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MEETING:	General Licensing Regulatory Board
DATE:	Wednesday, 23 December 2015
TIME:	2.00 pm
VENUE:	Reception Room, Barnsley Town Hall

AGENDA

1 Declaration of Interests

To receive any declarations of pecuniary and non-pecuniary interest from Members in respect of items on the agenda.

2 Minutes (*Pages 3 - 6*)

To accept as a correct record the minutes of the meeting held on 28th October, 2015.

3 Licensing Enforcement - Update (*Pages 7 - 12*)

The Service Director Culture, Housing and Regulation will submit a report giving an update of the current position with regard to enforcement work undertaken by Licensing Enforcement Officers recently.

The Service Director will also give a verbal update of enforcement activities undertaken since the preparation of the report.

4 Licensing Service - Audit update

The Service Director Culture, Housing and Regulatory Services will update the Board on the current position with regard to the audit of licensing services undertaken recently.

5 Taxi Stay Safe Operation

The Board will receive a presentation on the Taxi Stay Safe Operation currently being undertaken and giving details of the success of the Taxi Watch Facebook page and other related campaigns and operations.

To: Chair and Members of General Licensing Regulatory Board:-

Councillors C. Wraith MBE (Chair), Brook, Burgess, J. Carr, Clarke, Coates, Duerden, Dures, K. Dyson, M. Dyson, Ennis, Frost, D. Green, S. Green, Hampson, Johnson, Lamb, Millner, Richardson, Saunders, Sheard, Shepherd, Sixsmith MBE, Tattersall, Wilson and Worton

Andrew Frosdick, Director Legal and Governance
Matt Gladstone, Executive Director Place
Phillip Spurr, Service Director Culture, Housing and Regulation
Kevin Glover, Fleet Operations Manager

Kate Liddall, Senior Licensing Officer
Garry Kirk, Service Director Legal Services
Sajeda Khalifa, Solicitor, Regulatory Services
Debbie Rimmington, Regulatory Services Field Officer

Please contact William Ward on 01226 773451 or email governance@barnsley.gov.uk

Tuesday, 15 December 2015

MEETING:	General Licensing Regulatory Board
DATE:	Wednesday, 28 October 2015
TIME:	2.00 pm
VENUE:	Reception Room, Barnsley Town Hall

MINUTES

Present

Councillors C. Wraith MBE (Chair), Burgess, J. Carr, Clarke, Ennis, Frost, S. Green, Hampson, Johnson, Lamb, Millner, Richardson, Saunders, Sheard, Shepherd, Sixsmith MBE, Tattersall, Wilson and Worton

8 Declaration of Interests

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

9 Minutes

The minutes of the meeting held on the 9th September, 2015 were taken as read and signed by the Chair as a correct record.

Arising out of the discussion, reference was made to the Information Update provided at the close of the meeting and to the Music Event held on 17th October, 2015 in woods off Engine Lane, Shafton for which a Temporary Event Notice had been submitted.

It was noted that whilst no official complaints had been received, the Pollution Control Section were, nevertheless, concerned about noise levels encountered on the night. In the event that a further Temporary Event Notice was submitted in respect of this land, it was likely that a more stringent Noise Management Plan would be required.

Several Members commented that a number of residents had raised concerns with them about noise emanating from this Event but they had not submitted more formal complaints. The Senior Licensing Officer emphasised the importance of residents submitting representations as these could inform future discussions should a further Temporary Event Notice be submitted.

Members asked to place on record their thanks and appreciation to all Officers for their hard work in monitoring the event and in ensuring that it went as smoothly as possible.

10 Immigration Bill 2015/16

The Service Director Culture, Housing and Regulation submitted a report providing an overview of the Governments proposed plans to deal with illegal migrant workers as detailed within the Draft Immigration Bill 2015/16.

The Bill, which was progressing through the Committee stage in the House, proposed to create a new offence of illegal working and would allow wages to be

seized as proceeds of crime. Anyone prosecuted for this new offence would face a sentence of up to six months in prison and an unlimited fine.

