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| MEETING: | General Licensing Regulatory Board |
| DATE: | Wednesday, 24 April 2019 |
| 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 - 6*)

To accept as a correct record the minutes of the meeting held on the 20th February, 2019.

3 Enforcement Update (*Pages 7 - 10*)

The Service Director Legal Services will submit a report providing an overview of the work Licensing Enforcement Officers have undertaken to date.

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

Councillors C. Wraith MBE (Chair), P. Birkinshaw, Burgess, Cave, Clarke, M. Dyson, Ennis OBE, Frost, Daniel Griffin, C. Johnson, W. Johnson, Kitching, Lamb, Lofts, Markham, Millner, Murray, Newing, Richardson, Saunders, Shepherd, Sixsmith MBE, Sumner, Tattersall, Williams and Wilson

Andrew Frosdick, Executive Director Core Services
Matt Gladstone, Executive Director Place
Kevin Glover, Strategic Manager - Transport
Kate Liddall, Senior Licensing Officer
Garry Kirk, Service Director Legal Services
Sajeda Khalifa, Solicitor
Debbie Bailey, Regulatory Services Field Officer

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

Friday, 12 April 2019

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|-----------------|------------------------------------|
| MEETING: | General Licensing Regulatory Board |
| DATE: | Wednesday, 20 February 2019 |
| TIME: | 2.00 pm |
| VENUE: | Reception Room, Barnsley Town Hall |

MINUTES

Present Councillors C. Wraith MBE (Chair), Daniel Griffin, C. Johnson, Kitching, Lamb, Lofts, Markham, Millner, Newing, Saunders, Shepherd, Sumner, Tattersall, Williams and Wilson

41 Declaration of Interests

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

42 Minutes

The minutes of the meeting held on the 19th December, 2018 were taken as read and signed by the Chair as a correct record.

43 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 one taxi licensing enforcement operation on the 31st January, 2019. Licensing Enforcement Officers working alongside Vehicle Examiners from the Smithies Lane Depot had taken part in Operation Duxford as part of a Police led operation accompanied by the DVSO and Customs and Exercise within Barnsley Town Centre at which the Chair, Councillor C Wraith MBE, had been in attendance.

In total, 9 licensed private hire vehicles had been inspected 8 of which had been found to be fully compliant. One vehicle had been found to be not displaying the correct door signs in contravention of Condition 5 of the Licensing Conditions and the driver had been issued with a Written Warning.

In addition, three drivers had received Written Warnings for failing to complete their daily check books.

Whilst it was particularly pleasing to note that 8 out of the 9 vehicles stopped were fully compliant vehicle compliance continued to be an issue and 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.

RESOLVED that the report be noted and the Board place on record its 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.

44 CCTV in Licensed Vehicles

The Service Director Legal Services submitted a report providing an update of the work Licensing Officers had undertaken to appraise the case for the mandatory implementation of CCTV in Licensed Vehicles following the request of Cabinet on the 5th November, 2019 to examine whether or not this was feasible through the development of a business case.

It was noted that Local Government Association Guidance issued in January, 2019 reflected on approaches taken by Authorities that already mandated the use of CCTV Cameras and on the importance of balancing passenger safety and privacy as well as the position of the Information Commissioner and Surveillance Camera Commissioner as regulators. It was noted, however, that out of over 300 local authorities across the country, only 12 had a mandatory requirement for CCTV

The Guidance indicated that a number of matters required to be considered when implementing the mandatory use of CCTV and these were outlined within the report. Having considered this Guidance, however, it had been concluded that at present the Service would not be able to put forward a strong evidence base to justify the mandatory introduction of such cameras. Whilst Licensing Officers received a small number of complaints where CCTV would have assisted in helping to resolve issues, this in itself was not considered to be strong enough to justify their mandatory introduction.

The Service had also considered the cost implications, which could be significant for drivers/owners both for purchase, installation and maintenance and whilst CCTV provided an added safeguarding tool for both drivers and passengers it was felt that a strong evidence base was required before a sufficiently robust business case could be brought forward. It was acknowledged that public protection was paramount but it should be recognised and celebrated that there was no identified or pressing need for mandatory CCTV within Barnsley and that its introduction as a mandatory requirement could be seen as being excessively disproportionate.

