

BARNSELY METROPOLITAN BOROUGH COUNCIL

GENERAL LICENSING REGULATORY BOARD

11th September, 2013

7. **Present:** Councillors C. C. Wraith (Chairman), P Birkinshaw, Bruff, Dures, Johnson, Saunders, M Sheard, T Sheard, Shepherd, and Worton.

8. **Declarations of Pecuniary and Non-Pecuniary Interest**

There were no declarations of pecuniary and non-pecuniary interest from Members in respect of items on the agenda.

8. **Minutes**

The minutes of the meeting held on 3rd July, 2013 were taken as read and signed by the Chairman as a correct record.

4. **Licensing Enforcement, Vehicle Inspections and Related Matters**

The Principal Licensing Officer gave a briefing providing an overview of the work of Licensing Enforcement Officers. She explained that from April 2013 the Service had become fully staffed with Enforcement Officers and that, as such, a programme of taxi enforcement operations was now able to be undertaken and her report gave details of recent exercises that had been carried out.

On the 13th June, Licensing Enforcement Officers, together with Vehicle Examiners from the Smithies Lane Depot undertook a series of licensed operator inspections during which 18 licensed vehicles (both Hackney and Private Hire) had been inspected. Of these, 7 vehicles had been found to be compliant, 5 had been suspended because of serious defects and 6 written warnings had been issued for a variety of reasons including the failure to complete the daily check sheet, or poor cleanliness to the vehicle interior and exterior.

In percentage terms, this meant that 28% of vehicles were non compliant and 33% had been subject to the issuing of a written warning most of which could have been avoided by the completion of the daily check sheet, a requirement of the current licensing conditions.

On the 26th July, a second operation had been undertaken when Licensed Operators whose vehicles persistently failed their MOT test had been targeted. In total, 45 licensed vehicles (Hackney and Private Hire) had been inspected 29 of which had been found to be compliant,

14 had been suspended because of various defects and 2 written warnings had been issued in relation to vehicles where the licence plate had been placed in the back window or for failing to complete the daily vehicle check sheet in accordance with Licensing Conditions.

This equated to 31% of vehicles found to be non compliant with 4% had been subject to a written warning.

A roadside spot check n operation had been undertaken on the 16th August involving officers from the Licensing Service, the South Yorkshire Police and Vehicle and Operator Services Agency (VOSA). In total, 14 Licensed vehicles (Hackney and Private Hire) had been stopped and inspected, however, once a vehicle had been stopped it was found that details of the operation were circulated amongst the trade who then avoided the area leaving fewer vehicles to inspect. It was pleasing to note, however, that on this occasion all vehicles stopped were found to be fully compliant.

A further operation had been undertaken on the 23rd August involving Enforcement Officers and Officers from the Smithies Lane Depot. Twenty vehicles (Hackney and Private Hire) had been inspected, 15 had been found to be compliant, 4 had been suspended and one written warning had been issued.

The Fleet Operations Manager then gave a briefing on the current position with regard to vehicle failure rates and he gave a detailed breakdown of those failures by category for the period 1st April to 31st August, 2013. Of the 435 tests undertaken, 353 were undertaken on Private Hire Vehicles which resulted in 264 failures (74.4%). The remaining 82 tests were undertaken on Hackney Carriages which had resulted in 53 failures (64.6%). His briefing was supplemented by photographs showing the kinds of problems encountered when undertaking vehicle inspections.

The presentations engendered a full and frank discussion during which matters of the general and detailed nature were raised and answers were given to Members questions were appropriate.

The following matters were amongst those raised:

- Officers within the Licensing Service and at the Smithies Lane Depot were extremely concerned about compliance and were determined to see vehicle suspension and MOT failures improve in an bit to drive up standards
- it was concerning to note that failure rates had recently peaked at 80% and the action taken by officers to address these issues was noted.
- there was particular concern that many of the failures could be avoided if drivers completed the daily check sheet

- it should not be forgotten that a large number of drivers/vehicles were fully compliant with all licensing conditions and that such vehicles were kept in an excellent condition
- it was noted that proactive enforcement was continuing to take place and now that the Enforcement Section was fully staffed, operations were to take place on at least a monthly basis
- Members concurred with officers approach that operators, vehicle proprietors and drivers needed to start accepting responsibility for their failures and make a change.
- It was noted that the current failure rate could potentially lead to an increase in risk to public safety for passengers using taxi vehicles and that the primary consideration for the authority and Members was the safety of the public.
- there was a discussion of the role of the General Licensing Panels in ensuring that drivers/owners/operators found to be flouting Licensing Conditions were brought to task. Arising out of this, reference was made to the need for greater liaison between the Authority and the Magistrates Court to ensure that decision making was, wherever possible, consistent between both bodies. This matter had been referred to at a previous meeting and the Principal Licensing Officer was asked to investigate what progress had been made in this respect.
- Arising out of the above, there was a discussion of the ways in which compliance with Licensing Conditions could be improved bearing in mind the Local Authority's role in ensuring the safety of the travelling public. The following issues were amongst those discussed:
 - The Principal Licensing Officer and Fleet Operations Manager explained that currently the Authority undertook the maximum number of inspections of vehicles permitted under existing legislation. A suggestion was made that the Authority may need to lobby the Government for a change in Licensing Regulations
 - In response to questioning the difficulties associated with undertaking inspections based on mileage (distance covered) were outlined
 - it was too early to say what the impact of the increased proactive approach to enforcement would have on compliance as the Enforcement Team had only been fully staffed and operational since April. It was likely, however, that as time progressed more drivers/operators would be appearing before the General Licensing Panel in accordance with existing policy, having received three written warnings. This may, in time, have a positive effect on the improvement in compliance
 - a suggestion was made that Officers consider what further action could be taken under current Licensing Policy and Legislation and that, if require, appropriate changes be made to that Policy to improve the standard of vehicles. Arising out of this discussion, it was suggested that:

- consideration could be given to increasing test fees to deter the trade from using the retest fee as a cheaper alternative to vehicle maintenance
- a 'time limited' Task Group be established with representatives of the Authority and Trade to consider what alternative options were available. Whilst this option could be explored further the benefits of such a Group were questioned as it was pointed out that there was already a Trade Liaison Group in existence whose role was to discuss issues of mutual interest as well as policy development
- the ways in which licensing policy was developed and approved was explained
- there was a need to ensure that those members of the Trade who were currently fully compliant were not alienated by any future proposals

After considering all the representations made it was:

RESOLVED

- (i) that the briefings be received and the Principal Licensing Officer and Fleet Operations Manager be thanked for most informative presentations; and
- (ii) that officers explore, as a matter of extreme urgency, what further options are available to improve compliance with Licensing Conditions (either within existing policy or on the need to develop Policy further) and that a report be submitted to the next meeting.

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Chairman