

BARNSELY METROPOLITAN BOROUGH COUNCIL

GENERAL LICENSING REGULATORY BOARD

23rd April, 2014

15. **Present:** Councillors C. C. Wraith (Chairman), P Birkinshaw, Brook, Burgess, J Carr, Tracey Cheetham, Dures, Ennis, Frost, S Green, Johnson, Saunders, M Sheard, T Sheard, Shepherd and Sixsmith.

16. **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.

17. **Minutes**

The minutes of the meeting held on 12th March, 2014 were taken as read and signed by the Chairman as a correct record.

14. **Licensing Enforcement - Update**

The Assistant Director Regulatory Services submitted a report providing the Board with an overview of the work of Licensing Enforcement Officers since the last meeting.

The Board was reminded that following concerns expressed at a previous meeting, Licensing Enforcement Officers had continued to proactively embark on a number of taxi licensing enforcement operations as follows:

(a) 18th January, 2014 - a daytime exercise involving Licensing Enforcement Officers together with Vehicle Examiners from the Smithies Lane Depot focussing on a series of Licensed Operators:

- 26 hackney carriage and private hire vehicles examined
- 16 vehicles found to be fully compliant
- 10 vehicles (38% of those inspected) issues with suspension notices for a variety of reasons including defective tyres and lights and faulty airbag
- no written warnings issued

(b) 21st February, 2014 - a second daytime exercise involving Licensing Enforcement Officers and Vehicle Examiners from the Smithies Lane Depot focussing again on a series of Licensed Operators:

- 13 hackney carriage and private hire vehicles inspected
- 10 vehicles found to be fully compliant
- 3 vehicles (23% of those inspected) issued with suspension notices for a variety of reasons including defective tyres and lights
- no written warnings issued

(c) 28th February, 2014 - a third daytime exercise involving Licensing Enforcement Officers together with Vehicle Examiners from the Smithies Lane Depot focussing again on Licensed Operators:

- 31 hackney carriage and private hire vehicles inspected
- 18 vehicles found to be fully compliant
- 13 vehicles (42% of those inspected) issued with suspension notices for defective tyres, brakes, lights, uneven headlights, vehicle signage and rear seat belt being inaccessible
- 7 drivers (22.5%) issued with a written warning for failing to complete daily check sheets and failing to produce the driver badge

(d) 28th March, 2014 - a multi-agency evening operation involving Licensing Enforcement Officers, South Yorkshire Police, VOSA and Customs and Excise (Vehicle Examiners from Smithies Land Depot were not present because of the attendance at the exercise of VOSA representatives):

- 23 hackney carriage and private hire vehicles examined
- 19 vehicles found to be fully compliant
- 4 vehicles (17% of those inspected) issued with suspension notices for defective tyres
- 4 written warnings issued for failing to complete daily check sheets and for poor attitude

The Principal Licensing Officer circulated the following documents which had been requested at the previous meeting (copies would be emailed to all Members following the meeting):

- Hackney Carriage and Private Hire Vehicle Daily Inspection Book
- Hackney Carriage and Private Hire Driver Theory Test Guidance (incorporating the Driver and Vehicle License Conditions, Hackney Carriage Tariff and Local Byelaws)
- New Driver Induction Course
- Licensed Driver Code of Conduct
- Benchmarking Data with neighbouring authorities detailing vehicle pass and failure rates for march 2013 to April 2014

Vehicle non-compliance was an issue of concern not only during enforcement operations but continued to be an issue at the Smithies Lane Depot when MOT's were undertaken. Mr K Glover, (Fleet Operations Manager) attended the meeting and briefly reported on the types of problems identified within the Depot.

It was pleasing to note that since the last update, vehicle failure rates at Smithies had reduced by a further 3% which was encouraging, however, an overall failure rate of 47% was, nevertheless, unacceptable as was the continued use of defective tyres and the failure to complete the daily check sheet given that the protection of the public was paramount.

The Authority was committed to improving the condition of the taxi fleet and the standards of drivers. To this end, it was proposed that proactive enforcement operations continue to take place on a quarterly basis. The failure rates were still unacceptable and harboured great concerns amongst those committed to combating such failings. The Licensing Service would continue in its quest of cascading a strong message to all operators, vehicle proprietors and drivers who needed to accept responsibility for their failures and make a change. Failure to address these issues could continue to put the safety of the public at risk. Passenger and public safety was paramount, however, it should be borne in mind that there were many operators and drivers within Barnsley about which the Licensing Service had no concerns.

