

BARNSELY METROPOLITAN BOROUGH COUNCIL**A****GENERAL LICENSING REGULATORY BOARD****15TH SEPTEMBER 2010**

7. **Present:** Councillors CC Wraith (Chair), Barlow, P Birkinshaw, Bowden, Brook, Butterwood, J Carr, Clowery, Dyson, Gaunt, Lofts, Mitchell, Stokes and Worton.

8. **Declarations of Personal Interest**

No declarations were made at the meeting.

9. **Minutes**

The minutes of the meeting held on 16th June 2010 were taken as read and signed by the Chair as a correct record.

10. **Proposed Amendments to Policy Guidance**
Applications for Private Hire and Hackney Carriage Licences

The Principal Licensing Officer presented a report for consideration of minor amendments to current Policy Guidance to assist with the assessment of 'fit and proper person' with regard to all Private Hire and Hackney Carriage Driver Licences in order to ensure a more robust, transparent and fair policy was operated by the Council.

In January 2009, the General Regulatory Licensing Board approved revised guidelines to assist Officers and Members in assessing Licence holders/applicants as to whether they were 'fit and proper' persons to hold a Licence under the provisions of the Local Government (Miscellaneous Provisions) Act 1976.

It had become apparent that there were two areas where the current Policy required further clarification, in relation to 'Multiple Convictions' and, 'New Applicants' (Theory Tests and Receipt of Documentation).

Members made particular mention of the following:-

- concern was raised regarding the current pass rates for the theory test
- cost to applicants of some of the requirements, some of which are also time limited
- type of information disclosed on CRB checks

RESOLVED that the additional requirements to the Fitness Policy, as set out below, be approved:-

- (i) **Multiple Convictions** – There will be occasions where a driver has been convicted of a number of offences from different sections of part three, for example, drugs, dishonesty and violence.

In these cases it will be necessary for each driver to be assessed on their own merits and consideration should be given to the types of offences, the severity of the offences, the penalties imposed, how long ago the offences took place and the Council's standard timescales before a person becomes fit and proper.

- (ii) **New Applicants – Theory Tests and Receipt of Documentation –**

- (a) Where a person fails three consecutive theory tests within a four month period, it will be unlikely that the person will have the appropriate skills and attributes to be a licensed driver with this Authority, and, therefore, the person should be barred from undertaking any further theory tests for a period of **three months** from the date of the last failure, to allow the person to develop the necessary skills, unless there are exceptional circumstances.
- (b) At the date of the application, a medical questionnaire will not be accepted unless it has been signed by a General Medical Practitioner within the last **two months** and contains the Practice stamp.
- (c) At the date of application, the Certificate of Good Character must have been completed, signed and dated by the referee within the last **three months**.
- (d) At the date of application the Criminal Records Bureau check must have been completed within the last **three months**.

In the case of (b), (c) and/or (d) above, it may be necessary for further forms to be completed where the determination process for the Licence is protracted.

11. **Proposed Amendments to the Hackney Carriage Tariff**

The Principal Licensing Officer presented a report for consideration of a request from the Barnsley Hackney Association for the Council to amend the Hackney Carriage Tariff from 00.01 hours on Saturday 16th October 2010, subject to any significant representations being received prior to 17.00 hours on Tuesday 12th October 2010.

Should any further significant representations be received then the matter would be returned to the Board for consideration.

RESOLVED that the proposed amendments to the Tariff as outlined below be approved:-

- (i) create three clearly identifiable tariffs from the existing table of fares, thereby removing the confusion that arises in respect of times for which there are additional charges;
- (ii) refine the remaining additional charges to provide greater clarity for customers;
- (iii) include all Bank Holidays to overcome the situation that can arise when there is a Bank Holiday on a day other than those specified in the current tariff;
- (iv) introduce a new tariff, entitled 'Tariff 4', which will apply when a Hackney Carriage designed and licensed to carry five or more passengers, carries five or more passengers at any time, except for any time when the Christmas and New Year Tariff, entitled 'Tariff 3' applies; and,
- (v) increase the soiling charge from £30 to £80 (maximum).

12. **Driver Competencies for Loading, Unloading and Securing Wheelchairs and their Passengers**

The Principal Licensing Officer presented a report requesting consideration of amendments to the current Licence Conditions for both Hackney Carriages and Private Hire Vehicles from 1st January 2011, to include an additional Condition in relation to loading, unloading and securing wheelchairs and their passengers.

As a result of an incident in another Authority area regarding a fatality, which the Coroner concluded could may well have been avoided if the wheelchair had been properly secured in the taxi, it was recommended that consideration be given to a requirement that all Licensed Hackney Carriage Drivers should undergo Disability Awareness Training in order to prevent any similar accident from occurring.

As a result of the incident in Birmingham, Officers began working with the Trade and learning providers such as Dial-a-Ride to create a bespoke training course for wheelchair accessible vehicles.

However, the Department of Transport are to introduce qualification structures for hackney carriage and private hire drivers, to include training and assessment around the loading and unloading of wheelchairs and their passengers. It was likely this would be a two-tier structure with new applicants having to meet a minimum entry-level standard with all drivers, both new and existing, being required to meet NVQ Level 2 or equivalent

within a specified timescale. It was anticipated that this would take between 18 months and two years to implement.

In Barnsley, it was estimated that in the region of 60 drivers would be affected by this. The intention was to introduce a new Condition from January 2011 and all Licences issued after 1st January 2011 would include this new Condition. Driving Standards Agency (DSA) assessments would be carried out in the interim, which could be taken at any DSA Testing Station. It was thought the Dial-a-Ride course may be quite popular initially but drivers would then probably go on to do the DSA course.

Birmingham had a similar Policy to Barnsley in that all new drivers entering the trade had to prove competency but existing drivers did not have to do this. It had now been recognised that action was needed to ensure that all drivers were capable.

RESOLVED that, from 1st January 2011, the current Licence Conditions for both Hackney Carriage and Private Hire vehicles, be amended to include an additional Condition requiring all drivers of wheelchair accessible vehicles to have proven their competency to load, unload and secure wheelchairs and their passengers by:-

- (i) completing the Driving Standards Agency wheelchair test; or,
- (ii) proving written evidence, to the satisfaction of the Principal Licensing Officer, that they have been trained and assessed by an accredited body to load, unload and secure wheelchairs and their passengers in wheelchair accessible vehicles.

.....
Chairman