If adopted, the new powers would, amongst other things, make it easier for the Police and local authorities to prosecute an employer who knew, or reasonably suspected that a person they employed had no permission to work in the UK. An employer who continued to flout the law and evade sanctions could have their business closed for up to 48 hours whilst appropriate staffing checks were undertaken and the most virile offenders would be placed under special measures as directed by a court which, in turn, would lead to continued closure and further compliance checks.

In relation to licensable activities, the new powers would mean that any public house, off-licence or late night takeaway that failed to comply with the immigration laws of employed illegal workers may have the licence revoked. It was also understood that further consideration was being given to extend these powers to cover minicab drivers and operators.

It was proposed to await the enactment of the Bill and, where necessary, raise awareness with Members, officers and South Yorkshire Police to ensure that each proposal would equip the licensed trade and general public with a service industry that was fair, economical and one that held the continual undertaking of this unlawful act at the forefront of the Government's mind.

There was a discussion of the potential way in which checks could be made into employee backgrounds and the possible future role of the Authority in ensuring compliance with regulations. In this respect reference was made to the background checks undertaken in respect of taxi drivers and operators. It was noted, however, that unless there was a demonstrated need for the authority/employer to require the submission of employee information, such as for taxi licensing purposes, there could be potential Data Protection issues.

RESOLVED that the report be received and a further report be submitted following the enactment of the legislation.

11 Review of Practices/Policies in response to the Casey report

The Service Director Culture, Housing and Regulation submitted a report providing an update of the current position with regard to the ongoing review of policies and procedures of the Licensing Service following the publication of the Casey report into Child Sexual Exploitation in Rotherham.

The Authority had a robust set of policies and procedures in place to ensure that those persons licenced to drive licenced vehicles were 'fit and proper' and, in doing so, ensured the safety of passengers and members of the public alike. The publication of the Casey report had, however, provided the opportunity for the service to examine those policies and working practices to ensure that they were still 'fit for purpose' and to make any necessary improvements.

The report detailed a summary of the key actions currently being undertaken by the Licensing Service:

- Update reports had been submitted to the Senior Leadership Team and to this Board in May 2015 and this report further updated the progress to date
- The Guideline Policy on Criminal Convictions and application processes were in the process of being reviewed. These would ensure that the Council's processes for dealing with those people who had been convicted and/or investigated were appropriate.
- These proposals, together with the creation of a full Licensing Policy – encompassing a full revised application criteria and convictions policy - would strengthen the stance taken in dealing with cases relating to CSE
- in order for new ways of working to be effective, the Council needed to continue to maintain and develop stronger and collaborative links with the Police and to exchange vital evidence/information in a timely manner. As such, a draft Information Sharing Protocol had been developed the details of which were highlighted. These arrangements would ensure that there was a secure exchange of sensitive data relating to CSE
- Monthly CSE Strategy meetings were organised and attended by the Head of Service
- Quarterly Provider meetings were attended by representatives of the Licensing Service, the Safeguarding Children's Services, the South Yorkshire Police and other partner organisations as required
- Liaison arrangements had been formalised with the South Yorkshire Police and with the Safeguarding Children's services to ensure that CSE issues were effectively dealt with, picked up and addressed. These arrangements were working well and a 'nominated' officer from the Police had been identified as a formal point of contact.
- The importance of ensuring that a protocol was in place to ensure the timely exchange of information was stressed. In conjunction with the Council, South Yorkshire Police a contract was being formulated which would outline the manner in which sensitive data would be exchanged. It would also stipulate appropriate timescales. This work was due for completion in December
- The training recently provided for Members of the General Licensing Regulatory Board on the 14th October, 2015 was a key element in ensuring that Elected Members were 'up to date' with their roles and responsibilities as well as current legislative requirements
- All new drivers applying for licences would be required to undertake mandatory CSE/Safeguarding training from February, 2016 and all existing drivers would be required to undertake this via a rolling programme of training events

An appendix to the report provided a detailed response paper to the various issues identified within the Casey report outlining Barnsley's response thereto.

