

Public Document Pack

MEETING:	General Licensing Regulatory Board
DATE:	Wednesday, 6 September 2017
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 - 4*)

To accept as a correct record the minutes of the meeting held on 26th April, 2017.

3 Taxi Legislation - Proposed Changes (*Pages 5 - 8*)

The Service Director Culture, Housing and Regulation will submit a report advising Members of a range of taxi legislation recommendations proposed by the All Party Parliamentary Group for taxis.

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

Councillors C. Wraith MBE (Chair), J. Carr, Cherryholme, Clarke, Dures, M. Dyson, Frost, S. Green, Daniel Griffin, Hampson, W. Johnson, Lamb, Markham, Millner, Phillips, Pourali, Richardson, Saunders, Sheard, Shepherd, Sixsmith MBE, Spence, Tattersall, Williams and Wilson

Andrew Frosdick, Executive Director Core Services
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
Debbie Bailey, Regulatory Services Field Officer

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

Tuesday, 29 August 2017

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MEETING:	General Licensing Regulatory Board
DATE:	Wednesday, 26 April 2017
TIME:	2.00 pm
VENUE:	Reception Room, Barnsley Town Hall

MINUTES

Present

Councillors C. Wraith MBE (Chair), J. Carr, Cherryholme, Clarke, Frost, S. Green, Hampson, W. Johnson, Markham, Millner, Richardson, Saunders, Sheard, Shepherd, Sixsmith MBE, Tattersall and Wilson

11 Declaration of Interests

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

12 Minutes

The minutes of the meeting held on the 22nd February, 2017 were taken as read and signed by the Chair as a correct record.

13 Hackney Carriage Tariff - Proposed Changes

The Service Director Culture, Housing and Regulation submitted a report on a request received from Mr D Wilson (Licensing Consultant) on behalf of the Hackney Carriage Association to amend the current Hackney Carriage Tariff. A copy of the submission letter was appended to the report.

It was noted that the current table of fares had come into force on the 5th November, 2010. The Hackney Carriage Association appreciated that whilst their members required the fares to be set at a level that enabled them to maintain their vehicles and earn a modest living, the fares also needed to be affordable especially to those people who relied on them the most but could perhaps least afford them.

With this in mind, the Association had presented two competing proposals for the Board to consider (details of which were outlined within Appendix 1):

- Proposal 1 – reduce the distance that may be travelled for the minimum fare – this proposal would mean that those customers who travelled the shortest distances (many of whom relied most on taxis they could least afford) would not be affected by the change as they tended to travel for less than 1100 yards (10/16^{ths} of a mile)
- Proposal 2 – Increase all fares by increasing the fare for the minimum journey – this proposal would increase the fare for the minimum journey of 1 mile which would increase the fares on all journeys. This would most adversely affect those customers who travelled the shortest journeys and most benefit those who travelled the longest

The statutory notice had been published in the Barnsley Chronicle on the 24th March, 2017 detailing the two options and a copy of the notice was appended as Appendix

2. At the closure of the consultation period, no objections had been made to either of the proposed tariff amendments.

Mr D Wilson (A2Z Licensing, Licensing Consultant) and Ms N Berry-Bailey (Secretary to the Hackney Carriage Association) attended the meeting to make representations on the proposals. It was explained that at the most recent meeting, Members of the Association had expressed a preference for Proposal 1 to be implemented. On that basis the Board was requested to approve that option.

In response to questioning, the following matters were raised:

- The potential impact of increasing fares on passengers was noted but the fact that the preferred option would mean that the majority of passengers would see no, or little, increase was welcomed.
- It was noted that compared to many other areas and particularly neighbouring authorities, Barnsley's Hackney Carriage fares would still remain one of the lowest
- It was accepted that whilst the Hackney Carriage Tariff specified the statutory maximum that could be charged, this did not preclude the operator or hackney carriage driver from coming to special arrangements with their customers and charging lower fares

RESOLVED that the Hackney Carriage Tariff detailed within Proposal 1 of Appendix 1 of the report now submitted be approved for implementation from 00:01 on Thursday 27th April, 2017.

