

MEETING:	General Licensing Regulatory Board
DATE:	Wednesday, 21 February 2018
TIME:	2.00 pm
VENUE:	Reception Room, Barnsley Town Hall

MINUTES

Present

Councillors C. Wraith MBE (Chair), J. Carr, Clarke, M. Dyson, S. Green, Daniel Griffin, Hampson, W. Johnson, Millner, Pourali, Richardson, Shepherd, Spence, Sumner, Tattersall and Wilson

25 Declaration of Interests

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

26 Minutes

The minutes of the meeting held on the 20th December, 2017 were taken as read and signed by the Chair as a correct record.

27 Enforcement Update

The Service Director Culture, Housing and Regulation submitted a report providing an overview of the work of Licensing Enforcement Officers undertaken recently.

Licensing Enforcement Officers had proactively embarked on a number of taxi licensing enforcement operations as follows:

- (a) 20th December, 2017 – a day time operation involving Licensing Enforcement Officers, Vehicle Examiners from the Smithies Lane Depot and representatives from the South Yorkshire Police. The operation focused on all licensed vehicles in the vicinity of the Summer Lane roundabout.
 - Of the 22 vehicles inspected, 18 were found to be compliant and 4 were issued with immediate suspension notices for a variety of defects including warning lights on the dashboard, tyres being below the legal limit, headlights being incorrectly aligned and number plate lights being inoperative
 - In addition, three drivers were issued with Written Warnings for failing to complete or falsifying their daily inspection books
- (b) 18th January, 2018 – a day time operation involving Licensing Enforcement Officers and Vehicle Examiners from the Smithies Lane Depot focusing on Springwell School where drivers and vehicles were contracted to transport children to school on a daily basis. The Chair of the Regulatory Board (Councillor C Wraith MBE) was also in attendance.
 - Of the 29 vehicles inspected 22 were found to be compliant and 7 were issued with immediate suspension notices for a variety of defects including inoperative lights and indicators

Vehicle compliance continued to be an issue at the forefront of every enforcement operation and with every Vehicle Examiner whilst undertaking vehicle inspections. It was pleasing to note, however, that vehicle compliance was continuing to improve and was a testament to the hard work of the staff involved with enforcement. Vehicle failure rates were still at an unacceptable level and it was important that operators, vehicle proprietors and drivers accepted responsibility for their failures and made a change as to not do so could potentially put the safety of the travelling public at risk. In addition, the failure to complete basic vehicle inspection sheets, which the Trade had requested be introduced as a tool to ensure the safety of a licensed vehicle was also not acceptable.

It was reported that following an investigation by Barnsley Licensing Officers, a Taxi Driver who was licenced in Sheffield and who had picked up a fare in Barnsley Town Centre in contravention of Licensing Conditions had been given a £150 fine at Barnsley Magistrates Court. He had also been ordered to pay costs of £500 and a victim surcharge of £30.

Further proactive enforcement operations would continue to be undertaken on a quarterly basis

In the ensuing discussion, and in response to questioning, particular reference was made to the following:

- There was particular concern at the continued problems associated with vehicle lights. It was suggested that in order to prevent this occurring as often, consideration should be given to an amendment to Licensing Conditions requiring drivers to carry a spare bulb kit for their vehicles. In this way, any problems found could be rectified immediately and any driver found not to be in possession of a bulb kit could then be given a Written Warning. It was noted, however, that certain types of vehicles had bulbs which could not be replaced at the roadside
- Arising out of the above, reference was made to the actions that could be taken in relation to vehicles with dangerous defects and there was a discussion about the possibility of requiring the drivers/operators of such vehicles to appear before a General Licensing Regulatory Board in the first instance rather than being given a Written Warning. It was suggested that this would require a change of Licensing Policy
- It was noted that where vehicles were inspected and were not licensed by this Authority, information about such checks and failures would be reported to the Licensing Authority concerned
- In response to specific questioning, the Board noted that only the Police could issue fixed penalty notices and that these could not be issued retrospectively or following referrals from Licensing Officers. Reference was made in this respect to the varying roles and responsibilities of officers of the Authority and the various agencies involved in Enforcement exercises
- The Chair, Councillor C Wraith MBE, commented on the excellent work of Licensing Enforcement Officers who often had to deal with difficult situations. Particular reference was made in this respect to the work of Mrs D Bailey.
- Arising out of the above, reference was made to, and there was a discussion of, the need to ensure that the Health and Safety of staff was maintained. It was noted that staff were unlikely to face any physical attacks as any driver

doing so would lose their licence and subsequently their livelihood. In addition, staff rarely undertook enforcement action on their own

- Reference was made to the actions of one driver who had been using foul and abusive language. This had resulted in a note being recorded on his personal record. It was noted that the driver had been made aware that any further occurrences of this nature could require him to appear before a Panel of the General Licensing Regulatory Board
- The Licensing Enforcement Officer gave an update of Operation Duxford that had been undertaken on the 15th February, 2018. This had been a multi-agency operation involving Licensing Enforcement Officers, Vehicle Examiners from the Smithies Lane Depot, representatives of the South Yorkshire Police, Vosa and Customs and Excise, in addition, the Chair had also been in attendance. The full day exercise had included roadside checks and of the 21 vehicles inspected 6 had been suspended, one for tyres and five for faulty lights. Four Written Warnings had been issued for failing to complete daily check books
- Members of the Board noted that a couple of years ago all drivers had been issued with a free tyre gauge and that the dangers associated with faulty tyres was a regular feature in the theory test for drivers. The Chair commented that whilst improvements were still required, the progress made over the last 2-3 years had been tremendous. It was felt that the consistency with which drivers were treated, the follow up by the General Licensing Regulatory Board Panel and the involvement of multi agencies was having a positive impact on improving compliance with licensing conditions. Drivers now knew the potential consequences of their actions, that they could be required to appear before a Panel of Members and that they would not be treated lightly.
- Members noted that further enforcement exercises targeting Operators was to be undertaken shortly
- The success of the 'Whose taking you home' campaign were noted

RESOLVED:

- (i) that the Board place on record their thanks and appreciation to the staff within the Licensing Service and Smithies Lane Depot for all their hard work in undertaking enforcement activities and ensuring the continued safety of the travelling public and for the outstanding results currently being achieved; and
- (ii) That consideration be given to the feasibility of amending Licensing Conditions to require:
 - all drivers to carry spare bulb kits (where appropriate given the vehicle type) and that failure to do so result in the issuing of a Written Warning
 - the drivers/operators of vehicles found to have dangerous defects to appear before a General Licensing Regulatory Board Panel as a mandatory requirement.

Chair