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MEETING:	General Licensing Regulatory Board
DATE:	Wednesday, 24 June 2020
TIME:	2.00 pm
VENUE:	THE MEETING WILL BE HELD VIRTUALLY

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 19th February, 2020.

3 Enforcement Update (*Pages 7 - 18*)

The Service Director Legal Services will submit a report providing an overview of the work Licensing Officers are currently undertaking to advise and support the hackney Carriage and Private Hire Trade during the Covid pandemic.

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

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

Shokat Lal, 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, 16 June 2020

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MEETING:	General Licensing Regulatory Board
DATE:	Wednesday, 19 February 2020
TIME:	2.00 pm
VENUE:	Reception Room, Barnsley Town Hall

MINUTES

Present

Councillors Wraith MBE (Chair), P. Birkinshaw, Clarke, Danforth, Gillis, Green, C. Johnson, W. Johnson, Noble, Shepherd, Sumner, Tattersall, Williams and Wilson

14 Declaration of Interests

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

15 Minutes

The minutes of the meeting held on the 23rd October, 2019 were taken as read and signed by the Chair as a correct record.

16 Criminal Convictions Policy Update

The Service Director Legal Services submitted a report seeking approval to amend Section 5 of the Council's Convictions Policy which specifically addressed Compliance with Conditions and Requirements of the Licensing Authority.

Currently the policy does not recognise offences committed by drivers where they have received at least 3 written warnings in a twelve month period, and the options that were available to the General Licensing Panel in dealing with them.

It was suggested, therefore, that the convictions policy be amended to reflect the work of officers in the issuing of written warnings following Drivers committing offences and it be made clear that the General Licensing Panel would determine all cases.

In the ensuing discussion, the following matters were raised:

- The proposal was welcomed as a means of giving the General Licensing Board Panel the opportunity to consider information on warnings received by Drivers and in return Drivers would have the opportunity to acknowledge and defend any warnings received
- Members noted that if, for instance, a driver had received written warnings for faulty tyres, they could potentially receive 1 warning for each tyre plus a warning for falsifying their records, resulting in them being brought to Board
- The new policy would be a way for the Board to be able to deal with persistent offenders, or offenders with a pattern of behaviour

RESOLVED that members approve the amendment to Section of the Council's Convictions Policy.

17 Digitalisation of the Licensing Function

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

Members were reminded of the Digitalisation report presented to the General Licensing Regulatory Board in October 2019, informing them of the plans to digitalise the Licensing function due to the current process and procedure being predominantly paper based and labour intensive for Licensing Officers and a summary of the type of work undertaken was provided.

Within the context of Future Council and Digital First the current method in providing the licensing service could no longer be justified, therefore the Digitalisation project would convert existing manual laborious operations (so far as was feasible) into digital operations.

Members were informed that representatives from the Private Hire and Hackney Carriage Trade had attended meetings in which they shared their views, opinions and concerns with regards to a digitalised service.

It was reported that Licensing Officers had worked closely with IT Services in designing the online forms and procedures by taking into consideration the comments shared by the licensed Trade and incorporating receipt of payments, a booking system for the knowledge test and receipt and issue of new and renewed existing licenses and associated documentation.

In the ensuing discussion, the following matters were highlighted:

- The current practice of face to face questions would now be done digitally through the system which had been meticulously tested by Licensing Officers. Any concerns regarding appropriate checks being made were allayed as drivers would be asked to upload appropriate documentation including DBS checks.
- 80% of the Trade were on board with the new system and welcomed the flexibility for drivers with the system being available 24hours a day and not restricted to office hours.
- Workshops were being held for some drivers who were apprehensive and fearful of the new technology and did not have the means of getting online. It was reported that a small group of drivers who may struggle would be invited to test the new system to alleviate any issues and fears they may have.
- The online system will work on all devices ie tablets or phones but if drivers require assistance then they would be signposted to Libraries or some Trade representatives who have volunteered to help.

RESOLVED that Members support the Licensing Team and the Licensed Trades with the digitalisation project to ensure the success of the project from it going live on 2nd April, 2020.

