetings. In summary, however, counter staff received the taxi licence applications and supporting documents. They would then load them onto LALPAC. The staff in the licensing management department would then receive the application and the staff there would check that it had been properly uploaded onto LALPAC.

7.2 Disclosure and barring service (DBS) checks were required for drivers and operators required licences (CRB until DBS introduced in 2012). The driver would bring the result of the DBS check into counter staff and it would then be reviewed by the licensing administrator. If they had any concerns, they would refer it to the licensing manager. If concerns remained, then the matter would be referred to the Licensing Board. A report would be produced.

7.3 Once all details had been checked as correct for a driver's licence, the application would be passed to the licensing manager to sign off (in the case of a driver's licence).

7.4 There is a standard application form for each type of licence. The forms require the production of relevant information, for instance, criminal records history. Each application form is accompanied by a checklist, which appeared on LALPAC. The licensing staff work through this checklist. For instance, a driver's licence requires the following documents:

(a) Application form

(b) Photo

(c) Driving licence

(d) DBS disclosure form (this is the application form.)

(e) Valid medical certificate

(f) DVLA mandate

(g) Passport in cases where temporary leave granted.

7.5 The Disclosure and Barring Service provide guidance on which documents are acceptable.

8. The growing awareness of CSE in Rotherham

8.1 As the licensing enforcement role was detached from the main body of licensing in a way which alarmed enforcement officers, the concerns raised by Dr Heal and the Home Officer researcher began to be taken more seriously.

8.2 Professor Jay details all these matters in her report. In December 2007 the Sexual Exploitation Forum heard that Risky Business was inundated with referrals. Operation Central was launched by the South Yorkshire Police and four young people who alleged CSE appeared as witnesses. The trial ended in November 2010 and five men were convicted. Operation Czar began in 2010 but did not lead to convictions. Individual 21 was murdered in October 2010 and a serious case review was launched. This tragic case received national media coverage. It led to the conviction of Individual 22 in January 2011. The case was linked to CSE. Operation Chard was launched in 2011 into further allegations of CSE but no prosecutions followed.

8.3 On 5th January 2011 the investigative journalist Andrew Norfolk 'broke' the national story of CSE in five pages of articles in the Times. Rotherham was named as one of the towns where there was a 'pattern of collective abuse involving hundreds of girls aged 11 to 16.'

8.4 By the end of 2010, then, there was a growing awareness that there was a very serious problem with CSE in Rotherham.

9. Matt Gladstone review

9.1 It was against this background that Matt Gladstone, began a review in late 2010 that included investigations of the link between CSE and the taxi service.

9.2 This was part of a wider investigation into human trafficking. A girl had been found wandering the streets of Rotherham, which prompted the investigation following discussions with the police. It included an investigation of social care issues, including benefit fraud and also the overcrowding of properties. It looked generally at the problem of migration of workers from Eastern Europe. It was felt that a senior officer should investigate the matter and Matt Gladstone became involved. It should be noted that at this time taxi licensing management and enforcement lay within the department headed by Dave Richmond. Mark Ford was responsible for enforcement and Alan Pogorzelec was responsible for licensing management.

9.3 Matt Gladstone sought to establish a broad based team of all colleagues and partners who had a relevant interest in this matter. By reference to Matt Gladstone's email dated 19 November 2010, it can be seen that the following were involved in the meetings:

- Howard Woolfenden
- Aisla Barr (interim Head of Safeguarding)
- Individual 18 (enforcement)

- Individual 65 (enforcement)
- Ann Brown (safeguarding)
- Neil Concannon (legal)
- Individual 9 (licensing)
- Individual 64 (licensing)
- Individual 67 (Risky Business)
- Individual 23 (South Yorkshire Police)

9.4 It should be noted that not everyone, including persons from licensing, attended each meeting. It should also be noted that Mr Concannon was not a specialist licensing lawyer; that role was filled by Individual 24.

9.5 There were several meetings carried out with actions. E-mails show that there were meetings on 5 November 2010, 19 November 2010, 18th January 2011 and 16th February 2011 amongst other dates.

9.6 It had been clear to Matt Gladstone that there was no proper link or flow of information between the police and licensing. Individual 64 had also raised concerns with him to that effect. One of Matt Gladstone's concerns was that proper mechanisms should be set up for the exchange of this information.

9.7 He does not remember discussing the matter with Dave Richmond or Alan Pogorzelec. The reason for this was that the broad compass of his investigation was human trafficking and Eastern European migration, which did not directly affect them. Individual 64 was also there to represent their interests.

9.8 It is, however, clear that both Dave Richmond and Alan Pogorzelec were aware of the review. At 13.26 on the 5th November 2010 Individual 64 e-mailed both of them.

9.9 This is a significant e-mail and is worth setting out in full. It reads as follows:

> "I have just been to a meeting chaired by Matt Gladstone at his request to discuss the issues around sexual exploitation of children within the Borough, the recent murder of Individual 21 [this is a reference to Individual 21, referred to above] and the whole issue of taxi driver involvement. Individual 67 from Risky Business was also present.
>
> It was a productive meeting and we had discussions about intelligence gathering about taxi drivers and their involvement in such activities, how that intelligence was dealt with etc….
>
> As you are aware I have raised concerns about how Licensing Board operates etc., and the issues around licensing people who I would deem not necessarily to be fit and proper and I also made him aware of my concerns. We also discussed enforcement and made him aware of how the system works currently and I did express my concern that I would prefer to have control over licensing enforcement so that it would be much easier to control how and where they worked on and on what – we explained why the current set up was established

and the good intentions behind that however it has never really worked how intended despite my good working relationship with Individual 62 as Licensing Strategic lead and we had started to make inroads to try and resolve.

Matt Gladstone did ask me what the ideal scenario would be in an ideal world and I did say for enforcement officers for licensing to come back within licensing and for the licensing board to be revisited and to make licensing less of a political issue.

I expressed my concerns at the standard of candidate we appear to attract and the general conduct of drivers within the borough which I said we are trying to resolve.

He seemed very supportive of the concerns I raised and I explained that you both were aware of my concerns and we were taking steps to address them and were supportive of the need for change to happen.

It appears unfortunately that the tragic murder and the recent convictions of the men in Sheffield (who weren't drivers but there appears to have been connections with the trade) has thrown taxi licensing into the spotlight which I welcome as I am hopeful that now Matt Gladstone is aware he will bring these concerns to the attention of Senior Management and Councillors and we may have the political impetus to move forward and strengthen our licensing regime and in particular raise the standards within the taxi trade.

I found it extremely disturbing to listen to the evidence of sexual exploitation of children and vulnerable females within the Borough and the fact that elements of the taxi trade appear to be heavily involved. Both myself and [Individual 67] agreed that the work we had been doing at our level was working but it needs much more of a strategic overview of how we all interact together to try and resolve this very serious issue.'

9.10 It can be seen that Individual 64 was raising four issues of concern which were:

(a) That there were links between the taxi trade and widespread CSE

(b) That the separation of taxi licensing administration and enforcement was undesirable

(c) That the Licensing Board was ineffective and the fit and proper person test was not being applied properly

(d) That there was unwelcome political interference.

9.11 It will also be immediately apparent that these were all concerns voiced four and a half years later by Dame Louise Casey.

9.12 Dave Richmond did respond to Individual 64's e-mail as detailed below at paragraph 9.49 and the paragraphs that follow. He also took proactive actions when he became aware of other issues as detailed later in this report.

9.13 Dave Richmond informed me that he spoke to Matt Gladstone on the day that Individual 64 sent him the e-mail, the 5th November 2010. Dave Richmond then e-

mailed his immediate superior, Tom Cray, at 14.47. That e-mail is also worth setting out in full:

> "Tom Cray, Matt Gladstone rang re growing concerns about taxi drivers and safeguarding.
>
> Basically there are a number of allegations swirling around that taxi drivers or taxi cabs have been involved in sexual exploitative issues. Obviously where evidence is strong prosecutions can follow, but in various instances, it doesn't appear that that evidential threshold has been met, but nevertheless concerns still exist.
>
> We agreed that we should request children's safeguarding to collate the info that exists, we can then sift through it with a legal expert and decide if any form of intervention re taxi or enforcement is warranted or possible. He is intending to bring this up at slt [senior leadership team] this week."

9.14 Dave Richmond and Alan Pogorzelec both responded to Individual 64's e-mail. Dave Richmond responded at 13.26 on 5th November 2010 by asking who was the councillor involved in Case A. I set out full details of Case A at paragraph 9.47 below.

9.15 Alan Pogorzelec responded to Individual 64 at 9.28 on 9th November 2010. I also set out this e-mail in full:

> "Morning Individual 64,
>
> I appreciate your concerns with the role that CPU play in licensing enforcement, however you do need to be careful who you raise your concerns with. It is not productive for one service to be critical of another to a third party – especially when that third party is the Assistant CE.
>
> The issues that you have with CPU need to be dealt with internally within our service, through close dialogue with yourself and the management of that team. I know that Individual 62 has been off for a while, and that this hasn't helped things – but there are other managers in the team that you can raise your concerns with. It strikes me that one way of resolving these issues is to develop the SLA between licensing and CPU – can you push this forward at all?
>
> You are aware of the rationale behind the decision to move the licensing function to CPU. I do not expect that it will be moved back (certainly not in the foreseeable future). Therefore the only way of resolving these issues is for you to raise your concerns in the appropriate manner with the CPU management – failure to do this will only exacerbate the issue.
>
> I realise that your intentions are good, and your dedication is admirable – however be mindful of the implications of what you say as it could quite easily create problems for us and/or reflect poorly on the service.
>
> Happy to discuss with you if you like."

9.16 Individual 64 replied to this e-mail at 9.34 on 9th November. The e-mail states:

"I understand – I have spoken with Individual 18 and invited him along with Individual 17 to the meeting also so that we can all discuss the issues particularly around taxi enforcement."

9.17 Matt Gladstone's meetings continued and their progress is shown in his e-mail of 19 November 2010 to Individual 25. She was his PA and the purpose of the e-mail was to ask her to forward the relevant actions from the meeting that day to those who attended who were listed. Zafar Saleem and Individual 26, who was seconded to public protection, but led on equality issues, were copied in for their information.

9.18 Matt Gladstone set out five actions. The first was to set up an exploitation sub group of the safeguarding board to ensure robust process procedures were in place for the exchange of information and intelligence, in particular between licensing, enforcement, police, safeguarding and Risky Business. The lead on this was Howard Woolfenden. Matt Gladstone was concerned that there was not a proper flow of information and that this was his way of doing it. Individual 64 has commented that she had already established a close working relationship with Phil Morris. She also stated that PC Individual 27 was helpful in supplying information. A system of forwarding driver applications to safeguarding was never devised (although DBS checks were of course carried out) but Individual 64 acquired information from persons such as PC Individual 27, Phil Morris, Individual 67 and Individual 28 in corporate transport.

9.19 The second action, where [Individual 67] was to lead, was for a case conference to be held in early December to assess the number of taxi drivers and operators who posed a significant concern which needed to be identified to the licensing team. Individual 67 did prepare a list of cases, which were circulated to the police and then to licensing.

9.20 The third action stated that a safeguarding awareness session should be arranged for frontline police, to be led by Individual 23 and Individual 67. Matt Gladstone believes that Individual 23 arranged this.

9.21 The fourth action stated that a safeguarding session should be arranged with the Licensing Board, including relevant learning from operation central. Matt Gladstone was to be the lead on this in liaison with the Leader. Matt Gladstone stated that this session was carried out.

9.22 The fifth action was for wider discussion with Individual 29 on concerns identified so far. Matt Gladstone was to be the lead on this. Individual 29 was a senior police officer and Matt Gladstone did speak to him.

9.23 Matt Gladstone stated said that he had spoken to Martin Kimber, and to Tim Mumford, about all of this. Matt Gladstone's recollection is that as a result of this, safeguarding training was carried out for the whole of the Licensing Board. He believed that it had been carried out by Individual 67 and Claire Edgar. The officers responsible for member development in 2010/11 are no longer in place. The officers now responsible have no specific knowledge of this training but explain that they were not in place and training is often carried out directly without the involvement of member development. We also know from paragraph 9.31below that Claire Edgar met members of the Licensing Board on the 16th February 2011. The position is not entirely clear but there was clearly contact with the Licensing Board to discuss safeguarding issues.

9.24 Individual 67 produced the information required by the second action from the meeting of 19 November 2010 in the form of a schedule of cases. This later became known as the 'grid of concern'. This was forwarded to Matt Gladstone by Individual 67 by e-mail on 10 December 2010 and was also sent to Individual 23 and Individual 64.

9.25 Matt Gladstone forwarded it to Individual 29 and Individual 30 of the South Yorkshire Police by e-mail on 24 December 2010. It was explained that it had been agreed that the police would examine their information and let Rotherham MBC know whether there were any known issues with taxi drivers or operators where they could take pro-active action – either to remove their licence or call them in regarding the behaviour of drivers.

9.26 Individual 30 replied on 9 January 2011 giving police information. He stated, however, that from his point of view there was nothing additional substantive there that would be of use to licensing enforcement. He added that licensing enforcement should attend strategy meetings. Matt Gladstone forwarded this information to Individual 64 on 3 February 2011. Individual 64 then added further information and comments to the material. This is the document which is referred to as the grid of concern in the Casey report. It can be seen that Individual 64 was unable to progress the matters from information held within taxi licensing. Individual 64 comments that she supplied lists of taxi drivers and vehicles to the police where she identified a potential match on information supplied by them but then received the e-mail from Individual 30 saying nothing more could be done. She states that strategy meetings were called by Safeguarding and where she had information they might find useful she would send it through.

9.27 It should be noted that following the meeting on 18th January 2011 Matt Gladstone set out a number of actions in an e-mail dated 21st January 2011.

9.28 Action 3 stated that details of concerns should be circulated based upon information received from Risky Business and PPU and the licensing team lead by Individual 64 should take a lead and focus on strong evidence where the suspension or revocation of licences was possible. This was to include appropriate strategy meetings where necessary. It does not appear that any strategy meetings were held. Given the fact that liaison with other partners failed to yield any evidence these were not necessary.

9.29 In her email of 5th November 2010, Individual 64 had also raised the concerns about the involvement of councillors in various decisions of the licensing board. On 17th January 2011 Individual 64 sent Matt Gladstone a reference which had been provided by a councillor to support an applicant. On 20th January 2011Matt Gladstone replied saying that it would be useful to know how many councillors submit references for particular ones. He stated that he thought it looked very odd and asked legal to check it out.

9.30 On 20th January 2011Individual 64 replied saying that she had had another reference from Councillor Hussain from the most recent Licensing Board. She stated that some applicants just mentioned or inferred that they knew a particular councillor or had suggested after the meeting that they had spoken to a councillor. She stated that Councillor Akhtar had been mentioned. She did not know if this was true.

9.31 An email dated 16th February from Claire Edgar to Matt Gladstone and Individual 64 stated that a meeting was held with licensing on 16th February 2011. From context I believe that this was with the chair and vice chair of the Licensing Board. One of the

topics was that information concerning abduction notices should be shared with the Licensing Board in order to help them formulate their decision to issue, suspend or re-issue licences. Claire Edgar stated that currently this decision was made at the strategy meeting and disclosure would be agreed at the meeting. It was noted that Individual 64 wanted to update their policy in the hope that information from abduction notices would be shared with them as a matter of their policy.

9.32 On 17th February 2011 Matt Gladstone e-mailed Individual 64 and Individual 67 and copied in Tim Mumford, to discuss licensing board issues. This was a follow up to the meeting on 16 February 2011. Matt Gladstone stated that there seemed to be a recognition of the need for change to the composition and policy of the Licensing Board. He directed a paragraph for Tim Mumford's consideration in which he stated that he was keen to condense the board down to 3 or 5 members as a sub committee in line with the rest of South Yorkshire.

9.33 Matt Gladstone also followed up Individual 64's earlier concerns about councillors giving references. The Chair had been uncomfortable about this in the past, but it had never been raised before. Matt Gladstone stated that it would need to be tied into a revised constitution.

9.34 Matt Gladstone stated that Individual 64 was tasked with drawing up specific plans for the constitution of the Licensing Board. Individual 64 e-mailed Individual 31 on 10th March 2011 with an overview of the current structure and a plan for the new one. Individual 31 dealt with committees. Matt Gladstone chased her for an update on 23rd March 2011 so he could take it to the senior leadership team. Individual 64 explained on 23rd March 2011 that she needed to chase her superior, Alan Pogorzelec. She had also discussed it with Individual 31 of Committee Services because they needed to re-jig the plan slightly.

9.35 Matt Gladstone stated that to the best of his memory, the plans were produced and he discussed it with Individual 31 and Tim Mumford. It was left for them to finalise with Individual 64 and Alan Pogorzelec. I am informed that the constitution eventually changed in 2013. The Licensing Board was reduced from 21 members to 15 with a sub committee of 5 members appointed for the taxi hearings. Dave Richmond states that this was following his intervention and discussions with Mrs Collins and Senior Solicitor, Mr Fletcher. This is further discussed at 9.50 below.

9.36 Matt Gladstone stated that an email of 15th March 2011 from Individual 64 to him raised concerns about the role of taxi drivers carrying children for social services. Individual 28, who worked for Individual 66, had been having some meetings with CYPS and had had some difficulties with this. Individual 64 wished to make Matt Gladstone aware of this and requested his input. In an email of 15th March 2011 to Individual 64 and Individual 28, Individual 66 stated that he had discussed it with Karl Battersby. Karl Battersby had stated that he would add pressure from his side in implementing proper transport risk assessment forms. Matt Gladstone stated that he would like to go back in the near future and asked for details of the plan to progress it.

9.37 Matt Gladstone went on secondment in November 2011. The meetings had, however, come to an end some time before that. He returned from secondment in July 2012 and left Rotherham MBC in March 2013.

9.38 Individual 64 had continued to keep Alan Pogorzelec informed. She forwarded him Matt Gladstone's e-mail of the 19th November 2010 which set out the relevant actions.

She updated him on 18th January 2011 by e-mail. She informed him that she was waiting for a list of information from the police to see what action, if any, could be taken against individuals. She made him aware of the outcome of the investigations in the grid of concern and informed him that there was not enough evidence to proceed. I am satisfied that Alan Pogorzelec did not see the grid of concern. Individual 64 saw no need to keep Dave Richmond informed and thought it appropriate to inform Alan Pogorzelec as her immediate superior. Matt Gladstone did not feel the need to inform him either. Nor did Dave Richmond feel the need to go back to Matt Gladstone or Individual 64 to find the outcome of their investigation. Dave Richmond states that he had been told that appropriate action would be taken and was advised by Alan Pogorzelec and Mark Ford that they were being advised by their subordinates that nothing could be done. He states that if he had made enquiries with Matt Gladstone he would have been told that everything possible was being done. That may well be the case but the grid of concern revealed a good deal of circumstantial evidence that there was a link between taxis and CSE. There was, however, a lack of hard evidence to take the matter forward which suggested that enforcement investigations were inadequate. That was certainly Dame Louise Casey's view and this may have been revealed by further enquiries. It should however be noted again that Rotherham MBC and their enforcement team were not the only body involved and that the police were unable to progress matters.

