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MEETING:	General Licensing Regulatory Board
DATE:	Wednesday, 9 September 2015
TIME:	2.00 pm
VENUE:	Reception Room, Barnsley Town Hall

AGENDA

1 Declarations of Interest

To receive any declarations of pecuniary and non-pecuniary interest from Members in respect of items on the agenda.

2 Minutes (*Pages 3 - 6*)

To accept as a correct record the minutes of the meeting held on the 1st July, 2015.

3 Licensing Enforcement - Update (*Pages 7 - 10*)

The Regulatory Board will receive and update on the current position with regard to enforcement work undertaken by Licensing Enforcement Officers recently.

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

Councillors C. Wraith MBE (Chair), Brook, Burgess, J. Carr, Clarke, Coates, Davies, Duerden, Dures, M. Dyson, Ennis, Frost, D. Green, S. Green, Hampson, Johnson, Lamb, Millner, Richardson, Saunders, Sheard, Shepherd, Sixsmith MBE, Tattersall, Wilson and Worton

Andrew Frosdick, Director Legal and Governance
 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, Regulatory Services
 Debbie Rimmington, Regulatory Services Field Officer

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

Tuesday, 1 September 2015

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BARNSELEY METROPOLITAN BOROUGH COUNCIL

GENERAL LICENSING REGULATORY BOARD

1st July 2015

1. **Present:** Councillors C. C. Wraith MBE (Chairman), Burgess, J Carr, Duerden, Ennis, S Green, Hampson, Johnson, Millner, Richardson, Saunders, Sheard and Wilson.

2. **Declarations of Pecuniary and Non-Pecuniary Interest**

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

3. **Minutes**

The minutes of the meeting held on the 6th May, 2015 were taken as read and signed by the Chairman as a correct record.

Arising out of the discussion of the minutes reference was made to the following:

- (a) Facebook Taxi Operation – it was noted that in connection with this enforcement operation, PACE interviews were taking place with a view to prosecution rather than the issuing of fixed penalties
- (b) Training - A training session for all Members of the Board was to be undertaken in the near future
- (c) Out of district Drivers

It was noted that Hackney Carriage Drivers licenced within other areas could legally work within the Barnsley borough but only as a Private Hire Vehicle. They could not work or ply as a Hackney Carriage or use any of Barnsley's Hackney Ranks.

It was possible, however, that a vehicle licenced within another district could come into the Borough working as a Hackney Carriage if the vehicle was pre booked whilst within those areas. There had, however, never been a significant issue of Hackney Carriages illegally working within Barnsley but if any Member had concerns, they should contact the Licensing Service so that the matter could be investigated further.

It was noted that all licences had to be held by one authority and, therefore, some Operating Centres, thought not many, were held outside Barnsley – primarily Rotherham and Wakefield. There was perhaps a perception that in view of recent events in Rotherham

quite a few drivers were working from there, but this was not really the case or a significant issue.

4. Licensing Enforcement - Update

The Assistant Director Regulatory Services submitted a report providing an overview of the work of Licensing Enforcement Officers undertaken recently.

It provided, in documentary form, details of the Licensing Enforcement exercises undertaken between January to April 2015 as orally reported to the meeting on the 6th May, 2015. In addition, it was reported that the Service had undertaken a further licensing enforcement exercise on the 23rd April, 2015.

This daytime exercise had involved Licensing Enforcement Officers working alongside Vehicle Examiners from the Smithies Lane Depot focussing on smaller Licensed Operators. In total, four vehicles had been inspected, two of which had been found to be fully compliant and two had been issues with suspension notices for defective lights and one driver had received a written warning for failing to complete the vehicle inspection sheet.

In its totality, therefore, vehicle compliance continued to be an issue and was at the forefront of every enforcement operation and with every Vehicle Examiner whilst undertaking MOT tests. Defective vehicles were not acceptable and could not be excused, couple with this was the concern at the failure to complete basic vehicle inspection sheets (something that had been requested by the Trade) and was a tool that ensured the safety of vehicles.

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

Arising out of the discussion reference was made to the following:

- It was noted that inspections were undertaken of smaller operators to ensure compliance with licensing conditions. In response to questioning, the Licensing Enforcement Officer informed the Board that if the operator was not available, repeated visits would be undertaken. In addition, it was noted that all Operators were inspected at least once each year
- During the course of one inspection, 2 alleged illegal taxis had been stopped and their vehicles inspected. Both had been spoken to and invited to attend a tape recorded interview under caution to explain their actions but had declined to attend. These drivers had been given the opportunity to apply for Private Hire/Hackney Carriage Licenses on the basis that licensing conditions could then be enforced to ensure compliance with all legal requirements to ensure the safety of the public