18 Enforcement Update

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

Licensing Enforcement Officers had proactively embarked on a taxi licensing enforcement operation on the 21st November, 2019. This had been a daytime operation involving Licensing Enforcement Officers and Vehicle Examiners from the Smithies Lane Depot. The operation focused on Springwell School and the drivers and vehicles contracted to transport children to the school on a daily basis.

Of the 29 inspected, 23 were found to be compliant. 6 vehicles were issued with immediate suspension notices for defects including nearside indicators, near side screen washer and number plate lights being inoperative, no reserve travel on the handbrake, the external of a vehicle being in a dirty condition, tyres below legal limits, ABS warning lights being illuminated and an electrical fault affecting all the lights on the vehicle.

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 could not be excused and were not acceptable 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:

- In relation to the cleanliness standards of vehicles, it was noted that for an immediate suspension it would be an Officer judgment call, in one particular case the licence plate was ineligible resulting in the car being suspended until it had been cleaned.
- Officers informed members that a suspension would not be lifted until the car had been deemed roadworthy by relevant Officers. This could be anything from the same day for a dirty car that had been washed to weeks if it had a serious mechanical fault.
- It was pleasing to note that the number of suspensions for faulty bulbs had dropped as the message seemed to be getting around for Drivers to carry spare bulbs in their vehicles.

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.

19 Driver Appeal - Update

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

The General Licensing Regulatory Board Panel had made its decision to revoke the licence on the 8th January 2019. The case was then presented to Barnsley Magistrates Court on 11th July, 2019 by way of an appeal.

In dismissing the appeal the Magistrates had stated that the Council had acted appropriately in revoking the drivers licence. The appeal had therefore been dismissed and the driver had been ordered to pay £900 in costs to Barnsley MBC.

Following the dismissal of the appeal by the Magistrates Court, the Driver lodged a further appeal at Sheffield Crown Court heard on 6th December, 2019. The Crown Court also dismissed the appeal and upheld the decision of the Magistrates Court and ordered the Driver to pay an further sum of £622.50 towards the Local Authority's costs.

Members commented that it was encouraging to see the support from Magistrates and Crown Courts upholding decisions made by Officers and the Panel, proving that the right decisions were being made.

Members expressed their gratitude and gave thanks to the Legal Team in representing the Authority in Court on both occasions. It was testament to the excellent and hard work of Officers and Panel members in bringing the driver to justice and making the safety of Barnsley's travelling public paramount.

RESOLVED:

- (i) that the report be noted; and
- (ii) that the Board place on record their thanks and appreciation to all involved for their continued hard work in supporting the Licensing Function and in ensuring the safety of the travelling public.

Chair

Item 3

**Report of the Service Director
Legal Services to the
General Licensing Regulatory Board
to be held on the 24 June 2020**

ENFORCEMENT UPDATE

1. Purpose of Report

The purpose of this report, is to provide Members with an overview of the work Licensing Officers are currently undertaking to advise and support the Hackney Carriage and Private Hire trade during the COVID pandemic.

2. Background

Members are minded to note, that Licensing Officers are continuing to proactively work with the Hackney Carriage and Private Hire Trade and other Local Authorities to ensure that those who choose to work through this COVID pandemic can do so whilst ensuring to the best of everyone's ability that both customers and drivers remain safe.

At the time of writing this report no specific official guidance has been released in relation to Hackney and Private hire vehicles, drivers and operators.

3. Current Position

Officers have been working extremely hard in difficult circumstances to help and support drivers and Operators whether they have chosen to work or not during the COVID pandemic.

With limited access to our Office in Westgate, Officers have been attending the building for a few hours every week to produce vehicle licence plates and driver badges and posting these to drivers to ensure the continuity of their business where possible.

The decision has been made not to grant any extensions to vehicle or driver licences at this time as there is a still a matter of public safety with the view that if a vehicle is licensed and working then it should be maintained and tested accordingly. As members will be aware we outsourced our MOT testing of

licensed vehicles a few years ago to private garages and the majority of these have remained open during the lock down and so have maintained the facility for drivers to obtain the required MOT.

