

**BARNSELY METROPOLITAN BOROUGH COUNCIL**

**GENERAL LICENSING REGULATORY BOARD**

**A**

**12<sup>th</sup> March, 2014**

11. **Present:** Councillors C. C. Wraith (Chairman), P Birkinshaw, Brook, Bruff, Burgess, Cherryholme, Duerden, Dures, M Dyson, Ennis, Frost, S Green, Johnson, Millner, Saunders, M Sheard, T Sheard, Shepherd, Sixsmith, Tattersall, Wilson and Worton.

12. **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.

13. **Minutes**

The minutes of the meeting held on 11<sup>th</sup> September, 2013 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 the previous meeting, Licensing Enforcement Officers had continued to proactively embark on a number of taxi licensing enforcement operations as follows:

(a) 20th - 22nd September, 2013 - three day operation involving Licensing Enforcement Officers together with Vehicle Examiners from the Smithies Lane Depot

- 20th September - focusing on licensed operators
  - 45 vehicles (hackney carriage and private hire) examined
  - 35 vehicles fully compliant
  - 10 vehicles (22% of those examined) issued with suspension notices for a variety of reasons including defective tyres and lights
  - 6 drivers (13%) issued with written warnings for failure to complete the daily check sheet and poor cleanliness of vehicle interiors

- 21st September - focusing on operators whose vehicles persistently failed the MOT test
    - 35 vehicles (hackney carriage and private hire) examined
    - 8 vehicles (18% of those examined) issued with suspension notices for a variety of reasons including defective tyres and lights, partial signage and passenger window inoperative
    - 4 drivers (9%) issued with written warnings for failure to display licence plate correctly and for failing to complete the daily check sheet
  - 22nd September - general enforcement operation
    - 20 vehicles (hackney and private hire) examined
    - 10 vehicles fully compliant
    - 10 vehicles (50% of those examined) issued with suspension notices for a variety of reasons including defective tyres and lights, external accident damage and rear seat belts inaccessible.
    - 2 drivers (10%) issued with written warnings for failure to display licence plate correctly and failure to complete the daily check sheet
- (b) 20th - 22nd October - three day operation involving Licensing Enforcement Officers together with Vehicle Examiners from the Smithies Lane Depot. The purpose was to inspect as many of the 92 operators located within the Borough
- 20th October
    - 5 vehicles inspected
    - 2 vehicles fully compliant
    - 3 vehicles (60% of those examined) issued with a suspension notice for dangerous defects including defective tyres
    - no written warnings issued
  - 21st October
    - 10 vehicles (hackney carriage and private hire) inspected and found to be fully compliant. It was noted that this was an excellent and pleasing result
    - 1 driver issued with written warning for failure to complete the daily check sheet
  - 22nd October
    - 7 vehicles (hackney carriage and private hire)
    - 6 vehicles found to be fully compliant
    - 1 vehicle (14% of those inspected) issued with a suspension notice for a faulty rear window
    - 1 written warning issued to the proprietor of the vehicle for failure to complete the daily check sheet
- (c) 13th December, 2013 - an intensive operation undertaken by Licensing Enforcement Officers together with Vehicle Examiners from the Smithies Lane Depot

- the operation was undertaken at the request of one of Barnsley's largest operators and his co-operation was particularly pleasing to note
  - 51 vehicles examined (the majority being private hire)
  - 39 vehicles fully compliant
  - 12 vehicles (23% of those inspected) issued with a suspension notice for defective lights and faulty seat belt
  - 1 driver (2%) issued with a written warning failing to complete the daily check sheet

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. This was an area of particular concern
- 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 30% to a 50% MOT failure rate, whilst pleasing, was still at an unacceptable level given that the protection of the public was paramount
- 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 failure to complete the daily check sheet was disappointing given that this had been introduced at the request of the trade. It was suggested that perhaps the onus for ensuring that check sheets were regularly completed should be that of operators/proprietors. A copy of the daily check sheet could be provided, for information, for the next Enforcement update
- the Principal Licensing Officer explained that an information pack was provided for all drivers/operators/proprietors outlining in detail the licensing condition requirements. A copy of the induction pack could be provided for the next meeting
- in response to questioning, the Principal Licensing Officer explained that any driver receiving three written warnings in a 12 month concurrent period would be required to appear before the General Licensing Panel in order to explain their behaviour and to determine whether or not that driver remained a fit and proper person to hold such a licence
- Arising out of the above discussion, the Board noted that the current conviction policy only related to drivers and Members

welcomed the comments by the Principal Licensing officer that consideration was being given to a review to enable the policy to be extended to include proprietors/owners. Any proposed change in policy would be brought to the Board for consideration prior to submission for approval by Cabinet/Council

- officers would investigate the circumstances of any vehicles which were not represented for inspection following suspension in order to ensure that they were not being used as taxis without the requisite licences
- the Principal Licensing Officer explained the legislative background to taxi licensing
- the involvement of the Police as well as VOSA in Enforcement Activities was outlined. It was noted that differing priorities meant that such organisations could not be involved with every enforcement operation undertaken by the Authority
- reference had been made at the previous meeting 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. In response, it was explained that the Magistrates Court had a duty to conduct a fresh hearing and make a decision based upon all the evidence presented but historically, with very few exceptions, the Magistrates Court's decisions had been consistent with those made by the Local Authority.
- it was suggested that successes, such as the invitation to undertake an enforcement exercise by one proprietor, should be celebrated and that appropriate press/media statements should be issued highlighting the proactive approach of the Authority (and some operators) to enforcement and to the improvement of the taxi trade and fleet
- it was noted that since the preparation of the report a further enforcement exercise had been undertaken on the 28th February, 2014 details of which would be reported to the next meeting. It was also noted that the results of this exercise, as well as those previously undertaken, would be discussed with the Trade Associations
- the Authority took no pride in having to suspend vehicles. The safety of the public was, however, paramount and the Authority worked with all members of the trade to improve things
- there was a discussion of the action that could be taken to bring about a step change in the improvement to failure rates. Specific reference was made to possible financial penalties that could be imposed. Members noted the outcome of the recent review of taxi licensing and to the changes that were to be brought about as a result of that review. It was hoped that such changes would bring about further improvements in compliance with licensing conditions
- it was noted that the trade were seeking a 'one year' vehicle licence with only one test per year rather than the current 2/3 inspections (dependent upon vehicle age) - this was not currently

supported unless a form or 'risk based' assessment could be introduced. This could be examined further but it was noted that the mileage of taxi vehicles could be a significant factor in deciding how many inspections should be undertaken per annum

- questions were asked as to whether any benchmarking had been undertaken with neighbouring authorities in terms of compliance rates. It was noted that such an exercise had not been undertaken for some time, however, at the last assessment, Barnsley's compliance rate had been the worst. It was suggested that a further benchmarking exercise be undertaken and the results reported to the next meeting

After considering all the representations made it was:

**RESOLVED**

- (i) that the report be received and the Principal Licensing Officer and be thanked for most informative presentation; and
- (ii) that a further enforcement update report be provided for the next meeting and that this include:
  - (a) a copy of the daily vehicle check sheet;
  - (b) a copy of the driver/operator/proprietor pack detailing licensing conditions; and
  - (c) the results of a benchmarking exercise with neighboring authorities on compliance rates

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Chairman