Arising out of the discussion, the Service Director briefly reported upon an internal audit of all the Licensing procedures and processes which was thought to 'going well'. In addition, a new 'Safeguarding Framework' had been prepared (which would include elements relating to the Licensing Service) and this was being submitted to Cabinet and to Council on the 26th November, 2015.

In the ensuing discussion, reference was made to the following:

- The Service Director reported that a company in Sheffield had obtained funding from the Government to provide training on Safeguarding and CSE. They had already undertaken work with Sheffield and Doncaster Councils and it was proposed, therefore, that a similar training session be provided for officers and Members. It could possible then be rolled out to licensed drivers. It was noted that this training only lasted for an hour and was provided free of charge. A report on this was to be submitted to Cabinet/Council for approval. Arising out of this discussion, It was suggested that further follow up training could be provided by Officers so that there was ongoing Safeguarding/CSE training that was provided on a sustainable basis
- It was noted that representatives of the Licensing Trade welcomed the development
- Members had very much appreciated the training course held on the 14th October, 2015 and the feedback from Buttons (the training provider) had been extremely positive. Follow up training was to be provided for those Members who had been unable to attend this event
- The mandatory training which drivers were to be required to undertake was noted. This would be included within Licensing Conditions.
- In response to detailed questioning, the Board was given an absolute assurance that any issues raised (particularly in relation to Safeguarding and CSE) were and would be thoroughly investigated and appropriate action taken. In addition, Members of the Council would be kept fully informed of any issues arising from such investigations
- Questions were asked about the use of CCTV in taxis which it was though were now to be mandatory in Rotherham. It was noted that this had been discussed approximately two years ago when the trade had asked the Council to consider funding its provision. This had not been considered to be appropriate at that time. Whilst such a requirement could be included within licensing conditions, it was noted that any requirements had to be justified and proportionate. Within Barnsley CCTV provision could probably not be justified but an investigation would be undertaken to examine if Rotherham Council had obtained external funding for its provision within taxis
- The way in which driver data was collected, monitored, trends identified and reported were outlined. It was noted that the Service took a proactive approach to any concerns raised about Safeguarding and CSE

RESOLVED that the update report be received and the action taken and proposed be approved and supported.

Chair

Item 3

**Report of the Assistant Director to the
General Licensing Regulatory Board
to be held on the 23 December 2015**

ENFORCEMENT UPDATE

1. Purpose of Report

The purpose of this report is to provide Members with an overview of the work Licensing Enforcement Officers have undertaken to date.

2. Background

Members are minded to note, that since the last enforcement update, Licensing Enforcement Officers have continued to proactively embark on a number of taxi licensing enforcement operations. A summary of enforcement operations undertaken are detailed below.

3. Current Position

On 15 October 2015, Licensing Enforcement Officers alongside Internal Audit and Vehicle Examiners from the Smithies Lane Depot took part in a morning time operation at Greenacre School focusing their attention on licensed vehicles undertaking home to school transport contracts. Given the time period upon which the passengers arrived, the duration of the exercise was short and only a small number of licensed vehicles inspected. In total 3 licensed vehicles were inspected, including 1 Hackney Carriage and 2 Private Hire, the results of which are detailed as follows:

All 3 vehicles found to be compliant.

During the same inspection, 1 driver was issued with a written warning for the following:

- failing to complete the required daily check sheet in accordance with conditions of the vehicle licence

On 5 November 2015, a second operation took place involving Licensing Enforcement Officers, Internal Audit, Cllr C Wraith MBE & Cllr S Green and Vehicle Examiners from the Smithies Lane Depot. Again, this operation focused its attention on a number of licensed vehicles undertaking home to school contracts. Members are minded to note that both this and the previous operation (dated 15 October 2015) had been instigated at the request of the Council's Internal Audit Department, as part of its review into the home to school contract system and Licensing policies and procedures. Each operation was designed to ensure both driver and vehicle compliancy. In total 34 licensed vehicles were inspected, including 2 Hackney Carriage and 32 Private Hire, the results of which are detailed as follows:

16 vehicles were found to be compliant and 16 vehicles were issued with immediate suspension notices for defects including:

- Inoperative head lights
- Inoperative side lights
- Inoperative brake lights
- Inoperative number plate lights
- Inoperative horn

In addition to the above advice was also given in relation to:

- Cleanliness
- Tyres being close to the legal limit

During the operation 3 drivers were also issued with written warnings for the following:

- failing to complete their daily vehicle inspection sheets and failing to display driver ID badge in accordance with conditions of both vehicle and driver licence

Taking the above into account, Members will note that over 50% of private vehicles inspected during this operation were found to be non-compliant and as a result, suspended with immediate effect.

With reference to the Hackney Carriage vehicles, it was pleasing to note that both vehicles inspected were compliant.

On 27 November 2015, Licensing Enforcement Officers alongside Cllr C Wraith MBE & Cllr S Green, Vehicle Examiners from the Smithies Lane Depot and South Yorkshire Police Traffic Unit took part in a night time operation focusing their attention on all licensed vehicles. In total 41 licensed vehicles were inspected including a combination of both hackney carriage and private hire vehicles.

36 vehicles were found to be compliant and 5 vehicles were issued with immediate suspension notices for defects including:

- Inoperative indicator lights
- Inoperative number plate lights
- Incorrect indicator colour

During the operation 4 drivers were also issued with written warnings for the following:

- failing to complete their daily vehicle inspection sheets, failing to display driver ID badge and incorrect display of vehicle front plate in accordance with conditions of both the vehicle and driver licence

Taking the above into account, Members will note that a significant reduction of licensed vehicles had been suspended as 13% of licensed vehicles inspected during this operation were found to be non-compliant and as a result, suspended with immediate effect.

On 11 December 2015, Licensing Enforcement Officers alongside Cllr S Green, Vehicle Examiners from the Smithies Lane Depot and South Yorkshire Police Traffic Unit took part in a day time operation focusing their attention on licensed vehicles and operators. At the time of writing this report, it is understood a total of 8 licensed vehicles were inspected, including 7 Private Hire and 1 Hackney Carriage, the results of which are detailed overleaf:

2 vehicles were found to be compliant and 6 vehicles were issued with immediate suspension notices for defects including:

- Oil leaks
- Sharp edges and a defective wing liner
- Inoperative indicator lights
- Missing wiper blades – subsequently scratched front windscreen obscuring drivers view

During the operation 3 drivers were also issued with written warnings for the following:

- failing to complete their daily vehicle inspection sheets and falsifying the completion of daily inspections sheets (all 3 vehicles found to be defective and suspended)

Taking the above into account, Members will note that 75% of licensed vehicles inspected during the operation were found to be non-compliant and as a result, suspended with immediate effect. In addition, the SYP Traffic Unit also issued 3 fixed penalty notices to licensed drivers for speeding offences.

Members are minded to note that a further verbal update will be provided at the meeting detailing an updated total number of licensed vehicles inspected, which will provide a full and accurate account of enforcement action taken on the day.

Vehicle non-compliance is not just an issue Officers are concerned with during the undertaking of each and every enforcement operation; it is one that continues to be at the forefront of all Officers mind whilst undertaking a vehicle inspection. Defective vehicles are not acceptable and cannot be excused or tolerated. This factor coupled with failing to complete basic vehicle inspection sheets, an inspection sheet introduced at the request of the Trade to ensure the very safety of a licensed vehicle, is not acceptable.

4. **Proposal**

Proactive enforcement operations like these will continue to take place on a quarterly basis. Vehicle inspection failure rates remain at an unacceptable level and continue to harbour great concerns amongst those committed in combatting such ill failings and conveying the message that operators, vehicle proprietors and drivers must begin to accept responsibility for their failures and make a change.

Failure to do so will only continue to put the safety of the public at risk when using a hackney carriage or private hire vehicle in Barnsley.

After all, the principal consideration here must be one of public safety.

5. **Background Papers**

Enforcement Officer Reports which contain exempt information are not available for public inspection

6. **Officer Contact**

Kate Liddall

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