

MEETING:	General Licensing Regulatory Board
DATE:	Wednesday, 22 February 2017
TIME:	2.00 pm
VENUE:	Reception Room, Barnsley Town Hall

AGENDA

1 Declaration of Interests

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

2 Minutes (*Pages 3 - 4*)

To accept as a correct record the minutes of the meeting held on 26th October, 2016.

3 Alternative Driving Assessments - Update (*Pages 5 - 6*)

The Service Director Culture, Housing and Regulation will submit a report on the appointment of two alternative driving assessment providers following the withdrawal of the Driver and Vehicle Standards Agency.

4 Theory Test Fees (*Pages 7 - 12*)

The Service Director Culture, Housing and Regulation will submit a report seeking approval to revised theory test fees.

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

Councillors C. Wraith MBE (Chair), J. Carr, Cave, Charlesworth, Cherryholme, Clarke, Dures, M. Dyson, Ennis, Frost, D. Green, S. Green, Daniel Griffin, Hampson, W. Johnson, Lamb, Markham, Millner, Richardson, Saunders, Sheard, Shepherd, Sixsmith MBE, Tattersall, Williams and Wilson

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 Bailey, Regulatory Services Field Officer

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

Tuesday, 14 February 2017

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MEETING:	General Licensing Regulatory Board
DATE:	Wednesday, 26 October 2016
TIME:	2.00 pm
VENUE:	Reception Room, Barnsley Town Hall

MINUTES

Present

Councillors C. Wraith MBE (Chair), J. Carr, Charlesworth, Clarke, Frost, S. Green, Daniel Griffin, W. Johnson, Millner, Richardson, Saunders, Shepherd and Wilson

4 Declaration of Interests

Councillor Richardson declared a non-pecuniary interest in item 6 in his capacity as Secretary of the IAM RoadSmart road safety charity.

5 Minutes

The minutes of the meeting held on 29th June, 2016 were taken as read and signed by the Chair as a correct record.

Arising therefrom, it was reported that a Home to School Transport Audit Operation would be undertaken sometime before Christmas. Details would be provided to Members of the Board should they wish to attend the Operation.

It was confirmed that a new member of staff had been recruited to the team and that licensing enforcement activities were fully operational.

The Board discussed concerns with regard to the dress code of some taxi drivers and was informed that, although such a dress code had been drafted and issued informally to drivers, it had not been formally approved as policy.

RESOLVED that a report on taxi drivers' dress code be submitted to the next Board meeting.

6 Driving Standards Agency - taxi tests

The Service Director Culture, Housing and Regulation provided the Board with details of the decision of the Driving Standards Agency (DSA) to no longer offer the DSA driving test to taxi drivers. This has caused some concern as the Council, along with the majority, if not all, local authorities use the DSA test as the compulsory part of their licensing processes. As a result the following actions have been taken:-

- Short term – New applicants and drivers who are mandated to undertake the test will be directed to the nearest DSA test centre in Sheffield.
- Longer term - The Council will need to set our own minimum driver standards and then invite expressions of interest from DSA accredited organisations that are

able to deliver to that standard. Such standards would mirror the standards currently required by the DSA and the aim would be to have more than one provider, in the interest of fair and healthy competition.

- The Council will need to change its conviction policy to reflect the fact that the DSA test was no longer available and make reference to alternative driving test stations approved by the Council.
- The approved list of test centres will be made available and published in due course, and in time for the New Year.

RESOLVED:-

- (i) that the latest position in respect of the Driving Standards Agency taxi drivers test and the action taken by officers as reported above, be noted;
- (ii) that a further report containing details of our own minimum drivers standards and progress towards an approved list of test centres be submitted to the next Board meeting;
- (iii) that a briefing note on this issue be circulated to all Members of the Council;
and
- (iv) that Uber taxis be discussed at a future Board meeting.

Chair

Item 3

**Report of the Service Director Culture,
Housing and Regulation to the
General Licensing Regulatory Board
to be held on the 22 February 2017**

BMBC Licensing Service – Alternative Driving Assessment Update

1. Purpose of Report

This report has been prepared to advise Members of the appointment of two alternative driving assessment providers, following the withdrawal of the Driver and Vehicle Standards Agency (DVSA).

2. Background

In common with most other local authorities, Barnsley Council requires all applicants for a hackney carriage and private hire drivers licence to successfully complete a DVSA driving assessment before being granted a licence. On 19 October 2016, the DVSA stated that a decision had been made to withdraw the provision of taxi assessments with effect from 31 December 2016. In a statement, the DVSA commented 'These assessments require considerable examiner resource, at a time when the demand for statutory driving tests is at an all-time high. The agency is under pressure to reduce car test times and in order to achieve this; we need to prioritise our activities'.

3. Current Position

From 31 December 2016, all applicants for a hackney carriage and private hire drivers licence were unable to make a booking to undertake the required practical driving test assessment thus rendering the Council unable to issue any new licences.

4. Proposal

- 4.1 In order for the Council to continue to grant such licences, the Licensing Service identified two alternative providers; the Blue Lamp Trust and Taxi Driving Solutions, both of which test to the same standards as the DVSA which includes:

- Reversing exercises
- Turning in the road
- Manoeuvring
- Motoring judgements
- Planning
- Cabology knowledge

The Blue Lamp Trust itself is a charity, although its assessments are provided by the charity's 'business arm' as a source of income. They currently provide practical driving assessment tests (excluding wheelchair element) to a number of local authorities and deliver the test from a location convenient to the applicant. Current waiting times are approximately 15 working days and those undertaking the test will be charged £87.

