BARNSLEY METROPOLITAN BOROUGH COUNCIL



This matter is not a Key Decision within the council's definition and has not been included in the relevant Forward Plan

Report of Executive Director of Development, Environment and Culture

REVIEW OF TAXI LICENSING

(1)RE-ADOPTION OF PART II LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

(2) AMALGAMATION OF EXISITING HACKNEY CARRIAGE LICENSING ZONES PURSUANT TO SCHEDULE 14, PART 2, PARAGRAPH 25 OF THE LOCAL GOVERNMENT ACT 1972

1. Purpose of the report

- 1.1 In response to the Licensing review exercise, this report sets out the details of the proposal to:
 - (a) Re-adopt the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 ("the 1976 Act") within the Borough of Barnsley, and
 - (b) Amalgamate existing hackney carriage licensing zones to create a single taxi zone for taxi licensing within the Borough of Barnsley pursuant to Schedule 14, Part 2, Paragraph 25 of the Local Government Act 1972 ("the 1972 Act").

2. Recommendations

- 2.1 It is recommended that Cabinet:
 - i) Endorse the proposal in pursuance of Section 45(2) of Part II of the 1976 Act, that the Full Council pass a resolution to re-adopt the provisions of Part II of the 1976 Act which shall apply throughout the Borough of Barnsley with effect from 1st August 2013
 - ii) Endorse the proposal that the Full Council pass a resolution pursuant to Schedule 14, Part 2, Paragraph 25 of the 1972 Act, to amalgamate existing hackney carriage licensing zones and

apply section 171(4) of the Public Health Act 1875 throughout the Borough of Barnsley with effect from 1st August 2013.

3. BACKGROUND

- 3.1 At a meeting of the Full Council held on 28 February 2013, the Council resolved to re-adopt the provisions of Part II of the 1976 Act as part of its recent licensing review. Part II of the 1976 Act contains provisions relating to the licensing of private hire and hackney carriage vehicles, drivers and operators. A relevant Minute of that meeting is attached at Appendix 1.
- 3.2 Re-adoption of the 1976 Act was proposed for the purposes of clarification for the future without prejudice to the Council's previous adoption made pursuant to the above provisions of the 1976 Act; and to ensure certainty in any enforcement action taken under the legislation.
- 3.3 At the same for time for completeness in the Council's licensing review exercise and again to ensure certainty in any enforcement action undertaken it is thought prudent to propose a further resolution to be passed pursuant to Schedule 14, Part 2, Paragraph 25 of the 1972 Act. The effect of the resolution is to apply section 171(4) of the Public Health Act 1875 and amalgamate existing hackney carriage licensing zones into a single hackney carriage licensing zone within the Metropolitan Borough of Barnsley thereby allowing hackney carriages licensed by the Council to ply for hire within the whole of its area.

4. Legal Implications/Consultation

(i) Re-adoption of the 1976 Act

- 4.1 Section 45(2) of the 1976 Act provides that if the Town Police Clauses Act 1847 is in force in the area of a district council, the council may resolve that the provisions of Part II of the 1976 Act (other than section 45), are to apply to the relevant area; and if the council do so resolve those provisions shall come into force in the relevant area on the day specified in that behalf in the resolution (which must not be before the expiration of the period of one month beginning with the day on which the resolution is passed). "The relevant area" for these purposes mean:

 (a) if the Act of 1847 is in force throughout the area of the council, that area; and (b) if the Act of 1847 is in force for part only of the area of the council that part of that area.
- 4.2 Section 45(3) of the 1976 Act provides that a council shall not pass a resolution adopting Part II of the 1976 Act unless it has (a) published a notice of its intention to pass the resolution in a local newspaper circulating the area for two consecutive weeks; and (b) served a copy

of the notice, not later than the date on which it is first published in the newspaper, on each parish or community council within the area to be affected.