Chair

Item 3

Report of the Service Director to the General Licensing Regulatory Board to be held on the 6 September 2017

Proposed Changes to Taxi Legislation Report

1. Purpose of Report

This report has been prepared to advise Members on a range of taxi legislation recommendations proposed by the All Party Parliamentary Group (APPG) for taxis.

2. Background

Recent years have seen significant changes to the taxi and private hire markets, primarily due to the rise in the number of private hire vehicles (PHV's) in towns and cities across the UK, which has been combined with the introduction of new technologies. Many drivers and representative bodies across both the taxi and PHV industries believe that existing regulation is no longer fit for purpose and associated reform has not kept pace with the changing market.

3. Current Position

Taxi regulations are not set nationally; resulting in some PHV operators taking advantage of less robust local licensing systems to avoid areas where strong requirements exist. An example of this is more commonly known as 'cross border hiring', a system not unique to cities and council's across the country, most notably Rotherham and Rossendale & Gedling, whose locally determined strong regulations are being avoided by licensed drivers who chose to be licensed with a neighbouring borough with weaker regulations. The introduction of the Deregulation Act 2015 permitted a new measure that allows a PHV operator to sub-contract a PHV booking to another operator who is licensed in a different licensing district. This has arguably rendered Council's limited to the level of enforcement action that can be taken against drivers who operate in another local authority area, despite not meeting their local licensing regulations.

Additional issues identified linked to cross border hiring have also been compounded by the variation in licensing standards across the country. The APPG has identified one local authority that does not require an applicant to undertake a DBS check to receive a licence. It is imperative all licensed driver applicants are subject to a rigorous criminal conviction screening before being granted a licence to carry passengers; as is the case in this licensing authority where all applicants are subject to an Enhanced DBS check, capturing 'soft' intelligence even where a conviction has not been applied..

This coupled with the absence of a national database of licensed drivers and applicants, who have had their licence either revoked or refused with a licensing authority, provides a greater risk of applying to a different licensing authority and being granted a licence.

4. Proposal

- 4.1 To address the implications cross border hiring, inconsistent licensing standards and the absence of a database that may have on both public and passenger safety, the APPG has proposed that Government consults on the creation of statutory guidance for taxi and PHV licensing which sets out a robust set of minimum standards for all licensing authorities to impose. Standards including the mandatory completion of disability equality training and enhanced DBS checks for all licensed drivers, an existing standard imposed on all Barnsley licensed drivers and applicants. Local authorities should retain the ability to impose further standards over and above this, should they believe it to be necessary and proportionate to local needs. To prevent the exploitation of cross border hiring, the APPG has also recommended that Government considers legislating to create a statutory definition of cross border hiring whereby a journey must 'begin or end in the licensing authority'.

In addition, the APPG also recommends that Government establishes a national database of registered licensed drivers and operators in conjunction with DVLA and the Police. However, given this would be a considerable undertaking to implement, in conjunction with neighbouring South Yorkshire licensing authorities, Licensing Officers have worked with the Local

Government Association (LGA) and the National Anti-Fraud Network (NAFN) to secure the development of a national register of all licenced driver refusals and/revocations. Whilst the register of refusals and revocations will not solve the challenges faced in regulating taxis, it is an important sector-led step to tackle the problem of individuals making applications in different areas following a refusal or revocation elsewhere.

Furthermore, in response to the role taxi and private hire vehicle licensing played in the transportation of young females believed to be vulnerable to/subject of child sexual exploitation, Rotherham Council has implemented a number of stringent licensing requirements, which include:

- Enhanced DBS checks
- Certificate of Good Conduct – those resided outside of the UK
- Improved Theory Test
- BTEC Level 2 Certificate – Professional Taxi & Private Hire Driver
- Sign code of conduct for vulnerable passengers
- Dress code
- Taxi Cameras recording audio and video. Video recording on at all times and audio recording activated when transporting a child under 18 or a vulnerable adult

With the exception of requiring all applicants to undertake a formal qualification and the mandatory installation of taxi cameras in all licensed vehicles, it is reassuring to note that remaining measures are imposed by the Council. Members are also minded to note that the Licensing Service is currently reviewing its existing application criteria and policy requirements, ensuring a more rigorous approach is applied when meeting its duty to protect public safety.

5. Background Papers

No background papers

6. Officer Contact

Kate Liddall ext 4258

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