9.39 We have already noted that Mark Ford sat below Dave Richmond on the enforcement side. We have also seen that other enforcement officers attended the meetings. Mark Ford was, however, aware of the meetings. An e-mail dated 22nd November 2010 from Individual 65 to Mark Ford forwarded the e-mail of 19th November which listed the five actions set by Matt Gladstone. The e-mail also described the process which led to the grid of concern. It stated:

> "Effectively the safeguarding board are to lead a review and produce recommendations to increase the scrutiny on taxi drivers to ensure people of concern are not taxi drivers for too much longer."

9.40 On 13th December 2010 an e-mail exchange arose. Individual 65 could not attend the meeting that day and Individual 64 informed Mr Coates of the time and date. It appeared that the meeting was rearranged and Mr Coates attended at the wrong time because he had not been advised of the change of date. Mark Ford e-mailed Dave Richmond to that effect and commented, "From previous e-mails about Matt Gladstone's review of taxi licensing you know that there's been sensitivities about the views Individual 64 got re enforcement."

9.41 Mark Ford states that he was not involved beyond that.

9.42 Matt Gladstone's role was strategic and it can be seen that the broad actions he set out were fulfilled. He wished to set up meetings so that relevant information could be shared. This was done. He wished Risky Business, the police and Licensing to share existing information. This was done in the grid of concern. Front line and senior police officers and the Licensing Board were seemingly briefed on safeguarding issues. He realised the need to reform the Licensing Board and referred the matter to Individual 64, Tim Mumford and Individual 31.

9.43 Matt Gladstone showed strategic sense and leadership as he followed his actions through. The e-mail chain set out above also shows that he listened to the concerns of more junior staff and female staff, such as Individual 64 and Claire Edgar, who found him receptive and supportive.

9.44 The concerns raised by Individual 64 in her e-mail of the 5th November 2010 to Dave Richmond and Alan Pogorzelec were considered by them but did not lead to immediate change nor the wholesale reform that emerged after the publication of the Jay and Casey report and the further intervention of Dave Richmond and Commissioner Ney. At the risk of repetition, she raised four concerns:

(a) That there were links between the taxi trade and widespread CSE

(b) That the separation of taxi licensing administration and enforcement was undesirable

(c) That the Licensing Board was ineffective and the fit and proper person test was not being applied properly

(d) That there was unwelcome political interference.

9.45 I will deal with the response of Dave Richmond and Alan Pogorzelec in detail when I come to discuss their specific role but should summarise them now for the sake of balance. Firstly Dave Richmond was not involved after 5th November 2010 when he exchanged e-mails with Individual 64 and spoke to Matt Gladstone. He had no knowledge of the grid of concern until after his interview in the Casey investigation. Alan Pogorzelec was involved and his account can be summarised as follows:

(a) He did not see the grid of concern but discussed it with Individual 64. He was told that there was insufficient evidence to proceed which is true.

(b) The separation of taxi licensing enforcement and management was a decision that had been taken after much discussion which has been discussed above. He made it clear to Individual 64 that this was unlikely to change and suggested that she produce a service level agreement.

(c) Individual 64's concerns about the decisions of the Licensing Board were unfounded and the decisions had been made in line with policy. Alan Pogorzelec did not have a detailed recollection of this but Dave Richmond was able to assist. The decisions in question had been identified by Individual 9 and shared with Dave Richmond in an e-mail dated 1st June 2010. It is worth setting them out in full:-

- Individual 32 – driving offences
- Individual 33 – soliciting for prostitution (cautioned 2006) 2010 application
- Individual 34 – driving without due care/failing to stop
- Individual 35 – ABH, wounding, application – 12 month licence
- Individual 36 – theft
- Individual 37 – driving without due care – fine and 9 points 2010 and 2001, possession of cannabis 2003
- Individual 38 – driving offences 6 points
- Individual 39– dishonesty – community order 60 hours

- Individual 40 – battery – community order, final written
- Individual 41 – caution and assault
- Individual 42 – destroyed property confidential discharge

9.46 Dave Richmond states that Individual 9 stated that she had been placed under pressure to issue licences and that licences had been granted to persons with convictions for sexual offences. He points out that it was the board rather than the licensing staff who had the power to grant licences. He spoke to Individual 9 who was unable to give instances of political interference. He also reviewed the cases where there were concerns and found that only one (soliciting) had any connection with inappropriate sexual activity. These drivers had been granted their licences but that was in line with existing policy. Matters would be different under the more robust policy which has now been introduced and I discuss below.

9.47 The political interference related to Case A in September 2010. The facts are fairly stark in that Case A was convicted for driving a car at a passenger following a dispute over a fare. Individual 64 quite rightly suspended his licence. Councillor Hussain intervened on his behalf and had a meeting with Alan Pogorzelec and Individual 64. He believed that Case A was not being listened to which is perhaps surprising in view of the clarity of the evidence. Alan Pogorzelec said he could be intimidating and was forthright in that meeting. The decision was not changed. Dave Richmond decided to take responsibility for all suspensions following this case which, again, seems a sensible measure. Individual 64 believes that Councillor Akhtar was also involved and believes that he and Councillor Hussain attended a meeting with the police.

9.48 We are all naturally concerned with these responses with the benefit of hindsight but it can be seen that they were not unreasonable at the time.

9.49 Dave Richmond gives a similar account. He is keen to emphasise that he responded to Individual 64's e-mail by speaking to Matt Gladstone and Tom Cray. As noted above he was not involved in the review after that date and was not aware of the grid of concern. He took the view that a closer working relationship and SLA were the best way of dealing with the separation of licensing administration and enforcement and received advice to that effect from Alan Pogorzelec and Mark Ford.

9.50 Dave Richmond also informs me that he had raised concerns over the operation of the Licensing Board before the Matt Gladstone review. Alan Pogorzelec raised them first in 2010. They were repeated after Case B in 2011/12 when he commissioned an independent review. This led to discussions between him Mrs Collins and a senior Solicitor Mr Fletcher, to discuss issues such as consistency of decision making, training of board members, size of the board and accountability. Mr Fletcher produced a report in November 2012 and following discussions in 2013 a set of specific proposals were adopted by full Council in April 2014 which was before the Casey report. Primary responsibility lay with Legal and Democratic Services. Dave Richmond also informs me that he personally reviewed the cases of concern identified by Individual 9 and took the view that they were compliant with existing policy. As noted above, there was only one case of inappropriate sexual activity and that related to soliciting. Dave Richmond tells me that he became sceptical about information supplied by Individual 9 and Individual 64.

9.51 Dave Richmond also reviewed the Licensing policy before publication of the Casey report. He found it to be consistent with many other local authorities' policies and

more robust in parts. Dave Richmond oversaw the production of a draft policy and a stronger fit and proper person test was applied in late 2014, once again before the publication of the Casey report. This was reviewed and strengthened by Commissioner Ney after the publication of the Casey report. Dave Richmond comments that he had proposed that permanent markings should be placed on taxis so that drivers could not remove them and traffic children but this was not in the final policy. This policy is discussed in more detail later in this report.

9.52 Dave Richmond also informs me that he did consider political interference in the granting of licences. In March 2010 he met Individual 9 who raised the concerns with Alan Pogorzelec. She said that she had been put under pressure by members of the trade and a Parish councillor but gave no evidence of political interference by members of Rotherham MBC. He also became involved in the matter of Case A and took the decision to deal with immediate suspensions himself, a change from his predecessor. It should also be noted that the decision to suspend Case A was not changed so it is difficult to identify any material political interference.

9.53 It should be noted that Ms Casey recognised all of the problems identified by Individual 64 in her report four and a half years later. It will also be noted that Rotherham MBC completed steps to remedy these concerns following publication of the Casey report. This process was started by Dave Richmond in a detailed action plan of Autumn 2014 following the publication of the Jay report. Details appear below including at paragraph 22.1.1 (i)).

9.54 It should also be noted that the concerns discussed in Matt Gladstone's review were raised at a very senior level. Dave Richmond discussed it with Tom Cray. Matt Gladstone states that he discussed it with Martin Kimber, and the Senior Leadership Team, although this is not recorded in any minutes. Dave Richmond also stated in his e-mail of the 5th November 2010 to Tom Cray that Matt Gladstone was going to discuss his review with the Senior Leadership Team (see paragraph 9.13). I therefore think it likely that he did.

9.55 Matt Gladstone should not be criticised because he had a strategic role which he fulfilled. He listened to his colleagues and saw his actions through. His review still remains a missed opportunity. All the problems that beset Rotherham MBC's handling of CSE and taxi licensing were identified. There was a failure to confront them which I will discuss below.

10. Enhanced CRB checks

10.1 It should be noted as a postscript to the Matt Gladstone's review that the discussion of enhanced CRB checks for drivers was discussed with him and Dave Richmond during his review.

10.2 The chain of e-mails begins on 24th March 2011. Individual 43 of NALEO e-mailed Individual 64 to say that the CRB were explicitly stating that local authorities should not request enhanced checks for taxi and private hire vehicles.

10.3 Individual 64 replied on 25th March 2011 stating that the additional information provided by enhanced checks, especially from the police, was very important. She gave an example of a driver who was accused of a sexual offence against a vulnerable child. She stated that his licence was revoked.

10.4 She went on to say that the additional information was helpful in showing whether a person was a fit and proper person to hold a licence. She went on to state, 'This is in response to particular issues here in Rotherham about taxi drivers being 'allegedly' involved in the sexual exploitation of children…….some taxi drivers have/maybe caught up in such issues and again the CRB enhanced check is vital.'

10.5 Matt Gladstone was copied in with others including Claire Edgar the safeguarding co-ordinator. He communicated his agreement to Individual 64. It was also acknowledged by Claire Edgar on 25th March 2011 who stated, "Given the issues of child exploitation nationally and how this has been linked to taxi drivers here I am disappointed to hear that the government and CRB have made this decision."

10.6 Matt Gladstone forwarded this response and Individual 64's e-mail of 25th March 2011 to Shona McFarlane on 30th March 2011. She, in turn, forwarded it to Dave Richmond on the 30th March 2011.

10.7 Dave Richmond responded on 30th March 2011to Individual 64 and Alan Pogorzelec by saying that he would have liked to have been copied in and shared her concerns.

10.8 Individual 64 replied on 30th March 2011by saying that she had copied Matt Gladstone in because, 'I have been involved in meetings with him and CYPS about sexual exploitation and the level (if any) of involvement of taxi drivers within the Borough.'

10.9 She sated that Rotherham would continue to perform enhanced CRB checks which was, indeed, the case.

11. Spot checks on taxis

11.1 The Casey report specifically raises the issue of spot checks on taxis. The relevant episode occurred in December 2011. I am informed that unannounced day-to-day on-street licensed vehicle standards spot checks took place regularly as part of the day to day enforcement activity under local enforcement officer powers. Spot checks were normally carried out from on street observations and were a routine taxi licensing enforcement practice.

11.2 Towards the end of 2011, however, a change in practice was introduced to compliment the routine and continuing spot check of the testing of vehicle standards. This change was planned by the enforcement team and introduced as a full day's vehicle inspection operation on 1st December 2011.

11.3 40 private hire vehicles were requested to attend appointment testing slots with the council's vehicle inspection contractors (Translink) at the council's Hellaby depot. This was the first occasion that such a mass vehicle check was carried out. There was no pre-briefing of the change of enforcement practice to either the director or key elected members – Councillor Wootton, Chair of the Licensing Board and Deputy Leader, Mr Akhtar, nor was any briefing given to trade representatives.

11.4 It appears that the planned testing day was notified to operators the previous week to allow any contingency arrangements for their business to be planned. On the day of the inspection, 1st December, enforcement staff visited nine operator bases and identified over 40 private hire vehicles which they required to be inspected. The operation subsequently identified a high private hire vehicle failure rate, including 17 being immediately suspended (although all bar 1 were re-tested and back on the road

the same day). In addition, 12 hackney carriages were checked for condition compliance.

11.5 Because this was the first inspection day of its kind, a range of operational difficulties were experienced. These primarily related to a lack of enforcement staff at the garage depot. Staff visiting operating bases were experiencing trade resistance as they required taxis to go for testing, there were relationship issues between the Translink staff and drivers and there were long waiting times beyond the advised 15 minutes testing slot. In some instances, the overrunning of the appointment times impacted on scheduled appointments and school runs.

11.6 Mark Ford informed me that he was contacted by Individual 62 during the day to say that the Taxi Company had contacted Mr Akhtar to complain of the loss of business by having cars off the road. In response, Mr Akhtar had angrily contacted Individual 62.

11.7 Mark Ford spoke shortly afterwards with Mr Akhtar, who was now more relaxed in his discussions because he now knew the reasons for enforcement.

11.8 He then escalated the issue with Dave Richmond by telephone and subsequently confirmed the position in e-mail with him. The above is all referred to in an e-mail dated 1st December 2011 from Mark Ford to Dave Richmond and Alan Pogorzelec.

11.9 Individual 62 advised Mark Ford via e-mail of 1st December that there was a rumour that taxi drivers may hold a demonstration at either the licensing offices (Reresby House) or the Town Hall the next day. Mark Ford also informed enforcement staff that because of the situation and stated that any further enforcement should not be held until he returned to work on 6th December.

11.10 Later that evening Mark Ford e-mailed Dave Richmond and Mr Akhtar to advise them of the planned demonstration.

11.11 Dave Richmond and Mr Akhtar responded by e-mail to show that they were aware of the planned demonstration and Dave Richmond advised Mark Ford by e-mail that Mr Akhtar was trying to divert it and asked for a meeting with them on Monday 5th December.

11.12 Mr Akhtar indicated in his e-mail that he was seeking to get the planned demonstration called off and had advised drivers that he would meet senior officers to discuss the operation. He briefed the Leader of the council.

11.13 The demonstration took place the next day, 2nd December, outside Reresby House with only 10 cars turning up and about 20 people attending. There was no disturbance. The arrangements of the vehicle checks, including the weakness in the new operational testing approach on 1st December operation, were confirmed in an e-mail to Mark Ford from Individual 62 on Sunday 4th December.

11.14 Mr Akhtar had been entirely unaware of the operation until advised by the taxi trade. In a meeting with him on 5th December with Dave Richmond and Mark Ford, the following matters were discussed:

(a) A recognition of the need for checks to drive up standards – there were concerns that a fare pricing war would lead to cost cutting on vehicle maintenance.

(b) This was a new approach to vehicle enforcement.

(c) There had been a high level of failures.

(d) The impact on businesses because of the undue waiting for testing and from a business point of view, some concerns expressed about the manner and attitude of Translink officers – there were no RMPC liaison officer in attendance.

(e) The impact on the day of random taxi selection and lack of consideration given to pre-booked appointments.

(f) A need to re-introduce licensing authority/trade liaison meetings to ensure the trade's awareness of the new regime and its intended outcomes.

(g) Need to ensure that Mr Akhtar and other relevant members were aware of future operations.

11.15 It does not seem to me that there was an instruction given to stop enforcement operations. As will be explained below on the street spot checks continued without warning. Notice periods were given for vehicle maintenance checks but these were reasonable. Mark Ford has produced a note with a "checks as normal" comment and Mr Akhtar said he was to meet with operation drivers. Mark Ford was subsequently advised in an e-mail on 8th December by Dave Richmond that this meeting had been held with Mr Akhtar, "Jahangir says he swore at them and told them to get their act in order and to put up their fees." The suggestion to raise fees was perhaps a slightly odd suggestion for a Cabinet member to make but the point to make is that enforcement was continuing.

11.16 A similar planned operation scheduled for 8th December 2011 was postponed until further planning was undertaken.

11.17 This was because the 1st December operation was not organised as well as it could have been.

11.18 In practice, the timeline from 1st December to 8th December was not sufficient to make either the required changes in operational practice or the organisational arrangements.

11.19 Following agreement by Dave Richmond, a verbal update on enforcement operations was presented by Individual 62 to the Licensing Board on 14th December 2011. The briefing was well received and support for further enforcement after learning/consultation with the trade was given.

11.20 The earliest Individual 64 could organise a liaison meeting with the taxi trade (driver and operators) was towards the end of January 2012. Planned vehicle check days with notice have taken place since. The practice and organisation of these checks has evolved in line with the experience of the enforcement team and now includes direct written contact with drivers, rather than through their operators, to establish and assure attending at the testing station. This approach was recognised by the licensing enforcement officers as a better way of organising the attendance by drivers with their taxis on the day.

11.21 These full day checks of vehicle standards at the depot were supplemental to the on street spot checks which continued as part of the normal enforcement practice of licensing enforcement officers. These were still done without warning. Notice periods

were given for the vehicle maintenance checks but that seems to me to have reasonable for the reasons set out above.

12. Continued knowledge of CSE and taxis

12.1 The Matt Gladstone review had sought to establish a means of communication and information sharing to combat CSE and the taxi trade. The information shared during his review failed to yield any concrete evidence that could lead to enforcement action.

12.2 Information continued to be shared through Responsible Authority meetings. The meetings were attended by, amongst others, Individual 64 from Licensing, PC Individual 27 from the police, Individual 17 from enforcement and Individual 67 from Safeguarding Children.

12.3 There were continuing reports of links between taxis and CSE. On 26th April 2010 it was reported that children and young people were being invited into taxis in and around Clifton Park. There was no substantiated proof but there was an action for a meeting. Clifton Park, it should be noted, was a recurring problem.

12.4 On 11th August 2011 it was alleged that a driver was transporting young girls around the area where they were involved in sexual activity. An action was raised for Individual 17.

12.5 On the 17th February 2011 Individual 67 raised concerns about a child going missing. It was believed that property of the child was held at a Taxi Company. A visit was made by enforcement and police but nothing was found. It was decided to arrange a strategy meeting to discuss the child. It seems from my investigations that the investigations of enforcement did not lead anywhere. Individual 64 in fact raised the issue with Matt Gladstone during his review. He noted that the Taxi Company kept coming up and Individual 64 stated in an e-mail of 17th February that she had spoken to enforcement regarding putting a case together to look at licence validity. I am not aware of Enforcement producing any material evidence.

12.6 On 11th August 2011 it was noted that a complaint was made by a 13 year old girl against Individual 44. The police had taken no action but it should be heard by the licensing board in September. An action was given to Individual 64. I am informed by her that the complaint related to a noise on his phone which was possibly an animal. He was seen by enforcement officers and told to remove it but the matter went no further. The parents of the girls refused to let them get involved and no statements were provided. A written warning was sent to the driver.

