

MEETING:	General Licensing Regulatory Board
DATE:	Wednesday, 24 April 2019
TIME:	2.00 pm
VENUE:	Reception Room, Barnsley Town Hall

MINUTES

Present

Councillors C. Wraith MBE (Chair), P. Birkinshaw, Clarke, C. Johnson, W. Johnson, Lamb, Lofts, Markham, Millner, Newing, Saunders, Shepherd, Tattersall and Wilson

46 Declaration of Interests

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

47 Minutes

The minutes of the meeting held on 20th February, 2019 were taken as read and signed by the Chair as a correct record.

48 DoT Consultation response

The Service Director Legal Services submitted a report providing an update on the response submitted by the Authority following the Taxi and Private Hire DoT consultation.

The Chair expressed his disappointment at the lack of responses from Members on the Licensing Committee and that out of 26 members only 1 had responded which was the Chair himself. It was also noted that one Member had responded direct to the DoT. Members stated that some had struggled to respond due to IT difficulties. Overall it was noted that it was a positive consultation and responses given reflected that Barnsley already complied with many of the suggestions and were doing over and above what was being asked and many of the issues highlighted were already enshrined in Barnsley's Policies.

RESOLVED that the consultation be noted.

49 Enforcement Update

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

Licensing Enforcement Officers had proactively embarked on a number of taxi licensing enforcement operations as follows:

(a) 28th February, 2019 – a day time operation involving Licensing Enforcement alongside Vehicle Examiners from the Smithies Lane Depot. The Chair, Councillor C

Wraith MBE, was also in attendance. The operation focused on Springwell School and the drivers and vehicles that were contracted to transport children to and from the school on a daily basis.

Of the 29 vehicles inspected, 26 were found to be compliant. 3 vehicles were issued with immediate suspension notices for defects including inoperative brake lights, faulty lights and a flat tyre.

(b) 11th April, 2019 – a day time operation involving Licensing Enforcement Officers alongside Vehicle Examiners from the Smithies Lane Depot. The operation focused on the Town Centre Hackney Carriage Ranks and various Private Hire Operators throughout the Borough.

- Of the 20 vehicles stopped 14 vehicles were found to be compliant.
- 6 vehicles were issued with immediate suspension notices for defects including tyres below the legal limit, off side headlight inoperative, rear number plate light inoperative, reversing light broken and both front side lights inoperative and windscreen washers inoperative.
- In addition 4 written warnings were issued to drivers for falsifying daily check sheets, for not carrying a daily check book and for failing to complete the daily check book.

Vehicle compliance continued to be an issue at the forefront of every enforcement operation and with every Vehicle Examiner whilst undertaking vehicle inspections. Defective vehicles were not acceptable and could not be excused and this, coupled with failing to complete basic vehicle inspection sheets was a continuing concern as not only had the Trade requested this, but it was a valuable tool that ensured the safety of the licensed vehicle.

Further proactive enforcement operations would continue to be undertaken to ensure that drivers, operators and vehicle proprietors took responsibility for their failures and made appropriate changes as this was key to ensuring the safety of the travelling public.

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

- There was a discussion as to how much responsibility should fall onto the Taxi operators as well as the drivers for the types of issues identified. Amendments to Licensing conditions could be considered, however the Licensing Officer reported that maintaining vehicles in a roadworthy condition was the responsibility of the driver. It was also noted that there were 2 large operators in Barnsley who had a good working relationship with Licensing Officers. If their drivers were suspended by Officers the companies usually suspended the drivers for at least 24hours to support this enforcement action. It was felt that the relationship between the two was working well.
- In relation to the warnings for failing to complete daily inspection books, the question was asked as to whether the operators could be required to take action against their drivers for failure to fill these in. In response the Licensing Officer reiterated that any action to be taken against drivers was for the Authority to enforce by bringing drivers to Licensing Board Panels.

- Reference was made to the drivers who had been given warnings for tyres being below their legal limit. The question was asked as to whether it was known if those particular drivers had previously received warnings for the same offence. The Licensing Officer reported that this would have to be checked and if there was a pattern of suspensions and if a driver received 3 written warnings in a 12 month period they would then be brought to Panel.
- Concern was expressed at the prospect of micro managing taxi drivers. There was a further discussion regarding CCTV and such issues would be investigated in light of the outcome of the DoT consultation.

RESOLVED that the report be noted and 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.

Chair