

BARNSELY METROPOLITAN BOROUGH COUNCIL

GENERAL LICENSING REGULATORY BOARD

6th May 2015

- 23. Present:** Councillors C. C. Wraith MBE (Chairman), the Mayor (Councillor Shepherd) and Councillors P Birkinshaw, J Carr, Duerden, Frost, S Green, Johnson, Lamb, Richardson, M Sheard, T Sheard, Tattersall, Wilson and Worton.

24. 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.

25. Minutes

The minutes of the meeting held on the 26th November, 2014 were taken as read and signed by the Chairman as a correct record.

26. Licensing Enforcement - Update

The Group Leader Pollution and Licensing updated Members with regard to legal interventions for January, February and March as follows:

Written Warnings

January - 8
February - 11
March - 6

RSFO Suspensions

January - 1
February - 0
March - 1

Fixed Penalty Notices

January - 0
February - 0
March - 3

GLSC

January - 3
February - 3
March - 4

It was highlighted that the statistics may appear low in comparison to previous months but the service has been operating with one less RSFO officer since the new year, which has impacted on the workload of other RSFO's. This in turn has seen a temporary reduction in enforcement activities undertaken since Christmas. However, a new member of staff is now in post and a marked improvement in this area is expected.

A breakdown of activity with respect to the Friday night taxi enforcement which took place on 11th April in conjunction with South Yorkshire Police was given as follows:

25 vehicles were inspected in total; 3 drivers were issued with written warnings for failing to complete or falsifying daily check books; 10 vehicles were suspended in total (2 Hackney carriages and 8 private hire).

The suspension notices were for a variety of vehicle defects including:

- Top sign inoperative
- ABS warning lights
- No front side lights
- Number plate lights inoperative
- Indicators flashing white(instead of orange)
- Side loading inner door panel missing
- Headlights
- 5 illegal tyres

In addition to the above, South Yorkshire Police also issued 3 prohibition notices; 3 tickets for illegal tyres and 1 fixed penalty for “failing to stop”. All were issued to BMBC licensed vehicles/drivers.

It was reported that a large scale enforcement operation is underway in conjunction with South Yorkshire Police targeting private vehicles operating as part of an illegal Facebook taxi operation between the hours of 5 p.m. and 3 a.m. in the Town Centre. It was explained that this is a random, intelligence based operation and taxis regularly report suspicions in. PACE interviews are taking place with a view to issuing fixed penalties. A written report will be provided next time. It was felt that a press release should be issued highlighting the work which has already taken place in this area. This will be raised with the Communications Team. A discussion took place about the different types of prosecutions, the appeals process and the role of the Magistrates Court. A training session will take place after the Elections.

RESOLVED

- (i) that the report be received; and
- (ii) that the Board place on record their thanks and appreciation to both Local Authority staff and South Yorkshire Police for all their hard work in undertaking Enforcement activities to ensure the continuing safety of the travelling public.

27. Review of Practices and Policies

The Assistant Director (Regulatory Services) submitted a report on the proposed review of policy and procedures within the Licensing Service in response to the Casey Report into Child Sexual Exploitation (CSE) in Rotherham. It was highlighted that robust policies and procedures are already in place but have been re-examined in the light of the Casey Report. A number of further improvements have been made to strengthen the existing approach. These include:

- Reviewing the guideline policy in relation to criminal convictions for sex offences and the application process.
- Establishing a secure account for the secure exchange of sensitive data relating to CSE.
- Monthly CSE strategy meetings to be attended by the Licensing Service.
- Quarterly provider meetings to be attended by the Licensing Service to be attended by Safeguarding Children's Services, SYP and other partner organisations.
- SYP to formulate a formal protocol outlining the procedure for exchange of sensitive data with appropriate timescales, building on the interim data sharing agreement.
- Strengthened liaison between the Licensing Service and SYP to address the full and timely exchange of evidence; Quality Assurance Framework; protocol re storage and exchange of sensitive data.
- All GLRB Members to receive licensing training post-election.

Appendix 1 of the report also contained reference to issues highlighted within the Casey report together with BMBC Licensing Service responses to the issues. Appendix 2 outlined statistical information for the period 1 February 2013 to 1 February 2015 and Appendix 3 outlined the key points in respect of the Notifiable Occupation Scheme (NOS) and Quality Assurance Framework (QAF).

A discussion took place about monitoring the use of taxis to take children to school from children's homes and what happens if concerns of a safeguarding nature are raised.

A question was raised about the safeguards in place when an application is received from outside the European Union. It was explained that this is a concern, as many such applicants do not have relevant documentation from their country of origin, which can be very difficult to obtain. This is not an Officer decision and applications may be refused by the Board if it is not possible to establish whether the applicant is a fit and proper person.

Many cases go to the Magistrates Court. In terms of drivers from other areas, the Local Authority will check with the Local Authority the applicant has come from. It was reiterated that drivers must have a Barnsley licence if they wish to drive in the Barnsley area. It was explained that there is a legal loophole whereby Hackney drivers with Rotherham plates can work in Barnsley. The number of Hackney vehicles is fixed at 67 which is average for a Local Authority of this size. A number of private hire drivers have come from Rotherham and are employed by Blueline but they must go through the full application process and display a Barnsley licence.

RESOLVED:

- (i) that the report be received; and that

- (ii) Members note the improvements made to strengthen collaborative working and arrangements to safeguard the public in the light of the Casey report.

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Chairman