We have cancelled all local knowledge tests, driving tests etc and are not accepting any new applications for drivers whilst the COVID restrictions remain in place.

Existing drivers are expected to maintain and renew their licence as normal if they are still working. The only difference to our driver renewal application is in relation to the requirement for a class 2 medical. GP's are not currently carrying out private work during the pandemic and so drivers are being asked to self-certificate and complete a declaration confirming that to the best of their knowledge there is no change to their medical circumstances at this time. Any drivers in this position will be required to provide the said class 2 medical when the COVID restrictions are lifted.

Partition Screens

Officers have received several enquiries in relation to the use of partition screens in licensed vehicles to divide the driver from passengers. Transport for London has a guidance document in relation to partition screens and we are asking that all drivers follow this guidance accordingly. A copy of the guidance is attached as Appendix 1.

Face Masks

Officers have also received several enquiries in relation to the mandatory requirement for both drivers and customers to wear face masks. Officers are following the guidance issued by The Department for Transport in relation to the mandatory wearing of face masks on public transport. DFT have taken the view that this does not apply to taxis and private hires. A copy of the guidance is attached as appendix 2.

4. Proposal

Members are asked to support Officers and encourage licensed drivers to keep themselves and their customers as safe as possible during this current COVID situation.

5. **Background Papers**

None available

6. **Officer Contact**

Debbie Bailey

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Guidelines for Driver Safety Partition Screens in Private Hire Vehicles

1. Introduction

- 1.1 The installation of driver safety partition screens in vehicles used for private hire purposes is supported by Transport for London (TfL) for the purposes of improving the safety of private hire drivers and reducing the threat of attack from passengers. However TfL also recognises that in fitting and using such devices the safety of drivers and passengers is vital.
- 1.2 All newly manufactured vehicles have achieved European Whole Vehicle Type Approval following comprehensive safety testing. Changing or adding to the interior of the vehicle can alter the 'type approval' of the vehicle and also have consequences as to what might happen inside the vehicle in the event of a collision.
- 1.3 The purpose of these guidelines is to provide private hire vehicle owners, drivers and operators with guidance as to TfL's requirements in relation to the use of driver safety partition screens.
- 1.4 These guidelines apply to all driver safety partition screens which are installed after the original manufacture of the vehicle.

2. General requirements

- 2.1 Due to the wide and diverse variety of vehicles licensed in London and different types of driver safety partition screens available it is not possible for TfL to offer specific purchase or installation advice in respect of these devices.
- 2.2 Whether a driver safety partition screen should be installed is a matter for vehicle owners, drivers and/or operators to consider. In making this decision, TfL considers that a number of matters should be considered including, but not limited to, the following.
 - i. Ensuring that all relevant safety, UK and European Community (EC) legislation is complied with.
 - ii. Ensuring that this guidance is complied with.
 - iii. Consideration of health and safety responsibilities and personal liability to employees, hirers and passengers.
 - iv. Informing insurers of the intention to fit such a device.

3. Specific Requirements

3.1 If a driver safety partition screen is installed in a vehicle being used for private hire purposes, TfL requires the following specific requirements to be satisfied.

- i. The installation and/or design of the device must not adversely influence or interfere in any way with vehicle type approval.
- ii. Installation and maintenance of the driver safety partition screen should be in full accordance with the manufacturer's specification and recommendations.
- iii. The device installed should not be significantly changed or modified from the original manufactured design. In cases where it is necessary to modify the original design of the device (for example, to facilitate installation of the device in the vehicle), assurances should be sought from the supplier/installer that the modification does not raise any concerns in relation to safety of the device and complies with the relevant UK and/or EC safety legislation.
- iv. Devices should remain clear and be free of scratches, clouding or stickers which would impede the drivers or passengers' visibility.
- v. Devices should not impede entry or egress or present a trip hazard to passengers using the vehicle.

4. Compliance

4.1 Private hire vehicle owners, drivers and operators should seek to fully comply with these guidelines.

4.3 If during the annual licensing inspection (or during a compliance inspection) of the vehicle, it is found that these guidelines have not been complied with the vehicle may not be licensed or an existing licence may be suspended.