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:

- it was noted that the majority of written warnings could have been avoided had the drivers/proprietors concerned complied fully with licensing conditions. The changes introduced at the beginning of 2013 requiring drivers with three written warnings within a 12 month period to appear before a General Licensing Regulatory Board Panel was very much welcomed
- it was pleasing to note that enforcement operations had continued to address the appalling failure rates reported at the previous meeting, however, the reduction by a further 3% to a 47% MOT failure rate, whilst pleasing, was still at an unacceptable level given that the protection of the public was paramount
- Photographic evidence was circulated showing the problems identified with one particular operator in relation to defective tyres. Appropriate action was to be taken in this regard
- Questions were asked as to whether the Authority could require, by licence condition, drivers to carry a set of spare bulbs for their vehicles. This matter could be investigated
- it was particularly important that operators, proprietors and drivers took heed of the messages given by Enforcement Officers and Vehicle Examiners of the need to take responsibility for their failures and to make a change
- the implications for drivers of having their vehicles suspended was outlined particularly in terms of lost revenue. Arising out of

the discussion, reference ways in which suspended vehicles could have those suspension notices lifted

- the continued failure to complete the daily check sheet was disappointing
- Questions were raised which engendered a discussion about the possibility of introducing punitive measures for those drivers/operators failing to adhere to licensing conditions. Arising out of the above discussion, the Board noted that the current policies in relation to vehicles and operators was being reviewed in order to make them more robust and discussions were continuing with Legal Services on this. Consideration was also being given to the introduction and use of suspension as a punitive measure which it was hoped would bring about an improvement in compliance. It was noted that any proposed change in policy would be brought to the Board for consideration prior to submission for approval by Cabinet/Council
- there was a further discussion of the ways in which vehicles which were not represented for inspection following suspension were prevented from being used as taxis without the requisite licences. questions were asked as to whether or not referrals could be made to the Police for appropriate action in instances where faults were found with a vehicle which required its licence suspension.
- Members welcomed the co-operation of certain proprietors/operators with enforcement activities.
- reference was made to Benchmarking data with other authorities and to the potential reasons for variance between MOT failure rates. Arising out of this discussion, reference was made to the outsourcing of the MOT for Licensed Vehicles to external organisations and to the matters to be included within the Service Level Agreements to ensure that there was an equality of standards and a sharing of information on failures with the Authority.
- Members of the Board were invited to attend the Smithies Lane Depot so that they could see, at first hand, the types of problems experienced in relation to vehicle failures
- Reference was made to the officer liaison arrangements with the various Taxi Trade Associations and to the type of issues discussed. Arising out of this, reference was made to the availability of a free NVQ level 2 course for representatives of the trade
- Members questioned whether the percentage of failure rates varied between Hackney Carriage and Private Hire sectors. This information could be provided for the next meeting as could a detailed breakdown of failures by type.
- Questions were asked as to whether or not improvements could be brought about by issuing additional Hackney Carriage Vehicle Licences. It was noted that there were currently 67 Hackney Carriage vehicles within the borough and that the previous

Demand Survey had not indicated that there was an unmet demand. The next survey was due to be undertaken in 2015.

- there was a discussion of the publicity being undertaken and planned to outline the work of the Enforcement Service in helping to bring about improvements. Arising out of the above, the Principal Licensing Officer asked to place on record her thanks to the Chair and to Members of the Committee for the commendation at Council on the 10th April, 2014 about the work of the Service

RESOLVED

- (i) that the report be received and the Principal Licensing Officer and be thanked for most informative presentation;
- (ii) that the Board place on record their thanks and appreciation to staff within the Licensing Service, Smithies Lane Depot, the Police and VOSA for all their hard work in undertaking Enforcement activities and ensuring the continuing safety of the travelling public;
- (iii) that the proposals for enhancing enforcement as now detailed be supported and the Board looks forward to receiving a further report in due course following an assessment of all options available; and
- (iv) that a further enforcement update report be provided for the next meeting and that this include a detailed breakdown of MOT failures including the percentage of failures for each sector of the trade (Hackney Carriage/Private Hire).

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Chairman