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| MEETING: | General Licensing Regulatory Board |
| DATE: | Wednesday, 23 October 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 - 4*)

To accept as a correct record the minutes of the meeting held on the 4th September, 2019.

3 Digitalisation of the Licensing Function (*Pages 5 - 6*)

The Service Director Legal Services will submit a report informing the Committee of the ongoing project work being undertaken in order to digitalise the way that the Licensing Service operates.

4 Driver Appeal - Update (*Pages 7 - 8*)

The Service Director Legal Services will submit a report providing an overview of the outcome of an appeal made to the Magistrates Court by a Private Hire and Hackney Carriage Driver following a decision made by a General Licensing Regulatory Board Panel.

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

Councillors Wraith MBE (Chair), D. Birkinshaw, P. Birkinshaw, A. Cave, Cherryholme, Clarke, Danforth, Dyson, Eastwood, Franklin, Gillis, Green, Greenhough, Daniel Griffin, C. Johnson, W. Johnson, Kitching, Murray, Saunders, Shepherd, Sumner, Tattersall, Williams and Wilson

Andrew Frosdick, Executive Director Core Services
Matt Gladstone, Executive Director Place
Kevin Glover, Strategic Manager - Transport
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

Tuesday, 15 October 2019

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|-----------------|------------------------------------|
| MEETING: | General Licensing Regulatory Board |
| DATE: | Wednesday, 4 September 2019 |
| TIME: | 2.00 pm |
| VENUE: | Reception Room, Barnsley Town Hall |

MINUTES

Present

Councillors Wraith MBE (Chair), P. Birkinshaw, Cherryholme, Danforth, Gillis, Green, Greenhough, C. Johnson, W. Johnson, Kitching, Saunders, Shepherd, Tattersall, Williams and Wilson

6 Declaration of Interests

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

7 Minutes

The minutes of the meeting held on the 26th June, 2019 were taken as read and signed by the Chair as a correct record.

8 Hackney Carriage Tariff Increase - Objection

Further to Minute No 5 of the previous meeting held on the 26th June, 2019, the Service Director Legal Services submitted a report requesting Members to determine the objection received to the proposed increase in the current Hackney Carriage Tariff.

The proposal to increase the tariff had been published in accordance with the requirements of the Local Government Miscellaneous Provisions Act 1976 and an objection in the form of a petition had been received from 37 Hackney Carriage Licence Holders, however, upon closer inspection it was noted that a number of licence holders had signed the petition twice as they held more than one Hackney Plate.

Mr D Wilson (Licensing Consultant) representing the Hackney Carriage Association attended the meeting to make representations in support of the increase. In summary, the request was aimed at encouraging drivers to work later into the evening/early morning (3.00 am – 7.00 am Sunday Mornings) to address issues of taxi availability for night time revellers (an issue outlined within the most recent Hackney Carriage Demand Survey) and also because the last tariff increase was in 2017 when only small changes had been introduced to fares that had applied since November 2010. The increase would be relatively small for all but the late night passengers and some short journeys could be cheaper based on the proposals to increase the distance for the initial fare (flag fall). Mr Wilson also submitted a further petition from 10 Licence Holders who had signed the original petition and who now wished to withdraw their objection as this related to a proposal originally submitted in February, 2019 and not to the current proposals under consideration.

Mr R Ford, representing the original petitioners objecting to the proposed increase addressed the meeting and outlined the substance of the objections which related to

concerns that drivers had not been consulted on the proposals and also the fact that the Jumble Lane crossing in Barnsley had been closed which had caused a consequential increase in taxi fares because of the inconvenience of having to go around the town instead.

Mr Wilson and Mr Ford were both questioned by Members of the Board on the substance of their representations.

The Board noted that as a result of the withdrawal of objections and the 'double entries' on the original petition, there were now 23 remaining objections on the petition. Arising out of this and in response to comments made by Mr Ford, the Service Director Legal Services indicated that the consultation on the proposals had been undertaken in accordance with the prescribed regulations. It was acknowledged that not all Hackney Drivers were members of the Hackney Carriage Association but discussions within this group did not form part of the formal consultation process.

After considering all the representations in detail the Board:

RESOLVED that the proposed variations to the tariff be approved as advertised and come into effect at 23.59 on Friday 13th September, 2019.

9 Driver Appeals Update

The Service Director Legal Services submitted a report providing an overview of the results given by the Magistrates Court following the appeal by Private Hire and hackney Carriage Drivers against decision made in relation to the immediate revocation of a Driver's Licence and against a decision of the General Licensing Regulatory Board.