- 4.2 Taxi Driving Solutions is a private sector organisation providing practical driving assessments (including wheelchair element) from a locally based testing centre in the Barnsley area. Current waiting times are approximately 5 working days and those undertaking the test will be charged £65 (standard test) and £80 (enhanced test inc. wheelchair assessment).
- 4.3 Members are minded to note that both driving test providers have been delivering this service for approximately 2 months without issue or complaint.

5. Background Papers

No background papers

6. Officer Contact

Kate Liddall ext 4258

Item 4

**Report of the Service Director Culture,
Housing and Regulation
to the
General Licensing Regulatory Board
to be held on the 22 February 2017**

Revised Theory Test Fees

1. Purpose of Report and Recommendations

- 1.1 The purpose of this report is to seek Members approval in respect of proposed revised theory test fees.

2. Background

- 2.1 Barnsley Council requires all those applying for a hackney carriage and private hire driver's licence to fulfil a number of criteria to ensure those granted such licences are 'fit and proper' persons in accordance with the Local Government (Miscellaneous Provisions) Act 1976.

3. Current Position

- 3.1 The current theory test comprises of a total of 80 questions and focuses on the following areas:
- Highway Code
 - Disability & Customer Care
 - Conditions of Licence (inc. Safeguarding)
 - Places of Interest
 - Numeracy & Literacy
- 2.2 Each section contains 16 questions and requires a 75% pass rate; scoring a minimum of 12/16 per section.
- 2.3 The current fee charged to undertake the test is £10. However, the undertaking of an activity based cost exercise has identified the actual cost of delivering this process to be significantly higher. This in turn, has highlighted the Licensing Service to be delivering the process at a loss.

3. Proposal

- 3.1 The Council is the licensing authority for the purposes of hackney carriage and private hire licensing. Its functions and responsibilities in relation to fees and charges for taxi and private hire licences are set out in Sections 53 and

70 of the Local Government (Miscellaneous Provisions) Act 1976 (LG(MP)A 1976).

- 3.2 Schedule 1 to The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) (The Regulations) allocates responsibility for some of those fee setting functions to the Council.
- 3.3 Section 101 of the Local Government Act 1972 allows the Council to delegate those licensing functions which are allocated to it by virtue of the Regulations. The Council has delegated responsibility to the General Licensing Regulatory Board (GLRB) under its Scheme of Delegation within the Council's Constitution to set hackney carriage and private hire licensing fees subject to it taking into account policy considerations of Cabinet and or Council.
- 3.4 In relation to taxi drivers' licence application fees, under section 53 of the LGMPA 1976 there is no statutory requirement to publicise any changes in the level of fees.
- 3.5 In calculating the fees, the Licensing Authority has taken into account the following:
- All activities required for the delivery of the theory test
 - Staff costs associated with supporting the service
 - Support provided by other parts of the Council to the Licensing Team, e.g.).Safeguarding training delivered by the Council's Local Authority Designated Officer Ruth Holmes and any other associated recharges
- 3.6 As set out in Appendix A, this shows a detailed breakdown for the proposed fee.
- 3.7 Whilst the fees charged by the Council in relation to taxi licensing are discretionary, this does not prevent the Council from charging such fees as it considers reasonable in recovering its costs related to the licensing regime. Indeed the Council should be recovering its costs incurred otherwise the burden could fall upon the local tax payers.
- 3.8 The newly proposed theory test fee, if approved, will be set at £65 (including mandatory safeguarding training) or £60 (candidate resit - exclusion of safeguarding training as received during previous test).

4. Recommendation

The revised theory test fee is approved and implemented with immediate effect.

5. Background Papers

Appendix A – Proposed Fee (including & excluding safeguarding training).

6. Officer Contact

Kate Liddall

Ext. 4258

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Taxi Theory Test Costings per Candidate

<u>Action</u>	<u>Time (mins)</u>	<u>Cost</u>	<u>Post</u>	<u>Hourly Rate</u>
Setting up of room and I.T equipment	20 mins	£ 8.07	TC	£24.20
Presentation of theory test and test,	4 hour	£7.92	RSFO	£39.58
Safeguarding presentation- (Ruth Holmes)	1 hour 30 mins	£4.49	Ruth Holmes	£59.80
Booking of theory test, taking payment, updating Civica and Compilation of list of attendees emailing to RSFO (1)	25 mins Per booking	£10.08	TC	£24.20
Marking of Theory Tests	20 mins	£8:07	TC	£24.20
Updating Civica, and adding test result to	20 mins	£8:07	TC	£24.20
Telephone call to driver re test result	5 mins per candidate	£2.01	TC	£24.20
Maintaining the safeguarding register and email to Sheffield Futures	10 mins	£4.03	TC	£24.20
Compilation of Safeguarding certificates and packs.	20 mins	£8:07	TC	£24.20
Cost of Taxi driver pack Cost of postage Time taken	Actual Actual 2 mins	£1.68 £1.27 £0.81 £3.76	TC	£24.20
Total per Candidate		<u>Rounded up to £65</u>		
Resits (minus cost of safeguarding training)		<u>£65 – 4.49</u> <u>= Rounded down to £60</u>		