It was proposed that Licensing Officers would actively monitor and record all requests for service where CCTV in a licensed vehicle would have been beneficial. This would be undertaken over a 12 month period and the results presented to Members for further consideration.

The report engendered a full and frank discussion during which matters of a detailed and general nature were raised and answers given to Members questions where appropriate.

Members noted that as part of the DoT consultation on Taxis and Private Hire Vehicle Licensing, which was to be discussed at the next agenda item, consideration was to be given to the possible introduction of CCTV nationally. If implemented, mandatory requirements would be introduced which, at present were unknown. Members were encouraged to submit their comments on the consultation document to the Licensing Officer who would consolidate them as a formal response on behalf of the Authority. Taking account of this consultation as well as the evidence presented within the report, the general consensus was that whilst the introduction of CCTV would be welcomed there was currently no justification to require it as to do so could leave the Authority open to challenge. This view was not, however, shared by all Members present.

It was noted that a number of drivers had already installed their own CCTV in their vehicles. Several Members felt that drivers should be encouraged rather than mandated to introduce CCTV. It was suggested, however, that such an approach could lead to a 'two tier' approach which it was felt was inappropriate given the rigorous procedures in place to ensure that all drivers were fit and proper. Other members disagreed as they felt that this could lead to improvements in service provision and driving standards and that companies/drivers could use this as a marketing tool by being able to demonstrate that they went over and above the legal minimum required by the Authority.

Arising out of the above discussion, reference was also made to the safeguarding training provided for drivers. It was noted that whilst all drivers had received appropriate training and that this was also a mandatory requirement for all new drivers, there was currently no refresher training for existing drivers which, it was felt, should be considered.

RESOLVED that the active monitoring of complaints and investigations by Licensing Officers be approved with a view to assessing the need for the mandatory requirement for CCTV to be installed in all licensed vehicles.

45 Taxi and Private Hire DoT Consultation

The Service Director Legal Services submitted a report informing Members and seeking views on the draft Statutory Guidance issued to Taxi and Private Hire Vehicle Licensing Authorities on the use of licensing powers to protect children and vulnerable adults.

Members were asked to submit their comments to the Licensing by no later than 6th March, 2019 in order that a consolidated response could be submitted on behalf of the Authority. It was also reported that Members could submit their own individual comments on the consultation but in such circumstances they were still asked to submit their response to the Licensing Service so that these could also be incorporated.

Once the response was complete it would be copied to all Members of the Board for information.

RESOLVED that Members of the Board submit their comments on the consultation document to the Licensing Officer by no later than 6th March, 2019.

Chair

Item 3

**Report of the Service Director Legal Services
to the General Licensing Regulatory Board
to be held on the 24 April 2019**

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 the 28 February 2019 Licensing Enforcement Officers alongside Vehicle Examiners from the Smithies Lane Depot, took part in a day time operation focusing their attention at Springwell School and the drivers and vehicles that are contracted to transport children to the school on a daily basis.

The Chair of the Licensing Regulatory Board, Councillor C Wraith MBE, was also in attendance.

In total 29 licensed vehicles were inspected on the day, the results of which are detailed as follows:

- 26 vehicles found to be compliant
- 3 vehicles were issued with immediate suspension notices for defects including:
 - 1 Vehicle suspended - rear number plate lights inoperative, highlight inoperative and off side head light inoperative.

- 1 Vehicle suspended - near side rear brake light inoperative
- 1 Vehicle suspended – front tyre flat

On the 11 April 2019 Licensing Enforcement Officers alongside Vehicle Examiners from the Smithies Lane Depot, took part in a day time operation focusing their attention on the town centre Hackney Carriage Ranks and various Private Hire Operators throughout the Borough.

20 vehicles were inspected in total on the day the results of which are detailed as follows:

- 14 vehicles were found to be compliant
- 6 vehicles were issued with immediate suspension notices for defects including:
 - 3 Vehicles suspended –tyres below the legal limit
 - 1 Vehicle suspended – off side headlight inoperative
 - 1 Vehicle suspended – rear number plate light inoperative, reversing light broken and both front side lights inoperative
 - 1 Vehicle suspended – number plate light inoperative, windscreen washers inoperative and near side front side light inoperative.
- 4 Written Warnings issued to drivers for:-
 - 1 - Falsifying Daily Check
 - 1 - Not carrying a daily check book
 - 2 - Failing to complete daily check book

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 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 Bailey

X 5696

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