12.7 A number of issues were raised on 15th December 2011 which included a statement that a previously licensed taxi driver named Individual 45 had applied for a licence. He had a history of assaults on children and the Board had refused his application. It was also reported that a complaint was being dealt with by enforcement where it was alleged by parents that a driver had contacted a girl inappropriately after obtaining her phone number.

12.8 It was also noted that limo drivers were picking up girls in local authority care in revealing clothing. Individual 64 states that this has been a continuing problem.

12.9 On 12th January 2012 it was recorded that Individual 45 had appealed his refusal but a formal date had not yet been set for the hearing. His appeal was dismissed. There

was also a recent report of a taxi driver taking two girls to Sheffield but the matter had been dealt with.

12.10 On the 10th February 2012 it was noted that there were ongoing issues in Clifton Park and further taxi related enforcement would be arranged.

12.11 The police also reported concerns about another taxi driver and child safety issues.

12.12 A Individual 46 had been arrested for abusing his young daughters and had had his licence suspended.

12.13 On 14th March 2012 it was reported that Individual 47 had been arrested on suspicion of abusing young girls. His licence had been suspended but he had handed it in.

12.14 It was also rumoured that an operator was using unlicensed drivers and transporting underage girls about.

12.15 On 19th June 2012 it was noted that a girl was found on the premises at the Prince of Wales and an abduction notice was served on the taxi driver. Drivers were also suspected of taking young people to a hotel which was renting its rooms.

12.16 It was mentioned again that taxi drivers were suspected of taking girls to Clifton Park. Clifton Park was a perennial problem. I have already noted that it was mentioned on 26th April 2010. On the 2th January 2010 Individual 64 had also e-mailed Ann Brown in safeguarding and others to say that Individual 17, PC Individual 27 and herself had spoken to a driver identified by a girl from Clifton school as approaching her. Individual 64 went on to say, "With regards to Clifton park generally and the issues you face I am going to try and tackle the taxi drivers but need to ensure that we are not taking over any existing investigations by the police or other agencies – it will need some thought from my perspective as to the best way forward to which your input will be valuable along with other agencies.

12.17 This complaint if proven may prove to be a catalyst to send a very strong message out to the trade re exploitation issues and I am keen to ensure that we tackle it properly."

12.18 It should be noted that a police led operation was held at Clifton Park in 2012 but it failed to reveal any relevant intelligence. Local enforcement officers took part in it.

12.19 I have already noted that Andrew Norfolk of The Times noted the presence of widespread CSE in Rotherham in January 2011. On 25th September 2012 he reported specifically upon Rotherham. Confidential files had been leaked to The Times. Mr Norfolk reported upon an extensive pattern of sex grooming in Rotherham. One British Pakistani family was linked to the exploitation of 54 girls aged 12 to 16. There was no specific reference to the taxi trade.

12.20 On 23rd October 2012 it was reported that a driver had been spoken to about inappropriate discussions. The driver had been spoken to and the matter was being passed to the safeguarding team. The friend of the girl was to be interviewed by Individual 64 and Individual 16.

12.21 On 4th June 2013 it was recorded that there were still issues concerning the Taxi Company.

12.22 On 25th September 2014 it was reported that a taxi driver was trying to groom a girl.

12.23 Minutes for 19th January (no year date given) stated that there were child safety and sexual exploitation issues related to two taxi firms. The police were to investigate.

12.24 The number of incidents recorded alone suggests widespread CSE which was known to Rotherham MBC. It is also clear that many of the reports did not result in enforcement action or the removal of licences. Individual 64 stresses that the necessary information was simply not available to progress matters.

13. Suspensions and CSE

13.1 It is also important to examine the exercise of suspensions. The cases of Individual 48 and Individual 49 are of particular interest.

13.2 Alan Pogorzelec e-mailed Individual 64 on 12th January 2011 (stating that he had discussed two matters with Dave Richmond. These were the Individual 48 and Individual 49 cases. His feelings were:

(a) To do nothing on the rape allegation, awaiting confirmation from South Yorkshire Police to see if any further information was forthcoming with regard to the allegation from the victim (Individual 48)

(b) Suspend the driver with the drugs and sexual act with a minor allegation (Individual 49)

13.3 The reason for this was that there was more certain information on the Individual 49 case. Before making this decision, however, it was stated that he wanted to know the names of both drivers, where the information for the arrest came from, whether official confirmation had been received from the police and whether social services were aware of case two.

13.4 On 12th January 2011 Individual 64 emailed Alan Pogorzelec with more details. She had spoken to PC Individual 27 of the South Yorkshire Police. Individual 48 had been arrested on suspicion of rape of a female in his taxi. He had been bailed pending further enquiries and had had sex with a person in the back of his taxi. Individual 64 expressed the view that regardless of whether the sex was consensual or not, and if there was proof of sexual contact, then Rotherham MBC should still take action against the driver as it was not conduct that they would expect of a taxi driver

13.5 She went on to explain the circumstances of the case of Individual 49 which she had learnt of at a strategy meeting with Safeguarding including Risky Business and the police. There was various intelligence relating to this driver having relations with a young female and others who were subject to social services intervention for varying family issues. The information was that he had supplied class B drugs and he had decided to commit sexual acts. He had been arrested and was on police bail. She once again recommended suspension and stated that her reason was "the very high profile that sexual exploitation has at the moment for these vulnerable teenagers".

13.6 At 21.34 on 12th January 2011 Dave Richmond emailed Tom Cray to discuss the suspension. He stated that they were both serious and stated that a suspension was justified in case 2, but he needed more details on case 1. He needed more details because the victim refused to speak to the police when approached in the middle of the night and the source of the complaint was unknown to him. He stated that more information was required as to whether sexual activity took place and whether it was consensual. Dave Richmond stated in the e-mail that Individual 64 had a more

immediate view. He said that he had not advised Mr Akhtar as yet, given the reference to why there are ongoing investigations. Dave Richmond explained that this meant that the Individual 49 case was an ongoing investigation.

13.7 In an e-mail chain between Alan Pogorzelec and Individual 64 starting on 12th January 2011, Alan Pogorzelec queried immediate suspension as the sex was possibly consensual.

13.8 Individual 64 then suggested at 9.03 on 13th January 2011 the possibility of an ordinary suspension which would allow him to continue to drive should he lodge an appeal.

13.9 At 9.47 on 13th January, Alan Pogorzelec e-mailed Dave Richmond stating that in relation to case 1 a better option would be an ordinary suspension. This suspension would take effect after 21 days and the driver would have the right to appeal against the suspension during the 21 day period. Once the appeal was lodged then the driver could continue to drive until the Magistrates Court confirmed the decision to suspend him. Typically an appeal could take between 2 and 6 months to come through. This option would buy Rotherham MBC time until something more concrete came along, such as the driver being charged with an offence. Alan Pogorzelec stated that this process was a better option in cases where there was some doubt as to the risk posed by a driver.

13.10 At 15.52 on 17th January Individual 64 emailed Dave Richmond and Alan Pogorzelec to state that Individual 17 had served the suspension papers personally on Individual 49.

13.11 She also stated that she had finally spoken with the officer dealing with the Individual 49 case. It appeared that they may not end up taking any further action due to the alleged victim not wanting to make a formal complaint. The vehicle was seized for forensics as well as clothing.

13.12 Individual 64 stated that she had arranged for him to come and see him tomorrow so she can make him aware that we know about the allegations and to ensure that he kept them fully informed of any developments.

13.13 Dave Richmond emailed Individual 64 and Alan Pogorzelec at 21.45 on Tuesday 18th January. He asked Individual 64 to advise Individual 48 that they took a very dim view of working taxi drivers engaging in sexual activity with customers. He also needed to be advised that they would reserve judgement on any potential action, subject to advice from the police on the outcome of their investigations.

13.14 At 21.46 on 18th January, Dave Richmond emailed Mr Akhtar and copied in Tom Cray stating, "*Jahingir, follow up on last weeks discussion, looks like possible NFA from police re Individual 48, so I am suggesting we reserve judgment until all the facts are out, and in the meantime we give him a ticking off and remind him of expectations of his conduct. Individual 49 suspended".*

13.15 On 20th January 2011 a letter was received from South Yorkshire Police indicating the allegations and Individual 64 signed it off as NFA.

13.16 On 29 March 2011 a letter was received stating that Individual 48 had been released from bail because of insufficient evidence.

13.17 Dave Richmond stated that in full knowledge of the experience post Jay, it was now more likely that they would have suspended until all the facts were known. There were, however, factors which indicated the case was far from clear, which were:

(a) The allegation was third hand, the victim never spoke to the police

(b) The car was impounded reducing the likelihood that Individual 48 was driving and presenting a risk to the public.

(c) The alleged victim was an adult.

13.18 Dave Richmond should not therefore be criticised for his acts at the time. Today's practice would be to suspend and this was readily admitted by Dave Richmond. It should also be noted that Individual 48 was charged with CSE offences in June 2015. His licence was revoked before charge. He was subsequently acquitted of these offences in February 2016.

13.19 The following additional suspensions were carried out:-

- September 2010 – Individual 50 – assault
- October 2010 – Individual 51 – drink driving
- October 2010 – Individual 52 – murder – subsequently the police took no further action.
- January 2011 – Individual 49 – sexual assault
- July 2011 – Individual 53 – motoring offences
- September 2011 – Individual 54 – rape – the police subsequently took no further action and the board lifted the suspension
- September 2011 – Individual 45 – sexual assault
- 2012 – two further cases
- 2013 – none
- 2014 – three cases

13.20 The case of Individual 49 is of some interest. As we have seen above his licence was suspended. Individual 64 raised renewed concerns after attending a strategy meeting with safeguarding and the police. He was not prosecuted but Individual 64 considered that he was not a fit and proper person following allegations of sexual activity with underage girls and supplying drugs to them. She sets her concerns out in an e-mail of 19th September 2011 to the police and licensing lawyer Individual 24 amongst others.

13.21 The information was communicated to Dave Richmond by Alan Pogorzelec in an e-mail dated 19th September 2011. Dave Richmond responded to Alan Pogorzelec and Tom Cray on 20th September by saying, '…my view is that we have to take this very seriously. There are two underage girls who have made allegations against this man…..this chap poses a serious threat to children……he is not fit to be placed in a situation where he potentially has unsupervised access to children….' The Licensing Board then revoked his licence.

13.22 It should be noted that licence holders continued to hold licences who would or were to lose them under the new and more robust policy that has recently been introduced. Reference is made once again to paragraph 9.45 (c) above which lists a number of such licence holders.

14. The Home Affairs Select Committee 2013

14.1 A series of prosecutions and Mr Norfolk's incisive journalism led to an investigation into CSE by the Home Affairs Select Committee chaired by Keith Vaz MP.

14.2 On the 8th January 2013 the following written evidence was submitted by Martin Kimber. It ran as follows:

> "Improvements since 2010 and planned Improvements
>
> You asked us about licensing issues. We have considerably strengthened arrangements in Rotherham following concerns that some licensed private hire/hackney carriage drivers were associated with suspected Child Sexual Exploitation (CSE). We have required enhanced level checks from the Disclosures and Barring Service (and its predecessor organisation) as a matter of course for many years. However, in recent years we have strengthened the links between the Safeguarding Children Board and the Licensing Authority and the officers that support both, to ensure that information regarding any potential risks of harm to children or adults is shared between departments in an effective and expedient manner.
>
> To supplement this, we also hold regular Responsible Authority meetings which engage all the appropriate responsible bodies including senior representatives from the Licensing Team and the Manager of the Safeguarding Children Board. Information regarding child protection issues is shared at this meeting if it relates to any licensed premises or individuals (including taxi and private hire drivers).
>
> In addition, Rotherham MBC Licensing have been leading on a county wide initiative to introduce a training package that covers adult and child safeguarding issues, (including CSE). It is anticipated that this training will be delivered to all new hackney carriage/private hire driver licence applicants as part of the application process. The issuing of a licence will be dependent on the successful completion of this training.
>
> In the last two years, there have been four cases where we had concerns relating to a child safeguarding or sexual exploitation matters. All four drivers had urgent action taken against them to prevent them acting as taxi drivers. On receipt of information, three drivers were immediately suspended. The fourth prospective driver had a licence application refused by the Licensing Board on the basis of historical information relating to CSE. None of these individuals now operate as taxi drivers in Rotherham. Of these four, one driver subsequently had his licence revoked by the Licensing Board, a second remains suspended pending further investigation, the third voluntarily surrendered his licence and the fourth driver appealed the Licensing Board's decision at the Magistrate's Court, however the Court dismissed the appeal."

14.3 It has to be said that this is a rather partial view of the facts. It does not reflect the grave concerns about widespread sexual exploitation by the taxi trade that were

expressed in Individual 64's e-mail of 5th November 2010 and evidenced by the grid of concern and the Responsible Authority minutes. Nor does it reflect the concerns about the constitution and conduct of the Licensing Board that were discussed in Matt Gladstone's review. This is all surprising given Matt Gladstone's efforts to bring his review to the attention of the Senior Leadership Team. I am not suggesting that there were any improper acts here but it does show once again that information was not being shared across the Council.

14.4 On18th February 2013 Martin Kimber submitted further written evidence in a response to a request for further information. The evidence read as follows:

"How many taxi licences have been revoked or refused in relation to localised grooming in (a) 2010, (b) 2011 and (c) 2012?

Where information has been shared about the risk of CSE involving a specific named taxi driver or a potential taxi driver, this is discussed at the CSE Strategy Meeting and action agreed. Based on good practice elsewhere we have put training in place for taxi drivers to raise their awareness of their roles and responsibilities in respect of vulnerable adults, children and young people. This was devised jointly with LSCB's and the South Yorkshire Joint Licensing Action Group.

In response to your question about revocation and refusal, this falls into three categories below:

1. The number of taxi licenses **revoked** in 2010) 0, 2011) 1, 2012) 0

2. The number of Taxi licenses **refused** because of concerns relating to child welfare 2010) 0, 2011) 1, 2012) 0

3. The number of Taxi licenses were **suspended** 2010) 0, 2011) 0, 2012) 2

Of the two suspensions, one is likely to lead to revocation, the other licence was voluntarily surrendered post suspension. I covered this in my letter to Mr Vaz on 18 January.

We received evidence that 18 Rotherham taxi drivers were arrested in relation to localised grooming activity last year and yet according to your letter dated 18 January only four licences were suspended in the past two years. If these taxi drivers were arrested in relation to child sexual exploitation then why were they not all immediately suspended.

This is incorrect information and I am unsure on what basis it has been said.

Having discussed this with South Yorkshire Police colleagues we believe the arrests that may have been referred to, were made in 2011 in relation to Operation Chard where there were 15 men arrested. Of these, one was a taxi driver and he immediately had his licence suspended and then revoked. This is shown in the figures I have provided above. In relation to other suspects, none was in an occupation where action could be considered under complementary legislation (such as the licensing acts) in addition to traditional criminal justice system routes. It is not the case that if taxi drivers are suspected of offences relating to safeguarding issues that the Council and the Police take no action.

Regretfully false information of this type, no matter how well-meaning starts to become common currency and paint a picture of potential perpetrators and Council and Police inaction that erodes public confidence."

14.5 The Committee were singularly unimpressed by the evidence of Rotherham and concluded as follows in a report published on 10th June 2013.:-

"13. Both Rochdale and Rotherham Councils were inexcusably slow to realise that the widespread, organised sexual abuse of children, many of them in the care of the local authority, was taking place on their doorstep. This is due in large part to a woeful lack of professional curiosity or indifference, from the council Chief Executive who claims to have known nothing about the problem during his first decade in post, to the Director of Children's Services who saw prosecution of sex offenders as a desirable but ancillary goal, through the Local Safeguarding Children's Board which tried to suppress criticisms in a Serious Case Review, to the individual practitioners who, in a chilling confirmation of the abusers' blackmail and threats, dismissed the victims—children as young as 12—as 'prostitutes'. That it took so long for anybody, at any level from the Chief Executive downward, to look at reports of young girls with multiple, middle-aged 'boyfriends', hanging around takeaways, drinking and taking drugs, and to think that it might be worth investigating further, is shocking. Because of the widespread publicity, not least due to the investigative journalism of Andrew Norfolk in The Times and the subsequent public outrage, both local authorities now recognise the nature and extent of localised grooming, and have made improvements to the way that they deal with children and young people who are at risk of sexual exploitation. However, it is clear that senior leadership in both Rochdale and Rotherham councils failed in their duty of care towards these girls. We are surprised that, with child sexual exploitation remaining a problem in Rotherham, the council was considered to have made sufficient progress to have its notice to improve lifted by the Department for Education in 2011. (Paragraph 55)."

15. DBS checks and interim licences

15.1 On 10th July 2013 the decision was made that no taxi licences should be issued without the receipt of a satisfactory DBS check. It seems that the practice before then was to issue an interim licence pending the outcome of the DBS check.

15.2 Following complaints from the trade association and the receipt of legal advice it was decided that applications received before 10th July 2013 could be subject to interim licences. Applications received after that date could not be.

15.3 In an e-mail dated the 16th August 2013 to Mark Ford Individual 64 stated that there were 14 drivers who had submitted their applications before 10 July 2013. She stated that these included Individual 55, the brother of Individual 56. Individual 56 had spoken to Mr Akhtar. Both the applicants had rung in the last hour saying they had had a phone call to say they can have their badges. Mark Ford responded on 16th August by stating that drivers applying before 10th July 2013 should be allowed to have their renewal handled in accordance with the previous procedure. He asked that Councillor Wooton and the Deputy Leader (Mr Akhtar) be informed.

15.4 Individual 64 informed them on 16th August 2013 by e-mail. She stated that an unknown individual had told the brother of Individual 56 that he could have an interim badge despite the fact that he did not apply until 15 July 2013. This was brave stuff from Individual 64. It is clear that she believed that Individual 56, had spoken to Mr

Akhtar on behalf of his brother and Mr Akhtar had said that he could have an interim licence despite applying after the cut off date. Mr Akhtar was plainly aware of Individual's 15 implied criticism and replied on the same date to say he agreed with the 10th July cut off date and stated that he had not spoken to Individual 56.

15.5 In December 2013 it came to the attention of Dave Richmond that there were delays in the issuing of DBS certificates. The chain of e-mails begins on 10th December 2013 when Dave Richmond made Tom Cray aware. Tom Cray responded on 11th December 2013 by saying there was a suggestion that if the check did not come back prior to a licence expiring then we should renew on a temporary basis until the check came in on the basis of a written statement from the taxi driver stating that no offences have taken place.