(ii) Resolution pursuant to Schedule 14, Part 2, Paragraph 25 of the 1972 Act

- 4.3 Paragraph 25(5) of Schedule 14 of the 1972 Act provides that a council shall not pass a resolution unless it has given the requisite notice of its intention by (a) publicising notice of its intention to pass the resolution in a local newspaper circulating the area for two consecutive weeks; and (b) a copy of the notice is served, not later than the date on which it is first published in the newspaper, on each parish or community council within the area to be affected.
- 4.4 Notices in respect of both matters were served on all 18 Parish/ Town Councils affected within the Borough of Barnsley on 25 April 2013 together with an explanatory letter; 16 of which were served via email and 2 who did not have email addresses were served by post. (Appendix 2).
- 4.5 Advertisements in respect of both matters were published in the Barnsley Chronicle:
 - 4.5.1 The advertisements were first published on 3 May 2013. (Appendix 3).
 - 4.5.2 The second advertisements were published on 10 May 2013. (Appendix 4).
- 4.6 The Council has therefore complied with the legislative requirements in giving requisite notice for both matters
- 4.7 Note Following consultation the Council must now by resolution formally agree to (a) adopt Part II of the 1976 Act and (b) resolve to amalgamate existing hackney carriage zones; both of which will then come into effect one month after the passing of the adoption/resolution.

5. Financial Implications

5.1 The cost implication relating to the publication of the statutory notices (£232.96 plus VAT per advert) has been met from the Council's Licensing Section budget.

6. <u>Crime and Disorder Implications</u>

6.1 None

7. Compatibility with European Convention on Human Rights

7.1 The contents of the report will not involve interference with Convention Rights.

8. <u>List of Appendices</u>

- 8.1 Appendix 1- The relevant Minute of the Full Council held on 28 February 2013
- 8.2 Appendix 2 Notices served on Parish Councils together with explanatory letter dated 25 April 2013
- 8.3 Appendix 3 Notices advertised in the Barnsley Chronicle Press. First publication date 3 May 2013.
- 8.4 Appendix 4 Notices advertised in the Barnsley Chronicle Press. Publication date 10 May 2013

Office Contact: Sajeda Khalifa	Telephone No: 773281	Date: 9 May 2013
Onice Contact. Sajetia Mialia	1 6 6 6 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	Date. 9 May 2013

Financial Implications / Consultation Date: 175/13

Consultations have taken place with representatives of the Acting Executive Director, Finance

COUNCIL 28th February, 2013

(ii) that the Cabinet be authorised to make appropriate additions or amendments to the membership of the Health and Well Being Board, on the recommendation of the Board or following consultation with it; and

9

(iii) that further reports be submitted to assess the progress being made by the Health and Wellbeing Board and review, as necessary, the Terms of Reference and Membership of the Board.

215. Cabinet - Recommendations to Council

30th January, 2013

(a) Review of Taxi Licensing

Moved by Councillor Miller - Seconded by Councillor Noble; and

RESOLVED:-

- that the original adoption of Part II of the Local Government (Miscellaneous Provisions) Act 1976 be regularised for the whole of the Metropolitan Borough of Barnsley;
 - (ii) that the licensing conditions for Private Hire Drivers, Private Hire Vehicles, Hackney Carriage Vehicles and Private Hire Operators, as detailed in Appendices C(i) to C(v) of the report now submitted, be adopted;
 - (iii) that the Hackney Carriage and Private Hire Driver Convictions Policy, as detailed in Appendix D(i) of the report, be adopted;
 - (iv) that the Code of Conduct document as detailed in Appendix D(ii) be approved;
 - (v) that taxi licensing application processes be revised to deliver the changes listed at Appendix E of the report, including:
 - Drivers be given the option of one or three year licences
 - Three year licences be tied in with the current Criminal Records Bureau (CRB) renewal timescales
 - Dual licences be offered to all applicants
 - The current requirement for drivers to undertake the Driving Standards Agency's (DSA) test be reviewed, including whether there are suitable alternatives through the use of local DSA driving instructors
 - Operator licences be granted for a period of five years, in line with operator CRB checks
 - (vi) that the vehicle licensing and testing process be revised to deliver the changes listed at Appendix E of the report, including:
 - A risk-based approach to vehicle testing be introduced
 - Vehicle testing no longer be limited to Smithies Depot, but should allow for vehicles to be tested at suitable Vehicle and Operator Services Agency (VOSA) test stations



Corporate Services Directorate

Assistant Chief Executive, Legal and Governance: A C Frosdick LL.B, DipLG, Solicitor PO Box 609, Barnsley, South Yorkshire S70 9FH DX 12266 Barnsley 1

Tel: 01226 773001 Fax: 01226 772499

My Ref:

ACF/DH

Your Ref:

Enquiries to:

Mrs Khalifa

Dial Direct:

(01226) 773281

Fax:

(01226) 773095

Email: sajedakhalifa@barnsley.gov.uk

Date: 25 April 2013

To All Parish / Community Councils

Dear Sir/Madam

1. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

2. LOCAL GOVERNMENT ACT 1972 SCHEDULE 14 PART 2, PARAGRAPH 25

1. Notice of Intention to Adopt Part II of the Local Government (Miscellaneous Provisions) Act 1976

As part of Barnsley Metropolitan Borough Council's ("the Council") recent licensing review, it resolved at its meeting of the Full Council on 28 February 2013 to re-adopt the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 ("the 1976 Act") within the Borough. Part II of the 1976 Act contains provisions relating to the licensing of private hire and hackney carriage vehicles, drivers and operators.