4.4 The Driver Safety Partition Screen inspection criteria in Section 13 of the Vehicle Licensing Inspection Manual will apply.

New rules on face coverings coming in on Monday will help keep passengers safe

Passengers who don't follow the new rules on face coverings will not be allowed to travel on public transport.

Published 12 June 2020

From:

[Department for Transport](#) and [The Rt Hon Grant Shapps MP](#)



- from Monday 15 June 2020 everyone must wear a face covering when travelling by public transport in England
- under the new rules, operators will be able to prevent passengers who refuse to follow the rules from travelling and police will be able to issue fines of £100
- over 3,000 extra staff will be deployed from Monday to support the travelling public, reminding people about the need to wear face coverings and helping vulnerable passengers

New rules requiring passengers to wear a face covering on their journey will come into force on public transport across England from Monday 15 June 2020, Transport Secretary Grant Shapps has confirmed today (12 June 2020).

The advice is clear that people should continue to avoid taking public transport where possible, but by mandating the use of face coverings government is asking passengers to play their part in helping to protect each other as the numbers of people travelling gradually start

to rise across the country, following the careful easing of restrictions when it's safe to do so.

Over 3,000 extra staff from British Transport Police, Network Rail, Train Operating Companies and Transport for London will be deployed from Monday at key transport hubs and interchanges across England – providing dedicated reassurance, advice and friendly assistance to people as they follow social distancing guidance.

They will also support existing staff by helping to manage congestion.

Alongside this, hundreds of thousands of face coverings will be handed out for passenger use at many locations across the rail network in England from Monday. The one-off initiative, which will run for several days at a number of stations, will see coverings provided free of charge to support passengers and help them travel safely.

Under the changes, operators will be able to stop passengers who refuse to follow the rules from travelling and direct them to leave services. The police and Transport for London authorised personnel will also be able to issue fixed penalty notices of £100, or £50 if paid in 14 days. Exemptions for the use of face coverings will apply to those with certain health conditions, disabled people and children under the age of 11.

Transport Secretary Grant Shapps said:

We've seen how the COVID-19 pandemic has unlocked a community spirit right across our nation, and we now need to extend this to our transport network so we can help keep one another safe.

If you do need to travel, in the same way that you would pick up your phone, wallet or keys when you leave the house, please remember to bring a face covering.

Our fantastic transport staff will be on hand to provide help and advice, and free coverings will be given out at key train stations to help kick-start this initiative. This is another small, sensible step we can all take to help us defeat this virus.

The regulations, which will be made under the Public Health Act 1984 and come into force on Monday, will make face coverings mandatory

on buses, coaches, trams, ferries, aircraft and trains. In addition, some operators will amend their conditions of carriage, allowing them to enforce the requirement in a similar way to the rules on having a ticket for travel, meaning they can implement the changes in the way that works best for them.

The change from Monday will coincide with the easing of certain lockdown measures, including the reopening of non-essential retail stores. While social distancing and hand washing remain by far the most important disease prevention measures, when necessary to use public transport, people may be more likely to be in enclosed spaces for longer periods of time where we know there is a greater risk of the spread of the virus and social distancing is likely to be difficult to follow consistently.

The Scientific Advisory Group for Emergencies (SAGE) has set out that using face coverings as a precautionary measure in this setting can provide some additional protection to fellow passengers and can help people to avoid unknowingly spreading the virus if they have it, but are not showing symptoms.

The government has been engaging with local authorities and operators ahead of Monday's change. New guidance setting out further details of the changes for operators and passengers will be published ahead of the change coming into force.

- [Coronavirus \(COVID-19\): safer travel guidance for passengers - face coverings](#)
- [Coronavirus \(COVID-19\): safer transport guidance for operators - face coverings](#)

Face coverings are not the same as face masks. It is important that people do not use medical grade PPE masks to ensure these remain available for frontline staff. Last month, the government set out advice for people on [how to make their own face coverings](#) easily at home, using scarves or other textile items.

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