

**Report of the Service Director Culture,  
Housing and Regulation to the  
General Licensing Regulatory Board  
to be held on the 25 April 2018**

**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 enforce the legislation and conditions of licence attached to all driver, vehicles and operator licences.

**3. Current Position**

**Driver Theory Test**

Officers are currently reviewing the way the private hire and hackney carriage driver theory test is delivered and how officers can support new applicants through the process. Currently applicants are given a copy of driver and vehicle conditions and advised of the topics they will be tested on:-

- Conditions of licence
- Places of Interest
- Disability Customer Care
- Numeracy and Literacy
- Highway Code

Applicants then attend the safeguarding training, they receive a presentation regarding driver and vehicle conditions and relevant legislation and they then sit the theory test.

To assist new applicants it is proposed that Officers are to provide a more extensive learning package. This will assist drivers to improve their knowledge in relation to private hire and hackney carriage requirements and legislation. The aim being to educate applicants to a higher standard and prepare them for the test and for their future career as a private hire or hackney carriage driver. Officers would request that members support the introduction of the theory test guidance pack.

#### Signage on Private Hire Vehicles

Officers have recently witnessed several private hire vehicles displaying signage that is difficult to read due the font size, colour and position of the lettering on the vehicle doors.

The current private hire vehicle condition states:

**The vehicle when working must display on its front doors the words “Private Hire Vehicle Advanced Booking Only” and must display on the rear offside and near side doors/panel of the vehicle the operator’s trade or business name and telephone number. No other signs or words whatsoever shall be displayed.**

It is proposed that Officers amend this condition to state:

**The vehicle when working must display on its front doors the words “Private Hire Vehicle Advanced Booking Only”, this must be in a contrasting colour to the vehicle, be at least 19” x 6” in area and be in a prominent position in the centre of the door panel. The vehicle must display on the rear offside and near side doors/panel of the vehicle the operator’s trade or business name and telephone number. No other signs or words whatsoever shall be displayed.**

All drivers will be given a period of time in which to make changes to their current signage before enforcement action will be taken by officers for non-compliance.

Officers would like to request that members support the changed to the private hire vehicle conditions.

### Vehicle Testing Criteria

Members will be aware that licensed vehicles may now be tested at any one of the VOSA registered garages on the Councils approved list.

The current position states that all private hire and hackney carriage vehicles regardless of age, will be MOT tested twice per year. Vehicles which successfully pass both tests first time will have their test requirement reduced to one test per calendar year and remain at this level unless the vehicle fails its next MOT test, at which point it will return to being tested twice per year.

In addition, if a driver replaces his current vehicle with a newer vehicle the vehicle is automatically required to have an MOT test twice a year.

Private Hire and Hackney carriage drivers have asked that this be reconsidered as it is discouraging vehicle owners from replacing and upgrading their vehicles and so discouraging an improvement in the private hire trade and hackney carriages provided in the borough.

Officers propose that the wording be altered to allow drivers with a history of first time MOT pass rates to be allowed to keep this status when replacing and improving their vehicle.

Officer would like to request that members support the changes to the Vehicle Testing Criteria.

### Final Written Warnings

When dealing with drivers that have been referred before the General Licensing Board there are several option available to members, including the issue of a final written warning as their future conduct.

Officers recommend that in future a review date should be placed with the final written warning so that ongoing consideration can be given as to its relativity at the time.

### Shared Database

Information sharing between local authorities is critical to the effective enforcement of taxi licensing. Work began in the South Yorkshire authorities to create a shared database of applicants who had been refused a licence, and drivers whose licences had been revoked. This work was then picked up nationally, in a joint initiative between the Local Government Association and the National Anti Fraud Network.

This project has now progressed to the point where data is now being collected from Local Authorities and collated into a National database. BMBC are currently collating our data for submission. It is intended that the database be operational from the end of April 2018.

The new database will allow councils to record details of where a licence has been refused, revoked or suspended as well as to check new applicants against the database. This will help prevent individuals deemed to be not fit and proper in one area from going to another area and securing a licence by not disclosing their previous refusal or revocation – something that undermines public safety and confidence in the licensing regime and the authorities that administer it.

### CCTV in Taxis and Private Hire Vehicles

A Cabinet decision was made last autumn to approve the Licensing team to put together a business case for the mandatory introduction of CCTV in all licensed vehicles. Officers carried out initial research into the subject, and became aware that the Local Government Association were working on the production of guidance on this issue for local authorities. Therefore, the decision was made to delay work in this area until the national guidance had been published (originally due by December 2017) so that implementation could be in line with the guidance. This was particularly important with regards to information governance issues, and the requirements of the Information Commissioners.

Officers contacted the LGA directly to be kept informed of progress on the guidance. Unfortunately the guidance has been delayed while the LGA has received crucial information from the Information Commissioners Office

regarding information governance/data handling issues and detail on the required specification of the cameras. The guidance is due out in May/June this year. This also coincides with the proposed date for consultation by the Department of Transport's statutory/best practice guidance on taxi licensing, which is expected to also cover the subject of CCTV in taxis. The provision of national guidance will aid implementation of CCTV in taxis in Barnsley, and will ensure that we have the strongest possible case for implementation. It is proposed that following the issuing of the guidance, implementation is progressed as quickly as possible, by the end of 2018.

**5. Background Papers**

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

**6. Officer Contact**

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