The re-adoption of the 1976 Act is proposed for the purposes of clarification for the future without prejudice to the Council's previous adoption made pursuant to the above provisions of the 1976 Act; and to ensure certainty in any enforcement action taken under the legislation.

Section 45(3) of the 1976 Act provides that a council shall not pass a resolution adopting Part II of the 1976 Act unless it has (a) published a notice of its intention to pass the resolution in a local newspaper circulating the area for two consecutive weeks; and (b) served a copy of the notice, not later than the date on which it is first published in the newspaper, on each parish or community council within the area to be affected.



Accordingly please find enclosed for your information Notice pursuant to the provisions of the 1976 Act; the purpose of which is to ensure compliance with the notification requirements. A copy of the Notice will be published in the Barnsley Chronicle for 2 consecutive weeks commencing from 3 May 2013.

The resolution is intended to be passed at the Council's meeting scheduled to take place on 13 June 2013. This will have the effect of confirming that from 1st August 2013 the Metropolitan Borough of Barnsley as a 'controlled district' for the purposes of the 1976 Act, thus empowering the Council to control the licensing of hackney carriage and private hire vehicles from the said date.

2. Notice of Intention to Pass a Resolution under the Local Government Act 1972 Schedule 14 Part 2, Paragraph 25

In addition at the same time the Council for completeness intends to pass a resolution pursuant to Schedule 14, Part 2, Paragraph 25 of the Local Government Act 1972 ("the 1972 Act"), that section 171(4) of the Public Health Act 1875 shall apply throughout the whole of its area.

The effect of the resolution is to amalgamate existing hackney carriage licensing zones into a single hackney carriage licensing zone with the Metropolitan Borough of Barnsley.

Paragraph 25 of Schedule 14 of the 1972 provides that a council shall not pass a resolution unless it has given the requisite notice of its intention by (a) publicising notice of its intention to pass the resolution in a local newspaper circulating the area for two consecutive weeks; and (b) a copy of the notice is served, not later than the date on which it is first published in the newspaper, on each parish or community council within the area to be affected.

Accordingly please find enclosed for your information Notice pursuant to the provisions of the 1972 Act; the purpose of which is to ensure compliance with the notification requirements. A copy of the Notice will be published in the Barnsley Chronicle for 2 consecutive weeks commencing from 3 May 2013.

The resolution is intended to be passed at the Council's meeting scheduled to take place on 13 June 2013. This will have the effect of effect of amalgamating all of the existing hackney carriage zones to create a single hackney carriage zone for hackney carriage licensing within the Borough from 1st August 2013, thereby allowing hackney carriages licensed by the Council to ply for hire within the whole of its area from the said date.

Should you have any queries please do not hesitate to contact Mrs Khalifa on the above email or telephone number.



Kindly acknowledge safe receipt.

Yours faithfully

A C Frosdick Assistant Chief Executive Legal and Governance

Enc.



BARNSLEY METROPOLITAN BOROUGH COUNCIL

Licensing of Hackney Carriages and Private Hire Vehicles

NOTICE OF INTENTION TO ADOPT PART II OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

TAKE NOTICE that, at its meeting of Full Council on 28 February 2013 Barnstay Metropolitan Borough Council, "the Council" resolved to pass for the purposes of clarification and the avoidance of doubt the following resolution pursuant to Part II of the Local Government (Miscellaneous Provisions) Act 1976 (*The 1976 Act) as part of its recent licensing review. Accordingly without prejudice to its previous adoption made pursuant to the above provisions of the 1976 Act;

NOTICE IS HEREBY GIVEN THAT pursuant to Section 45(3) of the 1976 Act, it is the intention of the Council to pass a resolution that the provisions of Part II of the 1976 Act (other than Section 49) shall be adopted and shall apply to the whole of its area with effect from 1st August 2013.