- The way in which the Service stored and collated evidence to support appropriate prosecutions was outlined. With regard to 'illegal' drivers it was noted that there was a need to prove the driver was working for 'hire and reward' and the difficulties associated with this were outlined.
- Reference was made to the use of 'intelligence' reports and to comments made via social media sites. The Licensing Enforcement Officer commented on the importance of issues of illegal drivers being reported for investigation
- Reference was made to the differing powers of Licensing Enforcement Officers, the Police and representatives from VOSA
- Members were reminded that drivers receiving three written warnings for contravention of licensing conditions were brought before a Panel of the General Licensing Regulatory Board when action could be taken against them and, ultimately, the license could be revoked
- There was a discussion of the possible use of IT to confirm the completion of the daily check sheet. On balance, however, it was not thought that this would be feasible at the moment given the likely cost implications. It was noted, however, that only a small number of drivers appeared to be failing to comply with this requirement as most were extremely conscientious
- The support of Operators for the Licensing Service and for ensuring the compliance with conditions was noted
- Members were informed that regular enforcement exercises were undertaken and anyone wishing to accompany officers on any of these exercises was indeed welcomed and encouraged to do so as they could then see, at first hand, the types of issues encountered

RESOLVED

- (i) that the report be received; and
- (ii) that the Board place on record their thanks and appreciation to Local Authority staff for all their hard work in undertaking Enforcement activities to ensure the continuing safety of the travelling public.

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Chairman

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item 3

Report of the Assistant Director to the General Licensing Regulatory Board to be held on the 9 September 2015

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 embark on a number of taxi licensing enforcement operations. A summary of enforcement operations undertaken are detailed below.

3. Current Position

On 3 July 2015, Licensing Enforcement Officers alongside Vehicle Examiners from the Smithies Lane Depot, took part in a day time operation focusing their attention on our Hackney Carriage Ranks and larger Private Hire Operators. During the day a sizable percentage of vehicles were made available for inspection. In total 29 licensed vehicles were inspected, including 7 Hackney Carriages and 22 Private Hires, the results of which are detailed as follows:

22 vehicles found to be compliant and 5 vehicles were issued with immediate suspension notices for:

- inoperative head lights
- inoperative side lights
- inoperative brake lights
- Inoperative number plate lights
- Front nearside wheel nut missing

Other vehicles received advice in relation to:

- Cleanliness
- Trip Hazard (defective carpet)
- No smoking signs and legislation
- Plates ineffectively adhered to vehicles
- Scrubbing Tyres

During the same inspection and in addition to the above, 2 drivers also received written warnings:

- 1 for failing to display his Private Hire/ Hackney Carriage drivers badge
- 1 for failing to complete the required daily check sheet

On 7 August 2015, Licensing Enforcement Officers alongside Vehicle Examiners from the Smithies Lane Depot, took part in a day time operation focusing their attention again on our smaller licensed Operators. Again, It is important sufficient time is taken to inspect each and every business to ensure compliancy. During the day only a small proportion of vehicles were available for inspection. In total 12 licensed vehicles were inspected, the results of which are detailed as follows:

7 vehicles were found to be compliant and 5 vehicles were issued with immediate suspension notices for defects including:

- Inoperative head lights
- Inoperative side lights
- Inoperative brake lights
- Inoperative number plate lights
- Inoperative screen wash
- Absence of an internal plate

In addition to the above advice was also given in relation to:

- Cleanliness
- Tyres being close to the limit (2mm)

During the operation 2 drivers were also issued with written warnings for failing to complete their daily vehicle inspection books and smoking in a licensed vehicle.

Taking the above into account, Members will note that over 40% of vehicles inspected during this operation were found to be non-compliant and as a result, suspended with immediate effect.

On 28 August 2015, Licensing Enforcement Officers alongside Vehicle Examiners from the Smithies Lane Depot, will take part in a day time operation again focusing their attention again on our smaller licensed Operators. A verbal update of the results of this operation will be presented at the General Licensing Board as Officers have insufficient time to provide the relevant statistics for circulation prior to the meeting.

Vehicle non-compliance is not just an issue Officers are concerned with during the undertaking of each and every enforcement operation; it is one that continues to be at the forefront of every Vehicle Examiners mind whilst undertaking an MOT test. Defective vehicles are not acceptable and cannot be excused, coupled with failing to complete basic vehicle inspection sheets, an inspection sheet that not only the Trade requested to complete but a tool that ensures the very safety of a licensed vehicle, is not acceptable.

4. Proposal

Proactive enforcement operations like these will continue to take place on a quarterly basis. Whilst vehicle failure rates remain at an unacceptable level this continues to harbour great concerns amongst those driven to combat such ill failings and convey the message that operators, vehicle proprietors and drivers must begin to accept responsibility for their failures and make a change.

Failure to do so, will only continue to put the safety of the public at risk when using a hackney carriage or private hire vehicle in Barnsley.

After all, the principal consideration here must be one of public safety.

5. Background Papers

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

6. Officer Contact

Debbie Rimmington

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