15.6 Dave Richmond replied on 11th December 2013 by saying that this was what Rotherham MBC used to do but 'the licensing board (and I must say that I agree with them) took the view that this did not provide a sufficiently robust approach form a safeguarding perspective…….Given the spotlight on CSE and the frequent finger pointing at taxi drivers as couriers, I would prefer that as a council we do not issue licences to drivers that do not have a current CRB.' Tom Cray replied by stating that they could not deprive innocent people of their ability to earn a living wage and asking that pressure be brought to bear on South Yorkshire Police because of the delays.

16. Changes to the structure of licensing management and enforcement

16.1 It should also be noted that in 2012 there was a change in the physical location of the licensing management function. They were originally in Reresby House. They then moved to Maltby CSC and at that point the reception function transferred to the customer service team. It was, however, felt at this point that there was a need for a presence in the town centre and staff were relocated to Rotherham MBC's main offices at Riverside House. It would appear that former Councillor Akhtar was involved in this process. An e-mail dated 26th November 2012 states, "Councillor Akhtar has got involved and the whole process is now moving with greater urgency." An e-mail from Alan Pogorzelec dated 27th November 2012 set out the proposed changes and stated that he would be updating Tom Cray, Dave Richmond and Mr Akhtar. He went on to state, "Councillor Akhtar is meeting with the trade tonight and I need to update him by then."

16.2 The staff who moved initially were Individual 10 and Individual 15. They were present from 10th December 2012. As noted above, Individual 15 was then absent for a long period. Individual 10 worked by herself for about a year. Individual 64, remained in Maltby at this point, but because Individual 10 was by herself, she moved to Riverside House. Individual 64 and Individual 10 worked together at Riverside House for about 18 months. This was until Individual 9, Individual 11 and Individual 12 were moved in February 2015. It should be noted at this time Individual 12, Individual 11 and Individual 9 all suffered periods of ill health caused by stress.

16.3 From 1st July 2014 all licensing enforcement officers were brought together under one manager, Individual 62. The three enforcement officers continued to keep to their previous regions for premises inspection. They shared the investigation of complaints.

16.4 It should also be noted that Martin Kimber had stated that he would step down on 8th September 2014. Joyce Thacker, resigned on 19th September 2014.

16.5 It should also be noted that In 2011/12 following concerns about the handling of a specific case (Case B) Dave Richmond commissioned an independent review of the issues in this case. This touched on the practice of both licensing administration and enforcement and also the practice of the Legal Service Department and the Licensing Board. This review was undertaken by Individual 57 from the Performance and Quality Team. Amongst other things this review again raised issues regarding the operation of the Licensing Board and the advice given to it by the Legal Department. Mark Ford and Alan Pogorzelec oversaw an action plan to address the matters of concern under their control. This resulted in the production of an action plan with 12 separate actions. These included the SLA that Individual 64 had been tasked with previously. Training for enforcement services to use Lalpac, Improvements in licensing Enforcement recording and practice, the introduction of QA processes to ensure the quality of enforcement practice and recording, processes to check that enforcement staff had updated LALPAC, and enhanced monitoring processes. Although these improvements were all welcome it is my view that the enforcement function remained ineffective and this will be discussed below.

16.6 Requests were made to Individual 64 and Alan Pogorzelec in January 2013 to carry out a report on CSE and Licensing. The report listed cases involving CSE that had been to the Licensing Board and could not be described as a full and exhaustive audit of the licensing management and enforcement function. Dave Richmond states that he obtained his figure of 4 CSE cases from this report. I believe that this information was obtained for the Home Affairs Select Committee.

16.7 For the sake of completeness I should also mention other steps that Dave Richmond took from 2010 to address these issues that are not mentioned elsewhere in this report. He made requests in writing to Matt Gladstone asking for information about the use of taxis by children in care and the relationship between taxis and children's homes. This request was made on 28th January 2013, shortly before Matt Gladstone's departure. Matt Gladstone informs me that he did not receive a reply but it can be seen from paragraph 9.36 above that Matt Gladstone had raised this issue.

16.8 Dave Richmond was also responsible for the development of a specific child and adults protection escalation policy in 2013, to ensure that managers were always made aware of such concerns. I understand that this was the only such policy anywhere in the council.

16.9 Dave Richmond also made several requests directly to Professor Jay requesting information prior to his interview with her on 13th March 2014. Professor Jay had made reference in e-mails to him of various local documents she had seen which made reference to licensing/environmental health and CSE. Dave Richmond made 3 requests for this information in e-mails ending on the 19th February 2014.

16.10 Several requests were also made by Dave Richmond to the Safeguarding Board requesting information in October 2014. This was in the wake of the Jay report but also an article in the Mail online dated 24th October 2014. He requested details of a briefing paper to schools on concerns regarding limousines referred to in minutes of 2nd March 2010 and 15th June 2012. A letter to schools was supplied but Dave Richmond repeated the request for the information supplied to the Board on 30th October 2014.

16.11 Dave Richmond also made repeated requests for information from the police in September and October 2014. Firstly Dave Richmond requested the police strategy improvement plan on taxis and takeaways which had been referred to in a Barnados report. Dave Richmond's enquiries suggested that there wasn't one. He also requested additional information on a driver called Individual 58 where he felt that sufficient information had not been provided by the police to Individual 64 in June 2012. He also requested the police for information about concerns over a young woman at the Woodview Children's home.

17. The Home Affairs Select Committee follow up report

17.1 The Home Affairs Committee made a follow up report in 2014. In supplementary evidence submitted on 29th January 2014 Rotherham MBC reported amongst other things that one risk of sexual harm order had been taken out.

17.2 They also commented upon specific operations that could be carried out to combat CSE. One example was, 'where although disclosures have not been made there could be a risk to children and young people, for example taxis and limousines carrying children (mainly girls) to proms.'

17.3 In their report dated 18 October 2014 the Committee stated at conclusion and recommendation 3:

> "There is compelling evidence that both Rotherham Metropolitan Borough Council and South Yorkshire Police ignored numerous, credible warnings about the scale of child sexual exploitation in Rotherham. Given that these warnings came from Risky Business and others who had been expressly tasked with investigating and tackling the problem, it is difficult to understand why they were not taken more seriously. It is even suggested that documentary evidence was stolen in order to supress it. It is hard to resist the conclusion that, if the Council and Police had taken these warnings seriously, the abusers could have been brought to justice more quickly and some of the later victims could have been spared their ordeal. (Paragraph 16)"

18. Response to Jay and Casey reports

18.1 Rotherham MBC has carried out a number of reviews and other initiatives following the Jay and Casey reports. I will now consider the most important of these. Dave Richmond, as Head of the department, instigated and supervised a wide ranging series of measures post Jay, including a comprehensive improvement plan of the autumn of 2014. This plan included a review of taxi licensing and enforcement polices and detailed consideration of procedures, practice, decision making and governance, systems, liaison, organisation and training.

18.2 I have already noted that taxi licensing and enforcement have been brought under the same line manager and under the Street Pride Department. This does not fall under Dave Richmond's successor or his Department of Housing and Neighbourhood Services. A senior licensing support officer and senior licensing enforcement officer reports to a principal licensing officer. They had previously operated as entirely separate units.

18.3 The Casey report noted the absence of a licensing policy and was critical of the draft policy. After extensive consultations a policy is now in force which includes taxi

enforcement. It was introduced on 7th July 2015. The policy commented on by Ms Casey dated 30th January 2015 was reviewed by Individual 59. As noted above this process was begun by Dave Richmond. Individual 59 is a highly respected solicitor, who specialises in taxi licensing. He is the author of "Individual 59" on Taxis, Licensing Law and Practice, which is published by Bloomsbury Professional Press. He is also principal of Individual 59 & Co, a niche practice providing legal services and training to local authorities on subjects, including taxi licensing. In short, Individual 59 is a very well respected expert in this field.

18.4 Individual 59 answered a number of questions on the policies introduced by Dave Richmond. Individual's 81comments are on the draft policy and not the final one. Individual 59 makes these comments amongst others:

(a) The fit and proper person test could be improved and an explanation as to what constitutes fit and proper should be provided.

(b) The proposed polices were robust when compared to many authorities.

(c) He thought that there were one or two points where the convictions policy was too lenient but it compared well with best practice in other authorities.

18.5 It is useful to look at the differences in the relevant conviction policies. The Licensing Board originally followed a policy dated the 15th December 2004. It stated, by way of example, that five years should have passed from a conviction for indecency/sexual offences before a licence is granted. At least three years should pass from a conviction for an act of violence.

18.6 The draft policy dated 30th January 2015 provided for refusal in the case of sexual offence involving a third party, 5 years to run for acts of indecency and 3 years to run for acts of violence such as affray and 10 years for more serious acts of violence.

18.7 The policy introduced on 7th July 2015 stated that licences should normally be refused for acts of indecency. The timescale should be 10 years for all acts of violence including affray.

18.8 In summary, then, it can be seen that the policies became ever more exacting. It should also be added that the final policy allowed for an audit of all existing drivers to make sure that they complied with the more exacting policy. The draft policy would have only seen the application of the more existing standards when licences expired after three years.

18.9 Individual 59 also stated that criticisms on delays are somewhat unreasonable. He states that Rotherham MBC have undertaken a root and branch reassessment of their entire approach to taxi licensing and this is not something that can be done in short order. The plan was to have the policy in force in April 2015 until the Casey report made certain comments.

18.10 Individual 59 made detailed comments upon the draft policy, which I understand have been addressed.

18.11 I should state, in passing, that licensing management was not operating in a complete vacuum before the policy was brought into force. The application forms acted as a basic checklist for obtaining the essential information and the LALPAC computerised system acted as a means of taking staff through essential checks. The absence of a

policy, especially on enforcement, was clearly a serious omission however. The absence of a strong and clear policy on convictions and the fit and proper person test was another serious omission.

18.12 As mentioned, the policy includes a section upon enforcement. A root and branch reform of the computerised system known as FLARE used by the enforcement officers has also been carried out. Individual 62 explained this system to me and provided me with templates showing how he had changed the system. I will comment briefly upon the template for licensed premises by way of illustration. The first entry states, '"Check FLARE and LALPAC for previous history. Is there an imminent risk of safeguarding issue in details of the complaint?" The next question is, 'has the customer been flagged vulnerable?' The items which follow produce reports necessitating a safeguarding referral if the answer to the above is in the affirmative, with a 48 hour follow up. Actions to refer to a manager or a director or to the police if there is criminal activity, then follow.

18.13 I simply use this template as an example. It is clear that safeguarding issues have been addressed. Checks and prompts have been included to assist the officer. The criticism appearing within Casey was of a failure to progress enforcement matters. Rotherham MBC themselves have talked about poor record keeping amongst enforcement officers. It is clear that Individual 62 has carried out a rigorous and focussed review of these systems which address the concerns that have been raised.

18.14 There is reference in the Casey report to enforcement staff having not having access to LALPAC. This has now been facilitated for obvious reasons. Enforcement officers are also obliged to record on LALPAC when they are investigating a complaint against a licence holder. This is once again a welcome measure. There was a very unfortunate incident, the case B, when a failure to do this meant that a person was granted a licence while they were being investigated. This is all part of the necessary process of bringing licensing management and enforcement together.

18.15 Rotherham MBC has also carried out their own internal reviews. 1665 Enforcement cases over 12 years have been reviewed. 9 potential cases of sexual impropriety were identified, 4 of which related to CSE. These have been carried out by using key words in a database search. All of these cases had been investigated and actioned. The most common remark is that the outcome was satisfactory but the record keeping was poor. The cases of most concern reflect poor communication with the police and a failure by the police to reach a satisfactory conclusion. I should, however, make the observations that it would be wrong to say that there were only 4 instances of possible CSE involving taxis which came to the attention of Rotherham MBC. The grid of concern and responsible authority meetings suggest many others. This simply means that four were investigated. In addition to the investigation of these complaints there were 6 referrals from the police which led to suspensions and revocations. I will speak later about the inability of the enforcement to carry out proactive investigations because of resources and other issues. I think that this is borne out by this survey which reveals a reactive response to specific complaints.

18.16 All driver applications post 2014 were reviewed. 332 had been granted. On 186 there were no issues, 12 surrendered or cancelled their applications. Of the remaining 134 there were concerns, mainly over driver offences. There were seven identified where there were public safety issues. The granting of licences had, however, been compliant with policy. There were no CSE issues. I should comment that there were other issues and many of these drivers did not comply with the more rigorous policy introduced by Commissioner Ney. I discuss that below.

18.17 As a result of the Jay and Casey reports, an internal audit of taxi licensing was brought forward. The review dated June 2015 assessed compliance with the council's procedures for issuing licences for private hire operators, hackney carriage and private hire driver licences, and hackney carriage and private hire vehicle licences. The audit was carried out for the period from January 2012 to March 2015.

18.18 The internal audit found the following significant matters:

a. There was a failure to obtain a DBS check on an operator's licence. The check box completed by Individual 64 suggested that the certificate had been sighted. The DBS certificate had not, in fact, been returned, although it was later obtained from the operator.

b. The following number of driving licences were issued without checks being completed:

DBS – 13 – all were subsequently received and found to be in order
Medical – 4
DVLA – 3
Driving licence – 2

c. The internal audit also found instances of the LALPAC system not being properly updated.

18.19 Disciplinary proceedings were instigated against Individual 64. Following a hearing it was established that she did issue an operator's licence without a DBS check. With regard to other cases cited in the audit report, it was acknowledged that DBS checks were returned clear and a number of the licences were pre Jay and Casey and before the council policy was changed. It was also recognised that there were mitigating circumstances in terms of staffing resources and managing a service over two sites, which contributed to the difficulties. Individual 64 was therefore issued a written warning.

18.20 Individual 17, an Enforcement Officer, was also made subject to disciplinary proceedings. It was found that he had closed 9 cases without the approval of his line manager. He was given a verbal warning. Capability procedures have been undertaken concerning another enforcement officer, Individual 16.

18.21 A further internal audit review of licensing enforcement was carried out which led to a report dated 11th January 2016. An executive summary appears at pages 1 to 5 of the report. It is stated at paragraph 3.2 that the Council's arrangements surrounding taxi licensing are inadequate.

18.22 It was concluded at 4.1 that procedures were inadequate with long delays in inputting service requests.

18.23 It was concluded at paragraph 4.2 that there were long delays in the investigation of service requests.

18.24 It was concluded at paragraph 4.3 that closure of service requests were inadequate because enforcement officers could close a service request using the community protection manager's initials.

18.25 It was concluded at paragraph 4.4 that it was not possible to fully assess supervision because Individual 62 was on long term sick.

18.26 It was concluded at paragraph 4.5 that liaison with other departments within Rotherham MBC and key partners was inadequate. It should be added that further reforms have been made to the licensing function since the publication of this report. A senior licensing officer has been appointed to manage the section and a new enforcement officer has been appointed. Steps have been taken to address the concerns expressed in the report.

18.27 I believe that these are the most significant events. There was, however, other activity following Dave Richmond's intervention, which included:

(a) NALEO (The National Association of Licensing and Enforcement Officers) have been invited to carry out a review which I gather is still outstanding.

(b) A single point of contact was established to input basic data on enforcement cases, to ensure that all relevant basic data was captured.

(c) The scope of Rotherham MBC Responsible Authority meetings was changed and new attendance and sharing arrangements put in place – Individual14, is now chairing them.

(d) Feedback was commissioned from customers for a series of mystery shopping exercises.

(e) There was liaison with out of area authorities.

(f) There were meetings with the providers of LALPAC.

(g) Single points of contact were introduced between the police and RotherhamMBC.

(h) There were moves for corporate transport and licensing to work together.

(i) Refreshment training on CSE and safeguarding have been provided to the three enforcement officers.

(j) There has been enhanced supervision.

(k) Proper sickness cover was introduced.

19. The reforms of Commissioner Ney

19.1 The Secretary of State appointed five commissioners in February 2015 following receipt of the Casey report. They were appointed to manage the authority and enjoyed all powers of officers and members. Commissioner Mary Ney (now Lead Commissioner) became responsible for taxi licensing management and enforcement. She continued in that role until decision making was handed back to Rotherham MBC. She is an experienced and high ranking local government officer having formally been Chief Executive of Greenwich LBC. She had been involved in the Casey review. She shared Ms Casey's concerns in relation to taxi licensing. She did not carry out the interviews of staff from licensing or enforcement during the inspection, but was asked to take an overview by Louise Casey. Generally she was concerned and remained concerned about some aspects of:

(a) Historic Member interference with decision making;

(b) A failure to follow through enforcement investigations and the structural separation of enforcement from licensing policy/administration;

(c) The historic decisions of the licensing board;

(d) A lack of a robust policy and a failure to apply it.

19.2 A new taxi licensing policy had been introduced as part of her role. The new regime centred around the fit and proper person test for drivers, as well as issues of public safety for drivers and vehicles. In Commissioner Ney's opinion, there had been a failure to address these issues previously, including in the Council's draft policy which they had consulted on prior to the arrival of Commissioners.

19.3 The new policy completely changed how criminality was judged with higher expectations of elapsed time. In addition due consideration would be given to the record of the driver, complaints, the drivers honesty and other information from the police or other agencies.

19.4 Commissioner Ney believed it was necessary to have the power to suspend if a conviction came to light which was more than 5 years old, if it was sufficiently serious.

19.5 In October 2014 there was a discussion about introducing it in April 2015, which struck her as a long delay. She was also concerned that the new policy would only be applied to new drivers and applicants and not applied to existing drivers. She thought that this was very unfortunate because existing drivers who did not meet the new criteria could continue to operate as drivers. It was therefore decided that it should be applied to existing drivers and she arranged for their record to be audited. It was shown that 46% of them had convictions, albeit many of these were for motoring offences.

19.6 It was decided that 6% of them did not meet the new criteria and they were offered a case hearing with her. Of these around 70% did not continue with a licence either because they chose not to appear and continue as a driver or because their licence was revoked or refused. Some of these had been before the licensing board before and kept their licences, some had not.

19.7 In carrying out this role, Commissioner Ney had 4/5 members of the Licensing Board sitting with her in an advisory capacity. Commissioner Ney stated that prior to 2012 there had been 15 members of the board, which had been far too many. She also thought that the conduct of the licensing board meetings had been ineffective. Rather than having any clear direction from a leading questioner, members of the board had raised questions in an unfocussed way.

19.8 Commissioner Ney stated that the main reason for taking away licences were convictions for assault and domestic violence and a history of disregard for the law.

19.9 Commissioner Ney had also arranged for licensing board hearings to be recorded, so a transcript could be produced. She had discovered that on appeal to a Magistrates' Court, there had been a failure to produce any transcript, which she thought had weakened the council's case. She had also arranged for detailed written reasons for suspensions to be given.

19.10 Drivers had to undertake safeguarding awareness courses by 6th January 2016. Nearly a thousand drivers had completed this. Those who had not completed it were told that they had 3 weeks to sign up to a course or their licences would be suspended.