The resolution will have the effect of confirming the Metropolitan Borough of Barnsley as a 'controlled district' for the purposes of the 1976 Act, thus empowering the Council to control the licensing of hackney carriage and private hire vehicles from the said date.

A C Frosdick LLB, DipLG Assistant Chief Executive, Logal and Governance, Solicitor

Dated: 23rd April, 2013.

BARNSLEY



BARNSLEY METROPOLITAN BOROUGH COUNCIL

Licensing of Hackney Carriages

NOTICE OF INTENTION TO PASS A RESOLUTION UNDER SCHEDULE 14 OF THE LOCAL GOVERNMENT ACT 1972

TAKE NOTICE that, Barnsley Metropolitan Borough Council, ("the Council") intend to pass for the purposes of clarification and the avoidance of doubt the following resolution pursuant to Schedule 14, Part 2, Paragraph 25 of the Local Government Act 1972 ("the 1972 Act") as part of the outcome of its recent licensing review. Accordingly without prejudice to its previous resolution made pursuant to the above provisions of the 1972 Act;

NOTICE IS HEREBY GIVEN THAT, it is the intention of the Council to pass a resolution pursuant to Schedule 14, Part 2, Paragraph 25 of the 1972 Act, that section 171(4) of the Public Health Act 1875 shall apply throughout the whole of its area with effect from 1st August 2013.

The resolution will have the effect of amalgamating all of the existing hackney carriage zones to create a single hackney carriage zone for hackney carriage licensing, thereby allowing hackney carriages licensed by the Council to ply for hire within the whole of its area from the said date.

A C Frosdick LLB, DipLG Assistant Chief Executive, Legal and Governance, Solicitor BARNSLEY

Dated: 23rd April, 2013.



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BARNSLEY METROPOLITAN BOROUGH COUNCIL

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PUBLIC NOTICES

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BARNSLEY METROPOLITAN BOROUGH COUNCIL

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BARNSLEY METROPOLITAN BOROUGH COUNCIL

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BARNSLEY CIVIC TRUST **AGM 2013**

Barnsley Civic Trust (BCT) AGM will be hold on Tuesday 14th May at the Horizon Community College, Dodworth Road, Refreshments will be available from 6.00pm and there will be an optional four of the new college. The formal AGM is at 7,00pm, to be followed by a presentation by the Co-Principal of the College at approx. 7.30pm.

Anyone is welcome to attend but only BCT members car take part in an AGM vote.

WANTO METAYOUR COUNCILLORS

Bernsley's councillors hold regular advice-sessions or "surgeries". These sessions give you the chance to raise any problems or discuss issues with them. If you want to find out when your councillor is next holding an advice session it mig.

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BARNSLEY METROPOLITAN BORDUGH COUNCIL.

Licensing of Hackney Carriages

NOTICE OF INTENTION TO PASS A RESOLUTION UNDER SCHEMULE 14 OF THE LOCAL GOVERNMENT ACT 1972

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NOTICE IS REREBY CIVEN THAT, it is the intention of the Council to pass resolution pursuant to Schedule 14, Part 2, Paragraph 25 of the 1972 A that section 171(4) of the Public Heart Act 1873 state apply throughout it whole of its area with offect from 1st August 2013.

Cated: 22nd April, 2015.



BARNSLEY METROPOLITAN BOROUGH COUNCIL ROAD TRAFFIC REGIEATION ACT 1984 – 1 (AS AMENORY) GREENSOE/SPARK LANE, MAPPLEMELL TEMPORARY ROAD CLOSURE

ELEMPORATY ROLD CLOSURE

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DATED: 10 May 2013

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OATED: 10 May 2013

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David Finnegen Interim Assistant Oirector Environmental Services Environmental PO Bay 501 Timaley S70 9FR



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TAKE NOTICE that, at its meeting of Full Council on 28 February 2013 Bornely Metropolitan Borough Council, (The Council) resolved to pass for the purposes of conficients and the anodismos of doubt the Spokery resolving burshall by Part II of the Local Government (Miscolareous Provisions) Act II 1875 (That 1978 Act 7) as part of its access forming meeting. Accordingly without projection to approve adoption made purposes to the above providering of the Council o

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BARNSLEY METROPOLITAN BOROUGH COUNCIL

The Council tass received the following application affecting the che or appearance of a Conservation Area and/or the senting of a Liste Cardony, Representations should be made to the address below wi 27 DATG of the date of this notice.

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