

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

MINUTES

Present

Councillors C. Wraith MBE (Chair), Burgess, J. Carr, Clarke, Ennis, D. Green, S. Green, Hampson, Lamb, Millner, Richardson, Saunders, Sixsmith MBE and Tattersall

12 Declaration of Interests

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 the 28th October, 2015 were taken as read and signed by the Chair as a correct record.

14 Licensing Enforcement - Update

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

Since the last update, Licensing Enforcement Officers had proactively embarked on a number of taxi licensing enforcement operations. The first two exercised had been undertaken at the specific request of the Council's Internal Audit Service which was undertaking a review of Home to School Contracts and Licensing policies and procedures. Each operation had been designed to ensure both driver and vehicle compliancy:

- (a) 15th October, 2015 – a morning time operation involving Licensing Enforcement Officers, officers from Internal Audit and Vehicle Examiners from the Smithies Lane Depot at Greenacre School. Given the nature of the operation, the duration was short and involved a relatively small number of vehicles.
 - 1 Hackney Carriage and 2 Private Hire Vehicles inspected and found to be fully compliant
 - One driver issued with a written warning for failing to undertake the daily check sheet
- (b) 5th November, 2015 – a second operation involving Licensing Enforcement Officers, officers from Internal Audit, Vehicle Examiners from the Smithies Lane Depot and Councillors C Wraith MBE and S Green at Springwell School.

- Of the vehicles inspected 16 Private Hire Vehicles and 2 Hackney Carriage Vehicles were found to be fully compliant and 16 Private Hire Vehicles were issued with immediate suspension notices for a variety of defects including lights and horn
 - 3 drivers had been issued with written warnings for failing to complete the daily check sheet and for failing to display the driver ID badge
- (c) 27th November, 2015 – a night time operation involving Licensing Enforcement Officers, Vehicle Examiners from the Smithies Lane Depot, South Yorkshire Police Traffic Unit and Councillors C Wraith MBE and S Green focusing on all licenced vehicles.
- Of the 41 vehicles examined 36 were found to be fully compliant and 5 vehicles were issued with immediate suspension notices for inoperative indicator lights, number plate lights and incorrect indicator colour
 - 4 drivers had been issued with written warnings for failing to complete daily check sheets, failing to display driver ID badge and incorrect display of front plate
- (d) 11th December, 2015 – a day time operation involving Licensing Enforcement Officers, Vehicle Examiners from the Smithies Lane Depot, the South Yorkshire Police Traffic Unit and Councillor S Green focusing on licensed vehicles and operators.
- 14 vehicles had been inspected
 - 8 vehicles had been suspended for a variety of defects including oil leaks, sharp edges and defective wing liner, inoperative indicator lights and missing wiper blades (which had resulted in the scratching of the windscreen obscuring the drivers view)
 - 3 drivers had been issued with written warnings for failing to failing to complete or falsifying daily check sheets (all vehicles had been found to be defective and had been suspended)
 - The South Yorkshire Police Traffic Unit had also issued three fixed penalty notices to licensed drivers for speeding offences

Vehicle compliance continued to be an issue and was 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. It was disappointing, however, that a minority of drivers were continuing to fail to complete basic vehicle inspection sheets as these had been introduced at the request of the trade and were a valuable tool in ensuring the continued safety of all licenced vehicles.

Proactive enforcement operations would continue to be undertaken on a quarterly basis.

The Chair circulated a copy of a letter received from Mr D Wilson of A2Z Licensing expressing, on behalf of his clients Barnsley Hackney Carriage Association and Blueline Taxis expressing thanks for comments he had made in the media and for explaining that all defects discovered on the enforcement exercises were of a minor

nature. Mr Wilson had also commented on the success of the work of the Trade Liaison Group, on the combined effects of the use of external MOT testing stations and increased roadside enforcement which was continuing to show dramatic improvements in vehicle compliance which was hoped would continue. Finally, he asked to place on record his thanks on behalf of his clients to all officers for their contribution to these and other initiatives which were promoting public safety, ensuring that vehicles were safe and in tackling dangers to the public of using bogus Hackney carriage and Private Hire vehicles.