19.11 Commissioner Ney also had a series of meetings with the taxi trade to explain the reasons for the reforms. She had explained to the taxi trade that it was in their interests to restore confidence, improve their image and exclude the criminal element who were damaging it.

19.12 Commissioner Ney stated that she found the lack of previous written policies unusual. A new national licensing regime had been introduced in the early 2000s and local authorities had used that as an opportunity to review/ introduce policies.

19.13 Commissioner Ney has produced a brief paper on cases she had heard and the outcome, to act as further guidance and a learning tool for members so that a coherent policy could result. She repeated that in the case of assaults, most licences were revoked, although there were one or two where there were exceptional circumstances and they were not. Each case had to be judged on its merits.

19.14 She stated that in 2014 the Licensing Board had heard 55 cases. In a year since her arrival, 140 had been heard, which was nearly three times as many. Commissioner Ney did not accept that a lack of resources meant that it was difficult to hear this many cases. She said that although there had been some difficulties and administrative weaknesses the team had been able to service the management of the increased number of licence hearings.

19.15 Commissioner Ney also said that in her opinion some of the reports that had gone to the Licensing Board had been poor and it was very rare that an agenda with 5/6 cases did not contain some errors.

19.16 Commissioner Ney explained that enforcement and management of taxi licensing would now be under one manager, who would be Alan Pogorzelec. There would be a senior post leading licensing and one leading enforcement.

19.17 The clear and obvious point to make is that Commissioner Ney has cleaned up the taxi service and ensured that only fit and proper persons now hold licences. She has introduced robust policies and systems. It is tempting to say this all could have been done earlier but that is not entirely realistic. Commissioner Ney has brought her very great ability and years of experience to play. She was also empowered by the Secretary of State to make these reforms.

20. Mr Akhtar

20.1 The consideration of former councillor Akhtar's role spans the whole period and is therefore taken out of the chronology.

20.2 Ms Casey expressed a particular concern over member interference. The role of former Mr Akhtar merits particular consideration given Ms Casey's concerns about member interference. He was a licensed taxi driver, Deputy Leader and cabinet member for Housing and Neighbourhood Services which included taxi licensing and enforcement. Mr Akhtar held a license but did not drive from August 2008 to 2015. He was responsible for taxi licensing and enforcement as a Cabinet Member from May 2008 to May 2011. This role ceased when he became Deputy Leader from May 2011 to May 2014.

20.3 The first thing to state is that it seemed to many that Mr Akhtar's role as a Cabinet member was incompatible with his profession as a taxi driver. Commissioner Ney expressed that view to me. It also clearly concerned Alan Pogorzelec. In an e-mail dated 11th November 2009 he asked Individual 64 to attend a meeting and commented, "please try and keep discussion around taxi issues to a minimum (in order to avoid conflict of interest) and although Cllr A needs to know what is going on in licensing we shouldn't be discussing it too much with him at this stage (until we have something more concrete to bring before him." Alan Pogorzelec has no specific recollection of the incident but informed me that as a licensed driver it would have been inappropriate for Individual 64 to have detailed discussions with him regarding taxi matters.

20.4 It also concerned Individual 64. In an e-mail of 23rd June 2010 Individual 9 complained that he had telephoned and had been off hand and aggressive because he had been sent a badge reminder in error. In an e-mail of 24th June 2010 from Individual 64 to Alan Pogorzelec she stated, "I appreciate that he is a cabinet member for neighbourhoods however this highlights the potential conflict between his role as a taxi driver and Councillor. I am unhappy about his attitude towards staff in a way that he spoke in a manner that was, 'do you know who I am." He seems to think that because of who he is he should be treated differently to all other drivers who have had the same action taken against them.' Alan Pogorzelec has no recollection of these exchanges but believes from the sense of the e-mails that he escalated the matter. I would have expected Alan Pogorzelec to do this as a responsible officer but there is no clear evidence to that effect. I should also add for the sake of balance that Mr Akhtar believes that Individual 64 did not like him.

20.5 Individual 9 was not the only member of staff to complain about Mr Akhtar. In 2012 a member of the counter staff at Maltby, Individual 60, received Mr Akhtar's application for a taxi licence. The CRB application required proof of identity and Mr Akhtar was told that his was not in order and did not match his description. She recalls that Mr Akhtar asked if she knew who he was. She said that the same rules applied to everyone after he asked what right she had to query his documents. Thinking it best to ignore the barrage of rhetorical questions Individual 60 retreated to the safety of the back office where she spoke to Alan Pogorzelec. She claims that he directed her to process the application.

20.6 I have spoken to Alan Pogorzelec who informed me that Individual 60 raised an issue with the spelling of Mr Akhtar's name on his DVLA driving licence. She wanted to know whether she should accept it or not. He did not remember her saying that it was required as part of the DBS/CRB process. She simply asked whether we could accept the driving licence as part of the application process. Alan Pogorzelec looked at the system and it is clear that the driving licence was one of the supporting documents to confirm Mr Akhtar's identity and his address – along with his passport and a P60. He looked at Mr Akhtar's file to refresh his memory and it appears that his surname was spelt correctly on his driving licence, but his first name was spelt as 'Jahanqir' instead of 'Jahangir'(i.e. a q instead of a g). It appears that this mistake had not been spotted by Rotherham MBC licensing previously, and wasn't noticed by Mr Akhtar until it was pointed out to him by Individual 60. Licences had been issued previously despite this error being present on the licence, and Individual 60 had contacted him to make a decision whether we should accept the document from Mr Akhtar. The licence was of the photo-card variety and therefore contained his photograph, and therefore it would clearly have belonged to him. It was decided that, on that occasion only, that

licensing would accept the licence (as they had done on a number of occasions previously) and ask Mr Akhtar to update the document with the DVLA.

20.7 Mr Akhtar recalls the incident but denies that he was rude or aggressive. He states that he explained who he was but states that this was because he was a badgeholder and they would have records to confirm his identity. He confirms that there was a misspelling of his Christian name and that after speaking to another person the member of staff reappeared and said that the information was acceptable but he should change his licence at the earliest opportunity.

20.8 It is also Individual's 82 recollection that she complained of Mr Akhtar's behaviour to Individual 64 who was supportive.

20.9 I have also obtained a screen shot of the incident which states, 'passport and driving licence supplied but licence is spelt wrong – client is faxing another doc to support CRB and up to date driving licence. P60 recd and scanned on.' Mr Akhtar comments that this is proof that he did not rely improperly on his position as a member but was prepared to send documents.

20.10 The screen shot is slightly different from Alan Pogorzelec's account and suggests that Mr Akhtar produced appropriate identification as requested by Individual 60. On either reading there is no suggestion of impropriety by Alan Pogorzelec. It seems to me that proper identification was produced as requested by Individual 60. On Alan Pogorzelec's account his identity was also clear and his approach was probably a sensible one in dealing with a minor clerical error. The real issue, however, is the allegation of Mr Akhtar's bullying manner. As can be seen this is denied by Mr Akhtar and remains unresolved.

20.11 There is also some evidence of Mr Akhtar becoming involved in matters of policy and day to day decisions which I now refer to.

20.12 As noted above there was some discussion between Individual 64, Alan Pogorzelec and Dave Richmond over the suspension of Individual 48. Individual 49 was suspended. He was accused of the rape of a passenger but the allegations were uncertain and no suspension was made. On 12th January 2011 Dave Richmond e-mailed Tom Cray to inform him of this and to say, "I've not advised Jahangir yet case 2 (Individual 49) might be a bit awkward given the reference to a wide ongoing investigations…"

20.13 On 18th January 2011 Dave Richmond e-mailed Mr Akhtar and stated 'Jahangir, follow up on last weeks discussion, looks possible nfa from police re Individual 48, so I'm suggesting we reserve judgement till all the facts are out, and that in the mean time we give him a ticking off and remind him of expectations of his conduct. Individual 49 suspended.'

20.14 There is no suggestion that Mr Akhtar interfered improperly in this process. Nor is there anything wrong in Dave Richmond keeping a cabinet member informed. It does, however, seem a little odd that someone in Mr Akhtar's position, (a licensed taxi driver as explained in paragraphs 20.2 to 20.4 above) was kept so closely informed during the decision making process. This matter was also very sensitive with Individual 64 favouring a suspension. This is how the matter would be dealt with under current policy. But there was clearly a very great concern by Dave Richmond to keep Mr Akhtar informed of what was happening.

20.15 We have already seen that Mr Akhtar was involved in the decision to allow the issue of licences to drivers who had submitted their applications before 10th July 2013 pending receipt of their CRB checks. In an e-mail dated the 16th August 2013 to Mark Ford, Individual 64 stated that the applicants included Individual 55, the brother of Individual 56. Individual 56 had, she believed, spoken to Mr Akhtar. Mark Ford responded on 16th August by stating that drivers applying before 10th July 2013 should be allowed to have their renewal handled in accordance with the previous procedure. He asked that Councillor Wooton and the Deputy Leader be informed.

20.16 She informed them on 16th August 2013. She stated that an unknown individual had told the brother of Individual 56 (Individual 55) that he could have an interim badge despite the fact that he did not apply until 15 July 2013. As noted previously the implication from the earlier e-mail is pretty clear – Individual 64 clearly thought that Mr Akhtar had spoken to Individual 56 and advised him that his brother Individual 55 could have an interim licence despite applying after the cut off date. Mr Akhtar clearly picked up on this implication and replied on the same date to say he agreed with the 10th July cut off date and stated that he had not spoken to Individual 56.

20.17 There was once again a wish to keep Mr Akhtar regularly and closely informed. It also seems that the decision to grant the interim licences pending the CRB checks was brought about through lobbying of the trade association through Mr Akhtar. In fairness to Mr Akhtar he agreed with the 10th July cut off date and made no attempt to challenge the change of policy which ended the practice of issuing interim licences. It should also be noted that Mr Akhtar states that he acted in his role as a Councillor for constituents of his ward by asking Mark Ford about the problem concerning the length of time being taken for CRB checks. He believed that he was entitled to do that for his constituents and saw nothing wrong in it. It should also be noted that he was not cabinet member for taxi licensing at the time. It must, however, be a matter of public concern that licences were being issued pending CRB checks at a time when there were grave concerns about the involvement of taxi drivers in CSE. It is also implied that he spoke to Individual 56 and advised him that his brother Individual 55 could have a licence despite applying after the cut off date. There is no firm evidence to prove that allegation and I should make it clear that it is simply an implication without any further evidence and one which Mr Akhtar strenuously denies.

20.18 Mr Akhtar also became involved in decisions about the location of the licensing department. On 20th October 2011 an e-mail from Alan Pogorzelec to Individual 64 and a Individual 61 states, "I have speak to Dave Richmond about Cllr Akhtar's view that licensing should go to Hellaby. Dave Richmond is going to speak to Cllr Akhtar about another issue today, and will raise the licensing issue with him. Once Dave Richmond has confirmed Cllr Akhtar's views I will get back to you." Individual 64 informs me that Mr Akhtar was in favour of this move. Mr Akhtar states that this was not his decision but that he had no objection to it. He was also Deputy Leader at the time and not cabinet member for taxi licensing.

20.19 The licensing management team were based in Maltby before two members of the team was moved to Riverside House in 2012. I have been told that Mr Akhtar was very much in favour of this move. This is evidenced by an e-mail dated 26th November from Alan Pogorzelec to Individual 64 which states, 'The integration process has stepped up a gear. Mr Akhtar has got involved and the whole process is now moving along with greater urgency.' It should also be noted that both Dave Richmond and Alan Pogorzelec were in favour of the central location for taxi licensing management

at Riverside House. It should be noted once again that Mr Akhtar states once again that it was not his decision and he was not the relevant cabinet minister at the time.

20.20 It has already been noted that Mr Akhtar was involved in the consultation on the issue of vehicle standards testing. He had been entirely unaware of the operation until advised by the taxi trade. In a meeting with him on 5 December, with Dave Richmond and Mark Ford, it was agreed that there was a need to ensure that Mr Akhtar and other relevant members were aware of future operations. It should be noted that there was a wish to keep other members involved. Mr Akhtar states that he was not, in fact, kept informed of future operations.

20.21 Mark Ford has produced a note with a "checks as normal" comment by Mr Akhtar who said he was to meet with operation drivers. Mark Ford was subsequently advised in an e-mail on 8th December by Dave Richmond that this meeting had been held with Mr Akhtar telling the drivers/operations to get their act in order and to put their fees up – as observed previously a slightly strange remark to be made by a pubic servant.

20.22 It is difficult to criticise Mr Akhtar's actions in this matter. The change to vehicles standards testing following representations by the trade was reasonable. We can, however, see once again a link between the trade association and Mr Akhtar and a desire by officers to keep him closely informed. Mr Akhtar states that he was simply representing the interests of his ward members.

20.23 This section would not be complete without brief comments upon Mr Akhtar's own career as a taxi driver from 1990.

20.24 The first thing to note is that Mr Akhtar had a number of convictions including a conviction for affray in 2002. This related to an unprovoked assault in a Rotherham curry house. He would not have been considered a fit and proper person under the more exacting regime imposed by Commissioner Ney.

20.25 This was further evidenced by the end of his career as a driver. On 20th February 2015 Mr Richmond suspended Mr Akhtar's driver and vehicle licence with commendable speed. This followed the receipt of information that led to serious concerns over public safety. He was required to surrender his plate and badge. He failed to do this and on 10th March 2015 Karl Battersby as Strategic Director instructed individual 64 to prosecute him over the matter. She wrote to him again and it seems that he then complied. I should make it clear that Mr Akhtar informs me that he has not been charged or interviewed over this matter.

20.26 Two issues arise with Mr Akhtar. The first is over conflict of interest, the second is over bullying. Both would be a breach of the code of practice for members.

20.27 The issue of conflict is not clear cut. It was not an obvious conflict in the sense that Mr Akhtar did no have any executive role with taxi licensing. The decisions were made by the Licensing Board, full Council and the power of suspension delegated to Dave Richmond.

20.28 As a councillor he was entitled to comment on matters of policy and make representations on behalf of his constituents. The difficulty comes with his role as a cabinet member or otherwise where he had the opportunity to direct policy. The public would have the right to feel uncomfortable if he was directing public policy in a way which benefited the taxi service – in the interests of himself and his colleagues.

20.29 There seems to me to have been two instances where he may have done this – the transfer of taxi licensing management to Riverside House and the 'amnesty' which allowed taxi drivers to have interim licences before CRB checks were returned. The division of the taxi management service caused administrative difficulties for Individual 64 which I will discuss below although it was supported by Dave Richmond and Alan Pogorzelec. To have drivers operating without CRB checks at a time of CSE concerns is very disturbing. It should also be noted that both matters occurred after he had ceased to be cabinet member for taxi licensing and had become Deputy Leader. Mr Akhtar also says he had a licence but did not work as a taxi driver at the time.

20.30 The next question is whether anything should have been done by the monitoring officer or others. Firstly the licensing staff are clearly not to blame. Individual 64 and Alan Pogorzelec were concerned and raised the issue. Dave Richmond, Mark Ford and Tom Cray were keen to keep him involved but given his position and authority that was a necessity of working life.

20.31 It does not seem to me that the monitoring officer should have 'debarred' him from holding the office of cabinet member with responsibility for licensing. He did not exercise executive power through the role. There was, however, the perception of conflict and the potential for influencing policy in the way I have described. The monitoring officer should, then, have mentioned this potential to Mr Akhtar and spoken to officers to ensure that it did not occur.

20.32 Individual 9 and Individual 60 both complained about bullying by Mr Akhtar. Individual 64 found him intimidating and the male officers who dealt with him found him forceful but had no real complaints.

20.33 Concerns were raised and it once again seems to me that the appropriate thing was for the monitoring officer to have a warning word in his ear.

20.34 I have heard from Tim Mumford, Richard Waller and Mrs Collins who were monitoring officer at different times, and in that sequence, during the relevant period.

20.35 Tim Mumford remembers Mr Akhtar contacting him to discuss being offered the Cabinet Member portfolio. He was concerned about conflict of interest although he felt that there should not be a problem. Tim Mumford had some recollection that he said that some time previously he had relinquished his role as spokesman for the taxi drivers association. Tim Mumford gave the matter some thought and contacted him to say that I did not feel he needed to decline the role.

20.36 He believes he based his view largely upon the fact that licensing is a non-executive function, whereas the Cabinet and cabinet members determine matters which are the responsibility of the executive. The cabinet member would not, therefore, be taking any decisions on licensing applications or other licensing matters. Nor should the cabinet member have a responsibility for staffing matters within the licensing section.

20.37 Tim Mumford considered that if Mr Akhtar were to have any licensing matters come before him at a time when he was either employed as a taxi driver in his own right or acting in some way for a Drivers' Association, then the normal rules as to declaration of interests would, of course, still apply. However, this would not preclude him from accepting a cabinet member appointment, unless it would occur so frequently as to mean that he was unable properly to fill the role. This would not have applied here,

given that licensing functions are non-executive, and his interests, if he still held them, would not be relevant to the vast majority of his duties.

20.38 Tim Mumford had no recollection of being advised of bullying concerns by licensing staff.

20.39 Richard Waller had no direct recollection of the incident but believes that as Tim Mumford's successor he followed his approach.

20.40 Mrs Collins commented, from memory, that Mr Akhtar would have disclosed his pecuniary interest as a taxi driver and landlord in the register of interests and if any related issues came to him as cabinet member he would have to disclose the matter and not participate in any further decision making. She did not recall this happening and pointed out that decision making was in the hands of the Licensing Committee.

20.41 It seems to me that the monitoring officers got all of this right. For reasons explained above there was no reason for him not to take up office. He then needed to ensure that he did not at in a way that caused 'conflict' as explained by Tim Mumford and Mrs Collins. The complaints of bullying did not, unfortunately, reach their ears.

20.42 Tim Mumford states that it was important for Mr Akhtar not to act 'in some way for the drivers association.' Given his trade and close association with that body there is a hint, no more than a suspicion, that he may have done this. I have also come across two clear allegations of bullying and general unease amongst the licensing management staff over his manner. **For all these reasons I would have recommended that Mr Akhtar were investigated pursuant to Rotherham MBC's code of conduct if he were still serving as a Councillor.**

20.43 The Casey report speaks of a failure to address the links between taxis and CSE and complains of member interference. The question, then, is whether Mr Akhtar's role prevented the problems being confronted. It is important to avoid the temptation of constructing conspiracy theories here.

20.44 The examples of directing policy referred to above are relatively minor. I have seen no direct evidence that he obstructed the investigation of CSE. He certainly did not intervene to interfere with Matt Gladstone's review which was a root and branch review of the service and CSE issues.