Two cases had been presented recently and Members noted that on both occasions the Magistrates had found in favour of the Local Authority and decisions made to revoke both licences had been upheld.

RESOLVED:

- (i) That the report be received; and
- (ii) That thanks be given to the Solicitors of the Council for their continued hard work in supporting the Licensing function.

Chair

Item 3

Report of the Service Director Legal Services to the General Licensing Regulatory Board to be held on the 23 October 2019

Digitalisation of the Licensing Function

1. Purpose of Report

The purpose of this report is to inform Members of the ongoing project work to digitalise the way the Licensing service operates.

2. Background

Analysis of the Licensing function has shown processes and procedures that are predominantly paper based are labour intensive.

Principally the Licensing Team process a number of applications and issue and manage licences for hackney carriage and private hire vehicles, hackney carriage and private hire drivers, private hire operators, premises licences (alcohol and entertainment), personal licences under the licensing act, scrap metal dealers and many other statutory licences and permits.

The application forms, documents and tests are nearly all completed on paper. In addition all documentary evidence from applicants is currently submitted on paper. There is a necessity to run a 'front office' to deal with applicants and licence holders receive and distribute printed and written materials and provide advice. This requires a licensing team member to occupy a meeting room in Westgate reception each afternoon. The team also manage a high volume of telephone calls from applicants and licensees and their agents and representatives on a daily basis.

3. Current Position

In the context of Future Council and Digital First the current method utilised in providing the licensing service is no longer acceptable and so the Digitalisation project will aim to convert existing manual operations so far as feasible into digital operations and it is envisaged that this will be undertaken by March 2020. The project will be approached on a phased basis, weighted by a combination of least complex/greatest impact first.

4. Proposal

It has been identified that Phase One of the project will be to convert the existing local knowledge test booking system to an on-line, self-service facility.

IT support will be required for the team to carry out process mapping and to design and install the online forms and procedures incorporating receipt of payments, conduct and assessment of tests and the receipt and issue of documentation. IT will also have to assess the capabilities of Licensing's existing software, which may need changing, modifying or replacing.

The digitalisation project ultimately intends to convert existing licensing processes into on-line, self-service procedures to provide a more efficient customer interface and save time and resource.

5. Recommendation

Members are asked to support the Licensing Team and the Licensed Trades with the digitalisation project as a culture shift will be required to ensure the success of this project.

6. Officer Contact

Debbie Bailey

X 5696

Item 4

Report of the Service Director Legal Services to the General Licensing Regulatory Board to be held on the 23 October 2019

DRIVER APPEAL'S UPDATE

1. Purpose of Report

The purpose of this report is to provide Members with an overview of the results given by the Magistrates Court following the appeal by a Private Hire and Hackney Carriage Driver to the decision of the General Licensing Regulatory Board.

2. Background

The following driver appeared before the General Licensing Regulatory Board and had their Private Hire and Hackney Carriage Drivers Licence revoked following a report by Officers that raised concerns as to their suitability to hold the said licence.

3. Current Position

Mr W appeared at Barnsley Magistrates on the 27 September 2019 to appeal against the Council's decision to revoke his Private Hire and Hackney Carriage Drivers Licence on the 30 April 2019.

The Magistrates heard from Mr W, and the Council's legal representative, Mrs Khalifa. Mrs Khalifa summed up, justifying the Council's decision, and ultimately submitting why the appeal must fail as the Council were not 'wrong' to have revoked Mr W's driver licence.

The Magistrates dismissed the appeal and in their reasoning they stated the following:

They were satisfied that Barnsley MBC had followed the correct procedures and that the decision of the General Licensing Regulatory Board to revoke Mr W's Hackney Carriage and Private Hire licences was not wrong.

Barnsley MBC has a policy which was correctly applied and found Mr W not to be a 'Fit and Proper' person.

The Court was satisfied having heard the matter afresh and following representations made that Mr W was not 'Fit and Proper'.

The Appeal was dismissed and Mr W was ordered to pay a contribution of costs of £300.

4. Proposal

Applicants who fail to meet the Council convictions policy and operate in breach of the conditions of their licence will continue to be presented before General Licensing Regulatory Board for determination as the principal consideration is one of protection and safety of the public.

5. Background Papers

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

6. Officer Contact

Debbie Bailey
X 5696