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

- The involvement of Councillors at enforcement operations was very much welcomed and encouraged
- The continuing reduction in number of faults found was very encouraging. It was noted, however, that some minor defects could nevertheless have devastating consequences
- There was a discussion of the reasons for the number of defective indicator lights discovered and to the fact that Trading Standards were involved as it was thought that possibly a defective batch could have been on sale within the town. Members stressed the importance, therefore, of drivers carrying spare bulb sets
- Members of the Board were reminded that drivers receiving three written warnings within a 12 month period were required to appear before a General Licensing Regulatory Board Panel to explain their behaviour
- There was a discussion of ways in which drivers could have their licences reinstated quickly following the rectification of minor faults
- In response to questioning about fines to discourage non compliance, it was explained that the Licensing Service could not 'make a profit' and could only receive income to cover the costs of operating the service

RESOLVED:

- (i) That the report and letter from A2Z Licensing be received; and
- (ii) 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.

15 Licensing Service - Audit update

The Service Director Governance and Member Support informed the Board that following an Internal Audit of the Licensing Service in the light of the corporate inspection of Rotherham Metropolitan Borough Council and the publication of the Casey Report, a recommendation had been made that the Board review its Terms of Reference to ensure that Members role and responsibilities in relation to safeguarding was explicitly identified.

The review of the Terms of Reference was currently being undertaken and a report recommending amendments to those Terms of Reference would be submitted to the

next meeting to be held on the 24th February, 2016 with a recommendation to Council on the 31st March, 2016.

The opportunity would also be taken at the same time to review the Terms of Reference of the Statutory Licensing Regulatory Board and a similar report would be submitted to that Board at a meeting to be held on the 24th February, 2016.

RESOLVED that the report be received

16 Taxi Stay Safe Operation

The Board received a presentation from Ms R Fisher (Field Officer, Regulatory Services) on the Taxi Stay Safe Operation currently being undertaken and presented to schools throughout the Borough and giving details of the success of the Taxi Watch Facebook page and other related campaigns and operations.

The presentation gave details of the following:

- The history of Taxi's and the introduction of the licensing regime
- The roles and requirements of Hackney Carriage and Private Hire Drivers and Vehicles and the differences between the two
- The identification requirements of Driver's
- The implications of using unlicensed vehicles
- The 'rise' of Facebook taxis – people advertising cheap 'taxi' lifts on facebook – and the implications for drivers and passengers of using these illegal and unlicensed drivers and vehicles. Arising out of this Ms Fisher outlined:
 - various scenarios both nationally, regionally and locally where issues had occurred following the use of such vehicles/drivers
 - The enforcement action taken to tackle these problems
- The steps which taxi users could take to ensure their safety

Ms Fisher gave out details of posters and a press release issued to give prominence to the Staysafe operation and she reported the differing agencies involved in enforcement operations and on future operations planned. In conclusion, Ms Fisher outlined the following acrostic which she had developed to try to encourage people to remember how to 'StaySafe':

S Standards/Safety
T Travel/Taxi/Time/Tested/Trustworthy
A Anyone/Authorised
Y Yourself/You
S Safety
A Allowed/Approved
F Fare/Fair
E Enter/Educate/Effects/Easy/Enforcement

In the ensuing discussion, the following matters were raised:

- The presentation was very much welcomed as a means of helping to prevent unauthorised taxis and ensuring passenger safety

- The increasing use of 'Facebook Taxis' was a particular concerns as many drivers appeared not to realise they were doing anything wrong and failed to recognise the implications of their actions
- Other preventative measures were suggested including:
 - Issuing guidelines to all drivers regarding the use of child locks on rear passenger doors – it was noted that checks were made during 'taxi tests' to ensure that such locks were disabled
 - It was suggested that passengers using taxis should tell someone where they were going and when they were expected
- Reference was made to the use of medical references for applicants for driver licences within the context of the recent incident involving a refuse lorry driver in Scotland. It was explained that if fitness to drive declarations were signed by an applicants GP there was little other action that could be taken by Licensing Services.
- The presentation would be emailed to all Members of the Board following the meeting
- The presentation highlighted the importance of Enforcement operations and the Chair encouraged all Members to take part in one or more of these exercises so that they could see, at first hand, the type of work involved and the issues addressed by Enforcement Staff

RESOLVED that Ms Fisher be thanked for a most informative presentation and for answering Members questions.

In closing the meeting, the Chair wished all Members and Officers an Merry Christmas and an Healthy and Prosperous New Year

Chair