20.45 For all that there were constant whispers of interference and Individual 64 speaks of applicants having meetings in the deputy Leader's office before and after Licensing Board meetings. She believes that the Licensing Board was not reformed because of his opposition. These are merely allegations that would have required further and proper investigation if Mr Akhtar were still a member. They are strenuously denied by Mr Akhtar who states that the office was only used for meetings with officers and other elected members. The evidence of staff suggests that Mr Akhtar was a forceful character. He was also one who wielded great power. I can see that it could be thought that this would make it difficult for officers to confront him and the taxi trade but I have seen no clear evidence to that effect. The new licensing policy also suggests that he was not a fit and proper person to even hold a driver's licence. These are not the best credentials for overseeing taxi licensing.

20.46 Any more detailed investigation of Mr Akhtar's role would therefore ask if he bore any responsibility for the failure of the service to confront the links between taxis and CSE through his role as cabinet member.

21. The conclusions of the Casey report

21.1 I believe that it would be useful to comment upon the overall conclusions of the Casey report at this stage before commenting upon the actions of individual officers. I have referred to the points of criticism already but now repeat them for the sake of clarity. I should also make it clear that, with minor qualification, I endorse all of Ms Casey's findings.

(a) Rotherham had not taken, and does not take sufficient steps to ensure only fit and proper persons are entitled to hold a licence (p103).

My report reveals ample evidence of this. The present licensing policy imposes exacting tests which were not applied before. This is illustrated by the e-mail of Individual 9 to Dave Richmond on the 1st June 2010. This listed decisions of the Licensing Board which caused her concern. Licences would not be granted under the new policy in the case of many of those convictions although as previously noted the concern was not that they were granted in the face of sexual impropriety. The circumstantial evidence of the grid of concern and the Responsible Authority meetings also suggests that drivers were operating who had committed CSE.

(b) The division between taxi licensing administration and enforcement caused difficulties with the exchange of information (p104)

This is best illustrated by Case B where a licence was renewed when a driver was under investigation by enforcement. They had not entered details on LALPAC. The mere fact that the functions were divided meant that it was difficult to frame an overall strategy on enforcement. Individual 64 and the licensing management team dealt with suspensions and revocations through the licensing board but did not have day to day control or management of the licensing enforcement team. The fact that the two functions have now been brought together recognises that this is a more effective way of working.

(c) There was a lack of clear policies (p105)

As discussed above there were no comprehensive policies in force.

(d) There was interference from the taxi trade and members with the decisions of the Licensing Board. One example was the change from no notice to 10 day notice spot checks (p106).

There was evidence or concern of interference by members and members of the trade. An example is the provision of references to applicants which concerned Individual 64 and Matt Gladstone. I have also commented at length on the role of former Mr Akhtar. I have described the process which led to greater notice being given for vehicle standards testing. I believe that in the circumstances it was probably reasonable (and the street checks without notice continued) but was certainly the result of pressure from the trade organisation.

(e) The investigation of complaints were inadequate and lacked tenacity (p106)

The overwhelming impression is that members of the taxi trade were involved in CSE. That is the conclusion of the Home Officer researcher, of Dr Heal and Professor Jay. The grid of concern and the Responsible Authority meetings reveal

many such allegations. A very large number of these allegations were unresolved. We are told that only 4 of 1600 complaints investigations related to CSE (with an additional 6 suspensions and revocations) which suggests a failure to investigate. Rotherham MBC's own investigations, including the audit report of 11th January 2016, reveal inadequate investigations. That is also my view from reading sample files.

(f) Staff felt under resourced with complaints of understaffing, staff sickness and uneven caseloads (p108)

That is the evidence of many members of staff which will be discussed below. The decision to place enforcement officers in three different divisions until 2014 compounded these difficulties.

(g) The new draft policy agreed for consultation in October 2014 did not give sufficient protection to the public and its planned implementation in April 2015 was too long (p109)

The fact that the final policy is more robust and has led to further revocations suggests that this is the case. The earlier policy was less exacting on crimes of indecency and violence. Individual 59 is of the view that the implementation of the policy was not too long. He also said the draft was more robust than many other authorities'.

(h) The Director of Housing was in denial about the problem of CSE and failed to recognise its significance post Jay (p111)

This is a specific allegation against the Director of Housing that I will discuss below.

(i) Officers at Rotherham MBC knew that there was a problem with taxis and CSE but failed to take adequate steps to address it (p112-117.)

Officers at Rotherham MBC certainly knew that there were problems with taxis and CSE. Individual 64's e-mail of 5th November 2010 makes that clear. The grid of concern and Responsible Authority meetings give further evidence of this. The specific knowledge of individual officers is something which I will discuss below but I should make it clear that Dave Richmond and Mark Ford did not know the full extent of the problem or see the grid of concern or Responsible Authority meetings minutes.

(j) In her letter to the Chief Executive dated 20th February 2015 Ms Casey referred to her report and expressed her concerns over the failure of the Director of Housing and Neighbourhood Services to address links between the taxi service and CSE, especially since the Jay report. This is a repetition of the concerns expressed at (h) and (i) above.

This issue relates specifically to the Director of Housing and I will discuss it below.

(k) In the same letter she expressed concern over the failure to present details of sexual impropriety to the Licensing Board in the case of Individual 1. She also refers to this case at p107 of her report.

This issue relates specifically to Individual 62 and I will discuss it below.

21.2 It would also be helpful if I identified at this stage what I see as the fundamental problem. There was a considerable body of intelligence circulating within Rotherham MBC to suggest a widespread link between the taxi service and CSE. I have made it clear elsewhere that this evidence including the grid of concern, was not known to Dave Richmond and Mark Ford. This only led to the investigation of 4 CSE related complaints and in addition a handful (6 in total) of suspensions and revocations in the period from 2010. That is to say 10 matters in total. The suspensions and revocations were also all matters resulting from the police investigations where the police made Rotherham MBC aware. The enforcement resources were, therefore, failing to get to grips with the issue of CSE. Wrongdoers were not identified or there was rarely enough evidence to put a case together for suspension or revocation of licences.

21.3 The service was one which, apart from its responsibilities in respect of proactive operations, vehicle standards and PHV plying for trade, was primarily focused on response to complaints. It is true that the police did not supply the team with information that could have led to enforcement steps. Enforcement officers, however, attended the Responsible Authority meetings and Matt Gladstone's meetings. These meetings produced enough circumstantial evidence to demonstrate a link between the taxi service and CSE and justify pro active steps. I repeat that this information was not, however, known to Mark Ford and Dave Richmond. The truth was that the enforcement unit was not resourced in a way that allowed it to take pro active measures or investigate CSE matters in a satisfactory way as highlighted by Ms Casey. Proactive measures on vehicle standards and PHV plying for hire did not relate to CSE and the Clifton Park Operation which was led by the police did not yield any meaningful results.

21.4 The separation of enforcement from taxi licensing administration from enforcement clearly caused difficulties, so did the fact that the officers were separated on three geographical teams. Limited resources and uneven workloads also caused great difficulties.

21.5 To offset this Mark Ford took steps to promote enhanced supervision and flexibility of support from within the wider team but Mark Ford states that this was limited because of the context of budgetary restraints when supervisory levels in the service were significantly reduced. Plans to bolster the enforcement capacity by the use of the wider complement of community protection enforcement were integral in the service review of 2011 and final implementation of integrated locality working in 2012.

21.6 Mark Ford showed me a benchmarking exercise with other local authorities. This showed that Rotherham's was on about on par for manpower. This is of limited use. Rotherham had its own structural issues caused by the division of the licensing enforcement staff. It was also facing serious issues with CSE (although I repeat that Dave Richmond and Mark Ford were not aware of this). Mark Ford and Individual 62 both told me that resources were stretched and I would agree with that. Mark Ford tells me that he did request an increase in staffing levels to David Burton, and this was reflected in an increase in enforcement officers in the new structure. Dave Richmond also comments that budgets were not in fact reduced for the Licensing budget of Safer Neighbourhoods and that reductions were higher in other areas. Ms Casey's and Rotherham's own internal audit have detected problems with investigations. These two enquiries post dated the Jay report although a Performance and Quality investigation was launched into Case B which was a discrete matter. I should also set

out my own findings from viewing a sample of enforcement files across the relevant period. My findings are very much the same.

21.7 The first thing to note is that they starkly evidence Ms Casey's conclusion that licences were held by persons who were not fit and proper persons. They record a series of incidents of young women being propositioned in journeys and access being refused to wheelchair users and owners of guide dogs, an appalling catalogue of predatory and prejudiced behaviour.

21.8 It should also be noted that Individual 17 took admirable steps to address the issue of access for guide dog owners. In other cases there was a lack of action. Mark Ford states that this was not escalated to their supervisor or manager. I should also say that this applied to investigations carried out by all three of the enforcement officers, Individual 17, Individual 8 and Individual 16.

21.9 In 2008 case CGI07 saw a complaint that a taxi driver had called to young girls to, 'get into my taxi and get your knickers off.' A telephone call was made to the informant but no further action is recorded. Mark Ford once again states that this was not escalated to the supervisor or managers.

21.10 In 2010 case CGI14 received a complaint that a taxi driver had asked for sex from a woman with learning difficulties. This was raised as a safeguarding issue but I could not see that the complaint against the driver was progressed. It should however be noted that Social workers were involved and there was a suggestion that the sex was consensual. Dave Richmond believes that Individual 64 issued a verbal warning to the driver.

21.11 The problems with enforcement are perhaps best revealed by case CGI36 in 2014. There was a complaint that a man with a conviction for stealing Land Rovers was driving taxis. The enforcement officer did speak to the driver and made some enquiries but closed it by saying, "This matter will be NFA by me as I have no resources to make follow up enquiries and left it in the hands of South Yorkshire Police." This was not raised with the supervisor or managers. When they later became aware capability procedures were retrospectively initiated.

22. The conduct of those involved in taxi licensing and enforcement

22.1 I must now consider the position of the individual employees. I will begin by discussing the most senior officers and then consider their staff in turn by ranks of seniority. I will also consider the taxi licensing enforcement and management sections in turn. I should make it clear that any criticisms apply to past performance, not present performance.

22.1.1 Dave Richmond

a. The most senior officer, bar Matt Gladstone, who I have seen is Dave Richmond, formerly. He held this post from 2009. Both of the taxi functions – licensing management and enforcement – were within his department during the relevant period and he was therefore ultimately responsible.

b. There are two issues to be considered in the case of Dave Richmond. The first is that Ms Casey suggests at page 111 of her report that Dave Richmond was in denial about the problem of CSE and failed to recognise its significance post Jay.

c. The second issue is whether he was personally to blame for the failure of the taxi function to address the problem of taxis and CSE and the numerous criticisms listed by Ms Casey. I will deal with these issues in turn.

d. At page 111 of her report Ms Casey states, "*In interview, Dave Richmond, who is responsible for the licensing services, expressed annoyance at the impact the Jay report had and the council remained adamant that the four CSE related revocations of licences quoted by Professor Jay represented the full extent of taxi driver involvement of CSE in Rotherham".* In the next paragraph his scepticism about the evidential value of abduction notices is recorded.

e. I discussed these issues with Dave Richmond in interview. He stated that he had meant to convey to Ms Casey that he had not known the full extent of the problems. This is borne out to some extent on page 111 of the Casey report, where he was quoted as saying, *"I don't know what I don't know"*.

f. The issue, however, is whether Dave Richmond was in denial or complacent about the terrible scourge of CSE post Jay. Dave Richmond told me that this was not the case and I believe that there is evidence to support this. By way of example, when Dr Heal's report, which detailed the full extent of CSE were passed to him, he forwarded them to Alan Pogorzelec on 10th September 2015 stating, "*For info, incredibly shocking*".

g. There are other features of Dave Richmond's behaviour which suggest to me that he was not in denial about the gravity of CSE when he was aware of it. He supported Individual 64 in her efforts to retain enhanced CRB checks for taxi drivers. He was not supportive of Tom Cray suggestion that drivers should be allowed interim licences pending the outcome of CRB checks.

h. He was clearly horrified by the allegations against Individual 49 commenting in an e-mail to Alan Pogorzelec and Tom Cray on 20th September 2011 that, '…my view is that we have to take this very seriously. There are two underage girls who have made allegations against this man…..this chap poses a serious threat to children……he is not fit to be placed in a situation where he potentially has unsupervised access to children….'

i. His actions are also telling**.** I deal with these matters elsewhere in the report but will repeat them here for context**.** He held meetings with Children's Services in 2010 and subsequently with Individual 9 and Alan Pogorzelec to understand if licenses were being issued to those who had engaged in inappropriate or worrying sexual behaviour and if undue political pressure was placed on staff to deal with licensing matters inappropriately. He personally reviewed the information supplied by Individual 9 and Individual 64 and did not merely rely on the statement of Alan Pogorzelec. Changes were made to the process of immediate suspensions in 2010, in an attempt to ensure that he was always made aware of serious concerns. Requests were made in writing to Matt Gladstone asking for information on taxi contracting and children. Requests were made to Individual 64 and Alan Pogorzelec in January 2013 to carry out a report on CSE and Licensing. Dave Richmond states that the task given was to

identify all cases known at the time. The report listed cases involving CSE that had been to the Licensing Board and could not be described as a full and exhaustive audit of the licensing management and enforcement function. Dave Richmond states that he obtained the figure of 4 known CSE cases from this report . He was involved in the development of a specific child and adult's protection escalation policy in 2013, to ensure that managers were always made aware of such concerns. This was the only such policy anywhere in the council. Requests of the Performance and Quality Service to review licensing enforcement practice and provide an independent report (Case B) resulting in a detailed action plan. Several requests were made direct to Professor Jay requesting information prior to his interview with her. Several requests of CYPS and the Safeguarding board requesting information. Dave Richmond, instigated and supervised a wide ranging series of measures post Jay, including a comprehensive improvement plan of the autumn of 2014. This plan included a review of taxi licensing and enforcement polices and detailed consideration of procedures, practice, decision making and governance, systems, liaison, organisation and training. Sixteen of these actions are listed at paragraph 22 of the note of my first interview with him. These included the drafting of the new taxi licensing policy, including an enforcement policy, changing the scope attendance, chairing Responsible Authority meetings and asking for a review of 1,665 complaints cases. He personally reviewed all license applications that had gone to the Licensing Board from January 2011 to September 2014 to look for signs of political bias. He attended the Licensing Board from September 2014.

j. Dave Richmond actions do not suggest complacency or denial of the problem. It is true that the new licensing policy needed to be made more exacting but Individual 59 considered it to be adequate and better than many local authority policies. For the avoidance of doubt, I should state that to my mind Dave Richmond was not in denial or complacent about the problem post Jay and took many positive and pro active steps to address issues in taxi licensing and enforcement. It is also true that none of these steps taken by Dave Richmond were as effective as the measures taken by Commissioner Ney. As I have observed earlier, Commissioner Ney was in a unique position and at an advantage because she was empowered by the Secretary of State and brought her considerable experience to play. Dave Richmond did not share these advantages.

k. Dave Richmond remarks at the time of interview by Ms Casey's team clearly created the impression of a man who was in denial. One can understand that he would be very much on the defensive when faced by searching questions from a Government Inspector. Dave Richmond has confirmed to me that he found the interview a stressful experience. I can see that an overly defensive position could have been seen as a denial. I do not, however, believe that this was a true reflection of Dave Richmond attitude or position. It should also be noted that he conceded that Individual 48 would be suspended now and that his reaction to Individual 64's e-mail of 5th November 2010 would be very different today.

l. It does however seem to me that there was a failure by Dave Richmond to fully grasp the fact that the enforcement measures taken by his department were ineffective. It should have been obvious post Jay that there was a serious problem with CSE and the taxi service. The fact that only 4 CSE complaints had been investigated together with a handful of suspensions and revocations does

show that there was a failure to get to grips with the problem. Dave Richmond has never expressed full awareness of this fact. It is true that he took steps to address concerns following the Case B report in 2013 but this was not specifically on CSE issues. This included the SLA which Individual 64 had been tasked with, training for enforcement services to use LALPAC, improvements in licensing enforcement recording and practice, processes to check that enforcement staff had updated LALPAC and enhanced monitoring processes. It should also be noted that he had taken other steps before the Case B report which are noted in this report such as overseeing the widest annual child protection training of any department in the council from 2010 and investigating Individual 9 concerns on the granting of licences. Although welcome, it is clear from the Jay and Casey reports and Rotherham MBC's internal audit that problems persisted. Post Jay it was clear to Dave Richmond that there were still problems and he invited expert help from NALEO and individual 59. Although these were positive measures the observations of the Casey report and Rotherham MBC's internal audit show problems persisted. I will discuss below whether there should have been any intervention before Case B and Jay. It should, however, be noted that where Dave Richmond became aware of problems he addressed and actioned them.

m. This leads me into the next question as to whether Dave Richmond should have done more to prevent the issue with CSE and taxis. The first issue to consider here is his direct knowledge of the issue. I have already referred to his receipt of Dr Heal's report. It is clear from this e-mail chain that he had not seen these reports until 2015. Members of his team attended the Responsible Authority meetings and saw the grid of concern. Dave Richmond did not attend the Responsible Authority meetings and there is no evidence or suggestion that he saw the grid of concern until after his interview in the Casey investigation. or attended the meetings where it was discussed.

n. He did, however, receive Individual 64's e-mail of 5th November 2010. As we know, this reported on the meetings held with Matt Gladstone, the link between CSE and the taxi trade, the need for enforcement and licensing management to be brought together and the need for a strategic overview. The e-mail also stated, "I am hopeful that now Matt Gladstone is aware he will bring these concerns to the attention of Senior Management and Councillors and that we may have the political impetus to move forward and strengthen our licensing regime…"

o. He also spoke to Matt Gladstone that day but did not play any further part in that investigation with Matt Gladstone liaising with Individual 64 and reporting to the senior leadership team. That was Matt Gladstone's choice.

p. In conclusion therefore it does seem to me that Dave Richmond did not know the full extent of the problem before the Jay report. The only detailed and direct communication to him was the e-mail of 5th November 2010 and he was not consulted about that process from that date on.

q. If Dave Richmond did not know of the problem, then the next question is whether he should have known about it. The Head of a department is ultimately responsible for the actions of their subordinates but it must borne in mind that Dave Richmond was the Head of a vast service. Paragraph 3 of the note of my first interview records show that in January 2011 Dave Richmond had a budget of circa £80 million and 350 staff. In 2015 it was £100 million and 450 staff. Licensing management and enforcement accounted for only a small part of his

duties, 8 staff and a budget of £300,000. Taxi licensing was only one aspect of licensing. It is also clear to me from his evidence and from the late night e-mails that Dave Richmond was extremely busy and probably stretched beyond capacity.

r. For all that, Dave Richmond needed to keep himself aware of what was happening beneath him. In my first meeting with him he stated that that independent performance and quality reports were provided every month to the department. These reports covered every service area. Licensing was mentioned twice and always flagged in green. Individual 63 looked at a number of cases and found 100% compliance. Internal audit did not throw up any major concerns with licensing management during this period. I requested, and have been supplied with copies of this information and Dave Richmond account is accurate.

s. Dave Richmond also had regular meetings with those immediately below him. These were Alan Pogorzelec and Mark Ford. None of these meetings communicated the full extent of the problem to Dave Richmond.

t. The question remains as to whether he should have made further enquiries in addition to those set out in this report and summarised at paragraph 22.1.1. i. I have been at pains to set out the full context of CSE allegations within this report.

u. Operation Central was launched by the South Yorkshire Police and four young people who alleged CSE appeared as witnesses. The trial ended in November 2010 and five men were convicted. Child S Individual 21 was murdered in November 2010 and a serious case review was launched. This tragic case received national media coverage. A police investigation led to the conviction of Individual 22 In January 2011. The case was linked to CSE. The report on Operation Central by the Safeguarding Children's Board of 21 July 2010 did not make a link between CSE and taxis; nor did the Joint Strategic Intelligence reports from 2010 to 2014. Operation Chard was launched in 2011 into further allegations of CSE but no prosecutions followed.

v. On 5th January 2011, however, the investigative journalist Andrew Norfolk 'broke' the national story of CSE in five pages of articles in The Times. Rotherham was named as one of the towns where there was a 'pattern of collective abuse involving hundreds of girls aged 11 to 16.' He wrote an article detailing the extent of CSE within Rotherham on 25th September 2012.

w. There was no direct evidence of the involvement of taxi drivers in his articles at this stage. Nor was there any suggestion of involvement of taxi drivers in the police operations or Joint Strategic Intelligence reports from 2010-2014. But Individual 64 suggested that this was occurring in her e-mail of 5th November 2010

x. There was a growing awareness that CSE was a serious problem by 2010/11and one would have thought that this would lead to a concern about the role of taxi drivers. Firstly it was known that criminals of Asian heritage were involved in CSE and that community were heavily involved in the taxi trade. Secondly the taxi service gave criminals the opportunity to abuse young and vulnerable women. That is recognised by Rotherham MBC in their evidence to the House of Commons select committee in their follow up enquiry. The evidence submitted on 29th January 2014 (before publication of the Jay report) specifically recognises that young women in taxis are vulnerable to sex predators.

y. It is also not quite the case that the issue of CSE and taxis disappeared from Dave Richmond's view after Individual 64's e-mail of 5th November 2010. On 12th January 2011 Individual 64 e-mailed Alan Pogorzelec. The e-mail was forwarded to Dave Richmond the same day and stated, ' ……bearing in mind the very high profile that sexual exploitation has at the moment of these vulnerable teenagers.'

z. On 25th March 2011 Individual 64 e-mailed Individual 43 about enhanced CRB and as we have seen this e-mail was forwarded to Dave Richmond. The e-mail stated "This is in response to particular issues in Rotherham about taxi drivers being allegedly involved in the sexual exploitation of children."

aa. On 11th December 2013 Dave Richmond e-mailed Tom Cray on the subject of granting interim licences pending receipt of DBS checks and stated, "Given the spotlight on CSE and the frequent finger pointing at taxi drivers as couriers…."

bb. The evidence of CSE continued. In a report published on 10th June 2013 the House of Commons select committee reported that:

> 13. Both Rochdale and Rotherham Councils were inexcusably slow to realise that the widespread, organised sexual abuse of children, many of them in the care of the local authority, was taking place on their doorstep. This is due in large part to a woeful lack of professional curiosity or indifference.

cc. I have already accepted that Dave Richmond clearly did not know the full extent of the problem before Jay. He did not know about the grid of concern, for instance. But there does seem to me that there was enough circumstantial evidence to suggest that there was a serious problem with CSE and it might well be linked to the taxi service. As a very serious problem it should have been prioritised. It seems to me that Dave Richmond should have made further enquiries. As noted above I do not believe that Dave Richmond was indifferent to the problem and he was not informed of the full extent of the problem. It does seem to me, however, that there was enough circumstantial evidence to prompt further enquiries before Case B and Jay and in addition to those set out at 22.1.1.i above.

dd. If, for instance, he had enquired as to the result of the Matt Gladstone review then he might have become aware of the grid of concern. If he had been made aware of how information was being shared in Responsible Authority meetings he might have become aware of the detailed allegations of CSE and the taxi trade. That in turn might well have revealed that enforcement measures were ineffective. It would also have led to policies being reviewed and more exacting policies being applied which in turn would have led to more revocations and suspensions on existing evidence. It should also be noted once again that when the grid of concern was produced the police failed to produce evidence capable of taking the matter forward. In summary, however, it seems to me that there was enough circumstantial evidence of a link between CSE and taxis to prompt the questions posed earlier in this paragraph and a detailed investigation that might have revealed the extensive links between CSE and taxis and the failure of the enforcement function to confront them along the lines described in the Casey report and this report.

ee. There are, of course, many mitigating circumstances. He did not know the full extent of the problem, the Matt Gladstone review was not in his hands, and he took proactive steps such as the Case B report with its actions and the post Jay

taxi licensing improvement plan when he became aware of problems . He was certainly a diligent and committed officer. He was plainly a very busy officer working very long hours and the information fed to him did not reveal the problem. He was also a man under pressure. Rotherham MBC was in the midst of a consultation and planning process to end the ALMO contract. Mr Akhtar and Tom Cray had made it clear in the strongest terms that this should be Dave Richmond's priority.

ff. The weight of evidence clearly shows that Dave Richmond was a decent man doing a difficult job. The fact remains that in my opinion he should have made enquiries earlier and they could have been fuller. The many mitigating factors including the pro active steps summarised in paragraph 23.1.1.i also lead me to conclude that he should not have faced disciplinary action were he still at Rotherham MBC. Dave Richmond, to his credit, recognises that he could have done more. He particularly regrets not taking more detailed action to follow up the outcomes of the Matt Gladstone review but states that this is with the benefit of hindsight and with full knowledge of what is now known of the prevalence of CSE and the role of taxis.

gg. I am, therefore, not of the view that this amounts to a disciplinary offence but I do make this criticism which has been shared with him.

In conclusion, therefore, I would not have recommended any disciplinary or other action against Dave Richmond if he was still an officer of Rotherham MBC but the criticism I make should be shared with him.

22.1.2 Mark Ford

a. Mark Ford, fell immediately beneath Dave Richmond on the taxi licensing enforcement role. Mark Ford's portfolio covered private sector housing standards, environmental protection regulation and enforcement, noise and pollution control, statutory nuisance and ASB, enviro crime enforcement, traveller/gypsy land, trespass liaison and legal resolution, premises and taxi licensing enforcement. His Community Protection team (50 personnel) received over 8,000 service requests/year on these issues. This was a significant span of control for professional enforcement services.

b. Mark Ford was not the immediate line manager of the enforcement officers. Before July 2014 the enforcement officers operated across three areas and reported to the Principal Community Protection Officer within the specific area who in turn reported to their Community Protection Manager who were line managed by Mark Ford i.e. two supervisory/manager tiers between the enforcement officers and Mark Ford. From 1st July 2014 the licensing enforcement officers were line managed by Individual 62. Mark Ford had 1-to-1 meetings with his reportees i.e. the Community Protection Managers.

c. Mark Ford states that he was not aware of the extent of CSE. He states that he was shocked by the Casey report. It is certainly the case that he was not present at the Responsible Authority meetings. The enforcement officers attended from time to time, but there is no evidence that this was reported to Mark Ford. There is no evidence that he was aware of the grid of concern.

d. As noted above the Matt Gladstone, held a series of strategic meetings from November 2010 on safeguarding issues. I have been passed a series of emails

dealing with this subject. Mark Ford received e-mails dealing with the meeting on 19th November 2010 and all, bar one that included the outcome of the meeting, he received third hand. Whilst Mark Ford he did not attend the meeting and was not invited to do so he did ensure that a senior manager from his team attended the meeting held on the 19th November 2010. The manager's feedback via email from that the meeting was that it "wasn't too bad" and that information sharing needed to be improved but the Unit's systems were sound and there was nothing to directly action from Mark Ford's team. An email from Matt Gladstone was attached. The email indicates a link between taxi drivers and CSE, however, it is apparent that the extent was not clear.

e. Mark Ford again arranged for a manager to attend a meeting planned for 13 December but it was ill-arranged and consequently not attended by the manager. On finding out about this Mark Ford spoke to Alan Pogorzelec (whose licensing manager Individual 64 attended the meeting) and asked that he be told if there was anything that would affect his service. Mark Ford also escalated this to both Dave Richmond and Alan Pogorzelec via email and again reaffirmed that he be advised if there was a relevant issue to the service. No further information to indicate that his or any other enforcement involvement was received. It is clear that Mark Ford did not receive invitations to attend Matt Gladstone's meetings, the feedback he received did not raise immediate concerns, and that he was not kept fully informed of the meetings.

f. He was also aware of the Clifton Park Operation in 2012 this was part of a Police investigation ("Operation Cai") and was supportive of his team's involvement (NB : not just licensing). No specific concerns were noticed/witnessed, nor is he aware of any actions emerging from it. The lack of specific evidence was confirmed at the time in the Joint Action Group of the Community Safety Partnership. It does seem to me that Mark Ford was not aware of the full extent of the problem. He did not attend the relevant meetings and was not passed minutes of them. He was not the immediate line manager of enforcement officers.

g. The next question is whether Mark Ford should have been aware. Rather like Dave Richmond, he was reliant upon information being passed from below and he received no information from senior managers or any part of the Council. As discussed in the preceding section on Dave Richmond, the impression being given to the managers was that things were generally satisfactory with licensing enforcement. At paragraph 17 of the note of my meeting with him on 20th July 2015 it is recorded that PDRs carried out each year were satisfactory. This annual review of the PDRs across the whole of Mark Ford's service was a system that Mark Ford had introduced to ensure an overview of the performance of all members of staff in his team and any intervention or support to improve the individual member of staff or, indeed, any service wide need. There were no issues being flagged.

h. I have, however, commented in the section on Dave Richmond that by 2010 the problem of CSE in Rotherham was well known through press reports and police operations. A link with taxis was likely. The House of Commons Select Committee noted a failure of professional curiosity by officers. I have seen no evidence that Mark Ford made more detailed enquiries into the efficiency of enforcement measures because of this background. He states that he was not tasked to do this by the lead service managers for the Select Committee response, Dave Richmond and Alan Pogorzelec. He did take other steps either

proactively, e.g. setting & improving standards & professional practice or when he became aware of problems and I detail them below.

i. There are, once again, mitigating factors. He was a busy officer with continual heavy work demands due to his range of duties and priorities across a broad service portfolio He had no direct knowledge of the problem. There was an impression that things were functioning. I would, however, say that there was more onus on Mark Ford to make these enquiries than Dave Richmond. Dave Richmond had a vast portfolio, Mark Ford a much narrower one that included enforcement.

j. I have already identified the failure of effective enforcement as the fundamental problem. It seems to me (and Ms Casey) that a major reason for this was the division of taxi licensing management and enforcement. This was compounded by the decision to split the officers and place them in three separate divisions. Mark Ford was aware of the review that led to this division but did not make the decision. He was also aware of the subsequent review in which enforcement officers including Individual 6 and Individual 8 (on behalf of his colleagues) criticised the fact that the three licensing enforcement officers were split across the three divisions although they were still co-located.. It should be noted that staff did not dissent on the separation of the licensing enforcement and licensing administration.

k. There were rational reasons for making these decisions and the decision was not Mark Ford's. One would have expected the misgivings of the enforcement officers and, once again, the background of CSE to have prompted more professional curiosity as to how taxi licensing enforcement was functioning following the decisions. Examination of the files, by Ms Casey, the Audit team and myself, have revealed major failings.

l. It should be noted, however, that where Mark Ford became aware of difficulties he took actions to correct them. Mark Ford discussed licensing enforcement arrangements with Individual 62, who was then Community Protection Officer in 2013. Individual 62 had identified inconsistency on licence delivery. Delivery was different in the less urbanised southern area because of local needs. There were inconsistencies in workloads. It was therefore decided to put all three licensing enforcement officers under one manager, Individual 62, from July 2014. This was all decided before the Jay report. It should be noted that this was reflecting to consultation comments made by Individual 6 and Individual 8 in 2008. Despite there being a further service review in 2011 changes could have been made before 2013.

m. In 2013, Case B had shown that a driver had been granted a licence, despite the fact that he was under investigation by enforcement officers. Mark Ford believes that Individual 64 was aware of the ongoing investigation.

n. As a result of this Dave Richmond commissioned a review. This coincided with a department review of performance and quality. Mark Ford also did his own review and 6 actions arose, which were:

   i. PACE recording

   ii. Evidence storage

iii. Case file control

iv. Sharing information with LALPAC

v. Use of evidence

vi. Confirmatory letter

o. Additional supervision was provided and pocketbooks were audited for recording evidence and instructions issued. There was follow up for performance and quality and the feedback was positive.

p. Mark Ford also ensured that the standards and practice expected in all investigations, not just CSE, had been set. These were based on national enforcement policies and guidance. These had been introduced to reflect known local circumstances. As noted above following a review in 2013 Mark Ford put in place improvements in enforcement to improve the quality and practices in investigation and recording – these actions were just as applicable to CSE cases as any other investigation case. In addition he developed and introduced bespoke escalation procedures for CSE and other safeguarding matters for his services; these procedures being implemented and used successfully. The procedures were regularly reviewed and updated in light of corporate response to the Casey Review.

q. In conclusion then, Mark Ford had no direct knowledge of the full extent of CSE and the taxi service. The information he received suggested that things were effective. It does, however, seem to me that the background of CSE in Rotherham and the concerns expressed over the reorganisation of enforcement should have prompted greater scrutiny of the enforcement function which would have, in all probability, revealed its shortcomings. The fact that he had no direct knowledge acts as some mitigation. He did take sensible measure to remedy defects that came to his attention. Mark Ford was also not alone in this failing. With a few obvious exceptions it was a malaise that affected all of Rotherham MBC. Mark Ford retired from the service in March 2016. Had he still been serving I would have not recommended disciplinary action against him but I would have asked that the criticisms made above be shared with him.

For all the reasons discussed above, my conclusion and recommendation is that disciplinary and capability procedures would not have been appropriate against Mark Ford but he should be made aware of the criticisms made in this report.

22.1.3 Individual 62

a. The officer with responsibilities for enforcement who lay immediately below Mark Ford was Individual 62. In 2009 he became Community Protection Officer for Rotherham in the central region. The licensing enforcement officers reported to the Principal Community Protection Officer, not himself. He had monthly 1-to-1 meetings with the principal officer in his team. As noted earlier, in July 2014, all three enforcement officers across the borough were brought together under Individual 62's line management.

b. There are two issues to consider in the case of Individual 62. One is the question asked of his colleagues – did he know about the extent of CSE and should he have taken steps to eradicate it? The second question deals with a specific issue raised

in the Casey report. At pages 107 to 109 the Casey report discusses the case of Individual 1 that was taken to the Licensing Board. The Casey report raises concerns over a decision not to include a boy's allegations that a taxi driver had shown him graphic sexual images in a report to the Licensing Board. I will deal with these issues in turn, beginning with Individual 62 knowledge of CSE.

c. Individual 62 was not present at Responsible Authority meetings (although he seems to have attended one) and there is no evidence that he was aware of their contents or of the grid of concern. He was not present at the meetings convened by Matt Gladstone, or on the e-mail distribution list after them. He did not become line manager of the three licensing enforcement officers until July 2014. He cannot, therefore, have heard directly of problems from them.

d. He was aware of the Clifton Park investigation, but as we know, this yielded very little hard information.

e. It should be noted that Individual 62 has, at all times, showed a constructive approach to his duties. Individual 62, in fact, identified concerns about inconsistency in licensing enforcement delivery to Mark Ford in 2013. This was before the Jay report. As a result of this, all three enforcement officers were brought together under his management. Individual 62 has demonstrated an equally constructive attitude in re-writing the FLARE system, which is used by enforcement officers. It now provides helpful templates for officers to perform their tasks and adequate management tools to make sure that this is being done. For all these reasons I do not believe that Individual 62 was aware of the extent of CSE or could reasonably have been expected to have been aware. It should also be noted that his responsibilities were restricted to the central region at the material time. He did not have responsibility across the authority, unlike Mark Ford and Dave Richmond so he did not have the onus to review authority wide strategy.

f. As noted above, the Casey report also raised concerns about Individual 62's report to the Licensing Board on the Individual 1 case. This is Case A – 04/14 . The concern is that the allegation that the display of graphic sexual images by a taxi driver to a child with special needs was not brought to the attention of the Board. Individual 62 informed me that a police investigation, which included the examination of Individual 1's electrical equipment, concluded that the illicit images did not exist. The police would of course have searched for deleted information. This is borne out by the report on the case which was presented to the Licensing Board which states that the police investigated the safeguarding aspects of the case and concluded no case to answer. Individual 62 informed me there were pictures of women that you could find on social media such as Facebook, but these were not pornographic. I have read the report, which brings many other concerns to the attention of the Board, such as "scoring" the looks of females and girls, an allegation of urinating in view of a passenger and dangerous driving. Individual 62 informs me that there was simply no evidence to support the display of the sexual image and therefore no point in bringing it to the Board. I find this a reasonable explanation. The fact that Individual 62 brought other inappropriate behaviour, such as the comments on women and the urination, to the attention of the Board suggests that he wanted to be open and frank with them.

g. I fully understand the concerns of Ms Casey and her team. Given the general failure to act upon knowledge of CSE, it could appear as yet another example of

turning a blind eye or suppressing information. I think, however, that this was not the case with Individual 62 in the context of this case. It was also not the way he operated because his instinct was clearly to confront problems.

h. I should add that the audit report of 11th January 2016 makes further criticism of the enforcement section. Once again I should say that Individual 62 appears blameless in this process. As noted in the report he was absent through ill health for a long period. Secondly it was obvious that many of the shortcomings were picked up in management reviews he instigated.

I do not, therefore, believe that any disciplinary or capability measures should be taken against Individual 62.

22.1.4 Individual 17

a. Individual 17 was the Licensing Enforcement Officer attached to the central division. The Casey report found that in an audit of 22 complaints, 86% of investigations were inadequate. This obviously catches Individual 17 because he was one of the officers. Two questions really arise with the case of Individual 17. The first is whether he failed to recognise the risk of child sexual exploitation. The second is whether he was culpable for the kind of failings recognised by the Casey report.

b. Taking the points in turn, Individual 17 was certainly aware of the problem with CSE and candidly admitted this in his interview with ourselves. He stated *"Not in denial. I knew things were happening*". It is also clear that he knew from the responsible authority meetings. He attended the majority of those meetings.

c. The next question, then, is whether Individual 17 was culpable for a failure to pass this information on. It should be noted that the Responsible Authority meetings were attended by partners from other agencies and other parts of Rotherham MBC. There were also officers who were more senior than Individual 17 present. Individual 64, was present, together with representatives of the Safeguarding Board, Risky Business and police officers, amongst others. Specific actions were given to particular individuals in the meetings. The Responsible Authority meetings therefore had the effect of sharing information with those individuals. One can see that Individual 17 would not feel the need to share the information in any other way. Actions were also allocated, giving the impression that things were being seen to and were being shared through the meeting.

d. The criticism remains of the way in which complaints were investigated and there are clearly justified concerns here. Rotherham's review of 1665 enforcement cases has mainly shown failings in record keeping rather than outcome. The failings therefore did not impact directly on CSE issues. Where there were CSE issues there was poor communication with the police but also a failure by the police to obtain enough evidence to mount a case. The deeper impression left by the grid of concern, the Responsible Authority meetings, Ms Casey's report, the internal audit report and my own reading of the files is that the enforcement service was deeply ineffective.

e. One also has to look at the general situation that Individual 17 found himself in. I have noted before that there were failings within Rotherham MBC which impacted directly upon Individual 17 and his colleagues. In the case of Individual 17, these were:

i. The division of licensing management and enforcement and the division of the three enforcement officers across the three regions. Individual 8 had raised concerns on behalf of all three enforcement officers.

ii. Time and resources – there were only 2.5 licensing enforcement officers, and this impacted particularly on Individual 17 as the central region was by far the busiest. Individual 62 had noted an imbalance in duties which led to all three officers being brought together under him. There was no proper sickness cover.

iii. Inadequate tools until FLARE was rewritten to ensure that there was a case management system that would prevent the kinds of failings identified by Ms Casey.

iv. No proper written policies.

v. The fact that resources meant that all enquiries had to be reactive so an effective overall strategy to combat CSE was never framed.

f. Individual 17 has already been disciplined and received a verbal warning for administrative failings on his files.

g. In conclusion, therefore, I do not believe that Individual 17 was culpable for a failure to share information. It would seem to him that information was being shared and actioned. There were clearly many errors in the investigation of complaints. There was a continued failure to carry out proactive investigations. I do not believe that Individual 17 or the other enforcement officers can be held responsible for this. They were not given the tools or means to do this effectively and had raised concerns. It seems to me that the disciplinary proceedings already brought against Individual 17 are an appropriate response.

I do not believe that disciplinary or capability procedures should be brought against Individual 17.

22.1.5 Individual 16

a. The comments that I make about Individual 17 apply equally to Individual 16. He attended Responsible Authority meetings and would have been aware of the problem of CSE. He would also think that the information was being shared and actioned. The criticisms made by Ms Casey and Rotherham MBC's own audit of complaints investigations must apply equally to him, but once again the same comments apply. It seems to me once again that the failure to confront CSE effectively was down to inadequate tools and resources identified above.

I do not believe that disciplinary or capability procedures should be brought against Individual 16.

22.1.6 Individual 8

a. The third enforcement officer was Individual 8. The same remarks apply. I am not sure that Individual 8 was fully aware of the extent of CSE. He attended less Responsible Authority meetings than his two enforcement colleagues. He certainly gave the impression in interview that he was not fully aware of the

extent of the problem, although he was aware of difficulties with limousines and suspicions of child sexual exploitation in Clifton Park.

I do not believe that disciplinary or capability procedures should be brought against Individual 8.

23. Licensing management

23.1 I turn now to licensing management and will once again consider the staff in turn, beginning with the most senior staff.

23.1.1 Alan Pogorzelec

a. Alan Pogorzelec became a Manager in 2008. He had a wide remit, which included food, health and safety, animals and feed, trading standards, tobacco control and licensing administration, including taxi licensing. About 30 people were answerable to him. His senior manager was Dave Richmond. The people answerable to him were Individual 64 and her team of licensing managers. He was not responsible for taxi licensing enforcement.

b. Licensing saw a number of changes in administration and personnel during the relevant period. The licensing management team effectively lost 1.6 members of staff. The 0.6 disappeared on voluntary redundancy (Individual 14); another member of staff took a career break (Individual 13) and the replacement, Individual 15, was then absent on long term sickness. There were also changes in location. I have mentioned these earlier but will repeat them for context. The team were originally at a base called Reresby House and were then re-located to Maltby CSC. It was, however, felt that there was a need for a presence in the town centre and two members of staff were re-located to Riverside House. Individual 10 went there with Individual 15, who was then absent through long term sickness. Individual 10 estimates that she worked by herself for about 12 months at Riverside House until Individual 64, the Manager, joined her, leaving Individual 9, Individual 11 and Individual 12 at Maltby. In February 2015 it was decided that the Maltby staff should move to Riverside House. All three members of the Maltby team then had periods of absence through stress. They are now all back at work. All members of staff complain of very heavy workloads. Reference to the notes of interview show that there was a general failure to carry out annual PDRs.

c. The above is not immediately relevant to Alan Pogorzelec's actions, but will form part of my general comments about his role.

d. The key question, once again, is whether Alan Pogorzelec was aware of the extent of CSE and should, therefore, have taken further action. He did not attend Responsible Authority meetings although Individual 64 would make him aware of significant issues but would not give him a detailed briefing. He stated in interview that he did receive some verbal briefing from Individual 64 following one of the meetings with Matt Gladstone, but states that that no detail was provided. He also recalls that following the exchange of information with other agencies Individual 64 stated that there was not enough information to proceed. This is true.

e. He was not at the meetings with Matt Gladstone, which discussed the grid of concern. It seems that Individual 64 e-mailed him the grid of concern in 2013

when material was being collected for the Home Affairs Select Committee, but that e-mail was almost certainly lost when his laptop was damaged. Alan Pogorzelec told me that he took steps to retrieve the information on his laptop but it was not possible. That is borne out by the e-mails which he has produced to me.

f. I have criticised Dave Richmond and Mark Ford for failing to make further enquiries which might have revealed the extent of CSE and problems with enforcement. I would not make these of Alan Pogorzelec. Firstly enforcement was not part of his role. Secondly it did appear to him that Individual 64 of his team was addressing these issues and reporting to him.

g. I should, however, discuss Alan Pogorzelec's response to Individual 64's e-mail of 5th November 2010. We can, with the benefit of hindsight, see that Individual 64 correctly identified the main failings within taxi licensing and enforcement, failings that have been recognised by Ms Casey and remedied by Commissioner Ney. The points that Individual 64 raised were:-

(i) That there were links between the taxi trade and widespread CSE;

(ii) That the separation of taxi licensing administration and enforcement was undesirable;

(iii) That the Licensing Board was ineffective and the fit and proper person test was not being applied properly;

(iv) That there was unwelcome political interference.

h. Alan Pogorzelec considered these points and decided that there was no need for action. On point (i) he recalls that Individual 64 reported to him that the grid of concern did not give enough intelligence for further action which is true. On point (ii) he correctly responded to Individual 64 saying that there was a rationale behind the decision to separate the functions and it was unlikely that they would be reunited. He therefore took the view that a service level agreement was the answer. On point (iii) the decisions of the licensing board followed the existing policy – this is once again true and detailed above. On point (iv) he believed that the political interference referred to Case A where Councillor Hussain had asked for a meeting. The member had been forthright but he did not think there was anything improper about having the meeting. Generally he believed that all matters raised within Matt Gladstone's review would be addressed by Matt Gladstone.

i. It can be seen from this that Alan Pogorzelec addressed the concerns raised by Individual 64. We see things in a different light today but his thoughts and actions at the time were not unreasonable. Once again, however, it seems that he should have been more critical of the existing licensing policy and asked that a more exacting policy be introduced that would have led to more suspensions and revocations on existing evidence.

j. The staffing levels, complaints of overwork and failure to replace staff are an obvious cause for concern. Alan Pogorzelec, however, informs me that it was considered that the 0.6 loss was acceptable following discussions with Individual 64. It should be noted that all of these matters fall against the background of reductions in public spending and wishes to reduce staffing.

k. The decision to split the licensing management staff between Maltby and Riverside House for a period (with the Manager first at Maltby and then at Riverside House) may not seem the most obvious of solutions and was an arrangement that was fraught with difficulties. There were, however, reasons for making this division. Maltby had good customer access and was near the vehicle testing centre in Hellaby. Maltby was easier for staff. There were also obvious reasons for having a more central location.

l. Although the arrangement might seem unusual, one could not say that it was irrational, because of the clear reasons that justify it. The licensing staff also seemed happy with the arrangement and say that it worked. It was, in fact, when the department was reunited at Riverside House that difficulties arose with the Maltby staff suffering from sickness.

m. The internal audit report has identified administrative failings within licensing management but decided that the fault lay with Individual 64 rather than Alan Pogorzelec.

n. Having said all that, there are things that concern me about the functioning of the licensing management department. The division of the unit, with Individual 64 as Manager at Riverside House, does strike me as unusual. The fact that three members of staff went off with stress at the same time is a cause of concern. The staff informed me that PDRs were not carried out. These all strike me as management issues which need to be addressed. I do not believe that they are disciplinary matters for the reasons discussed above, but I do think that some discussion with Alan Pogorzelec of how to confront issues of this kind would be of benefit.

o. I should also note that the new taxi policy document was largely the work of Alan Pogorzelec and his efforts and industry should be recognised.

I do not, however, believe that disciplinary proceedings should be brought against Alan Pogorzelec. The criticism I make above should be shared with him.

23.1.2 Individual 64

a. Individual 64 was the Manager throughout the relevant period but is no longer in their employment. It seems to me that there are two questions to raise in the case of Individual 64. The first is whether she was culpable for the general administrative failings within the licensing management department that have been identified, particularly in the internal audit report. The second question is whether there was a failure by her to communicate or action concerns about CSE, in particular the concerns raised on pages 114 to 117 of that report.

b. The concerns raised in the internal audit report led to the suspension of Individual 64 and disciplinary proceedings over a number of matters raised in them. These proceedings led to a written warning being imposed because Individual 64 had issued an operator's licence without a DBS check. The suspension of Individual 64 has been withdrawn. In a letter dated 20th August 2015 David Burton, referred to the need to invest some time and effort into her personal development as a manager. It is clear from this that Rotherham MBC feel that the administrative failings within the licensing department have been addressed and it is thought that Individual 64 should continue with her duties. I

therefore believe that this issue has already been dealt with and there is no need for me to revisit it.

c. I turn now to the question of knowledge of CSE. There is no doubt that Individual 64 had a good knowledge of CSE. It appears that Individual 64 attended the exploitation steering sub group meeting in 2010 and meetings convened by Matt Gladstone. She received the grid of concern as a result of her attendance.

d. Individual 64 also attended and chaired meetings of the Responsible Authority meetings.

e. As noted earlier, and noted in the Casey report, the grid of concern and responsible authority meetings give a good deal of information about CSEs. Individual 64 was, therefore, clearly aware of the link between CSE and taxis. She acknowledges this in her interview of 29th September 2015 and is understandably proud of the connection she established with Risky Business (the group within Social Services that dealt with young persons at risk of CSE.)

f. The next question is whether there was a failure by Individual 64 to communicate this information. The e-mail of 5th November 2010 really answers this question. She made her concerns clear to Matt Gladstone, Dave Richmond and Alan Pogorzelec. She identified many of the issues that have been identified and acted upon post Jay and Casey – the need to unify taxi licensing enforcement and licensing management, the need for better policy and the need for a strategic overview. Most importantly she commented upon the clear and widespread link between CSE and the taxi service. It is difficult to see that she could have done more or shown greater insight.

g. Individual 64 did attempt to move things forward having received the gird of concern. It is worth looking at a couple of examples.

h. On page 1 of the grid it is reported that during preventative work sessions young people spoke about taxi drivers parked near to school offering free rides for sexual favours. The police recorded that they were monitoring the location. Licensing commented that the police were aware of the allegations and were monitoring and that no further action could be taken in the absence of additional information from South Yorkshire Police. South Yorkshire Police clearly failed to produce any additional evidence. In many cases the response was ineffective, but it was not unreasonable of Individual 64 to place reliance upon the vastly superior investigative resources of the South Yorkshire Police.

i. An entry dated 6th August 2010 records that two Asian taxi drivers were behaving suspiciously in Clifton Park. As we know, Clifton Park was suspected as being a scene of CSE. Two registration numbers are given; the police recorded that they have no record on their intelligence system of the incident. The registered keeper for one vehicle was a new keeper and the other registration number taken was incorrect. Licensing actually managed to track down the right registration number, realising that a typographical error had been made. They, however, recorded that it was not possible to identify the drivers from the information provided as a licenced vehicle can be driven by any licenced driver; in these cases the vehicles were private hire vehicles.

j. Once again, one can see some reliance on the police, but also that there was simply a lack of information to action. These two examples establish a pattern

that is repeated throughout the grid of concern. Actions were taken following a report of complaints, the police were usually involved in those investigations, but the response was clearly ineffective given that the problem of CSE continued.

k. It should also be noted that any steps taken by Individual 64 were probably going to be in vain because of the weaknesses with the enforcement function that I have already identified.

l. One might ask whether Individual 64 should have taken any further steps. She tells me that she found the response to her e-mail of 5th November to be dismissive. One can see why she formed that impression. She, however did not let the matter rest there. In an e-mail of 20th December 2012 she complained about the lack of enforcement cover over the Christmas period. It can also be seen that she complained about Mr Akhtar's role and manner and supported her staff. She intervened to make sure that enhanced CRB checks remained for taxi drivers. She voiced her concern about drivers being allowed to drive on an interim licence pending receipt of a CRB check. In an act of some courage she e-mailed Mr Akhtar stating that someone (by implication Mr Akhtar) had told an applicant that he could have a driver's badge after the cut off date. She stated that Individual 48's licence should be suspended which would happen under today's practice. She identified Clifton Park as a hotspot. She continually showed insight, initiative and courage.

m. It has to be said that for all these obvious virtues, Individual 64 had clear failings. It does not seem to me that she always followed things through. One example is the SLA that Alan Pogorzelec suggested that she drafted with enforcement officers following her e-mail of 5th November 2011. This was never carried out by Individual 64 although given the difficulties with the enforcement function it is doubtful whether this would have had any meaningful effect. Individual 64 states that she did work with Individual 62 and Individual 9 on this but found it difficult to complete because of its complexities and needs. The fact, however, remains that it was not completed. Mark Ford informed me that he and Alan Pogorzelec eventually finalised one in 2014. During Matt Gladstone's review she raised concerns about the operation of a Taxi company. Once again, and through discussions with Individual 64 it does not seem that this was carried through. Individual 64, however, informs me that she asked for information from enforcement and it was never provided.

n. There are, however, clearly mitigating circumstances. Firstly it seems to me that Individual 64 faced these issues because she was accepting responsibility and taking on more than others. It also seems to me that she was taking on too much. Finally the enforcement role was not part of her job description. She, however, took it on and assumed that responsibility in an attempt to remedy the difficulties caused by the decision of senior management to separate taxi licensing management and enforcement.

o. The internal audit report also raised concerns about a number of administrative errors in the issue of licences. These issues have, however, been addressed by the actions taken against Individual 64.

p. I believe that the failings of Individual 64, in context are excusable. What should be emphasised rather than these failings is that she continually showed insight, commitment and leadership by accurately identifying the difficulties that were confronting the taxi licensing and enforcement function.

q. **Individual 64 has already been disciplined and I would not have recommended further action if she were still employed by Rotherham MBC for the reasons explained above. The criticisms I make should be shared with her and she should be offered management advice.**

r. I also saw those who worked beneath Individual 64 in licensing management. These are Individual 9, Individual 12, Individual 10 and Individual 11. I am grateful to them for their evidence which has guided me. However, I do not believe that I need to consider their position in detail. The internal audit report revealed failings in the unit, but it was decided that these were the responsibility of the Manager, Individual 64, rather than those beneath her. I should say in passing that the staff were not aware of the full extent of CSE and given their position I would expect this to be the case.

s. One theme identified by Ms Casey was that of political interference. The above witnesses say that there was a suspicion of this but there is an absence of hard evidence.

24. Others

24.1 For the avoidance of doubt I should make it clear that I would not have recommended disciplinary or other measures against Matt Gladstone had he still been a Rotherham officer. I have already made clear that I believe that Matt Gladstone showed leadership and great strategic sense.

24.2 I have also already stated that I would have recommended an investigation of Mr Akhtar under the authority's code of conduct had he still been a member.

25. Conclusions and recommendations.

25.1 There was a good deal of intelligence which suggested that elements of the taxi trade were heavily involved in CSE in Rotherham.

25.2 Effective action was never taken because the enforcement function was ineffective.

25.3 A major reason for this was the decision to take the enforcement function out of the main licensing unit in 2008 and to the divide the three officers between three geographical regions. The enforcement officers predicted difficulties and although they were co-located for three years were found to be correct.

25.4 The senior managers responsible for enforcement, Dave Richmond and Mark Ford, were not aware of the full extent of the problem with CSE and the taxi service.

25.5 Given the amount of circumstantial evidence surrounding CSE they should have made further enquiries which might well have revealed the problem and deficiencies in enforcement. There were mitigating factors for this failure which are detailed above but they should be made aware of this criticism.

25.6 The officer who did the most to address these issues was Individual 64. She was not directly responsible for enforcement but raised concerns about the links between the taxi service and CSE and deficiencies in the enforcement service in an e-mail to Dave Richmond and her immediate superior Alan Pogorzelec on 5th November 2010.

25.7 Individual 64 did not always follow through her actions. She should receive advice on this issue.

25.8 The taxi licensing management department suffered difficulties with a divided site, staff shortages and staff absence. Alan Pogorzelec should receive advice on how to deal with issues of this kind.

25.9 There are concerns about the behaviour of former Councillor Akhtar. It is alleged that he bullied staff. It is also alleged that his position as a licensed taxi driver was incompatible with his role as Cabinet member for Housing and Neighbourhood Services which included taxi licensing management and enforcement. These matters remain unresolved through my investigation but if he was still a member I would recommend that he be investigated for these matters under the Authority's code of conduct.

25.10 I have identified many individual failings. There was, however, a collective failure by the taxi licensing administration and enforcement sections to confront the problems that existed. It was this collective failure rather than any individual failure that proved critical.

25.11 The problems identified by Ms Casey have been addressed by Commissioner Ney. A new and robust licensing policy has been introduced. Existing licences have been reviewed so that only fit and proper persons now hold licences. The enforcement function has been reunited with taxi licensing management. The Licensing Board, guided by proper policies and procedures, is operating effectively.

John Riddell

Weightmans LLP – 3rd August 2017.