

MEETING:	General Licensing Regulatory Board
DATE:	Wednesday, 23 June 2021
TIME:	2.00 pm
VENUE:	The Assembly Room - The Civic

MINUTES

Present

Councillors Green (Chair), Bowser, Bruff, Clarke, Danforth, Eastwood, Franklin, Greenhough, J. Higginbottom, Hunt, Lodge, Osborne, Shepherd, Tattersall, Wraith MBE and Wray

1 Councillor Wraith MBE

Councillor Green, Chair of the Licensing Regulatory Board, commended Councillor Wraith MBE for his hard work and excellent way in which he had chaired meetings of the last 14 years whilst being chair of this Committee.

2 Declaration of Interests

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

3 Minutes

The minutes of the meeting held on the 28th October, 2020 were taken as read and signed by the Chair as a correct record.

4 Taxi and Private Hire Policy Review Consultation 2021

The Service Director Legal Services submitted a report on the proposed Draft Taxi and Private Hire Licensing Policy 2022-27 and seeking approval for it to be submitted for public consultation.

The report indicated that the Department for Transport (DfT) had recommended all licensing authorities make publicly available a cohesive policy document that brought together all procedures on taxi and private hire vehicle licensing. This needed to include all policies on convictions, a 'fit and proper' person or 'suitability' test, conditions of licence and vehicle specifications and standards and a copy of the guidance issued by the Institute of Licensing (IoL) was attached as appendix 1.

Members were reminded that when formulating any policy, the primary and overriding objective had to be to protect the public by ensuring that the licensing regime protected the vulnerable. In this respect, a draft Taxi and Private Hire Licensing Policy had been drafted for public consultation and this was attached as appendix 2 to the report.

In preparing the draft policy, cognisance had been given to the IoL guidance the statutory duty to have regard to and fully recognise the importance of the new statutory standards published by the DfT in June, 2020 which, whilst focusing on the Statutory Taxi and Private Hire Vehicle Standards on protecting children and vulnerable adults, was considered would benefit all passengers.

The new policy set out the proposed requirements and standards that would have to be met by those working within the trade as drivers, vehicle proprietors or operators. Changes had also been made to some existing conditions of licence to ensure they were accurate and reflected current practices and to ensure that the Council was applying consistent standards with other South Yorkshire Licensing Authorities.

The Committee was reminded that the Council was required to review its policy at least once every five years or earlier should there be significant issues arising in the interim.

The public consultation exercise would run for 10 weeks commencing on the 25th June until the 3rd September, 2021 and Members were also invited to submit their comments and observations which would then be considered at the next meeting to be held in September.

A summary of the main changes from the current policy was provided at appendix 3.

In the ensuing discussion the following responses were provided to Members questions:

- In response to specific questioning, the Senior Officer Licensing outlined the major changes proposed within the Draft Policy as outlined within Appendix 3 to the report. The majority of these were the Council's response to the DfT Guidance July 2020 and the recommendations made in relation to statutory minimum standards for Taxis and Private Hire Vehicles. She made specific reference to:
 - The 6 monthly DBS Checks on all drivers including the requirement for drivers to sign up to the DBS update serve on either grant or renewal of licences
 - The requirement for Operators to have DBS checks on booking and dispatch staff. Arising out of this reference was made to the implications of this and to the action required to be taken should a member of staff receive a less than positive DBS
 - The requirement of vehicle proprietors to undergo a basic DBS check on grant or renewal of a licence
 - The new arrangements and protocols for information sharing
 - The requirement for licensees to notify the Council within 48 hours of an arrest, charge or conviction for a specified serious offence
 - The Conditions of Licence that had been re-written
 - Regular maintenance and safety check requirements on vehicles by drivers and/or vehicle proprietors
 - The operator requirements for the keeping of and maintenance of records
 - A new policy for exemption certain luxury/executive hire vehicles in relation to the display of licence plates
 - The proposal to and rationale for the adoption of the Institute of Licensing Guidance on Suitability
- Questions were raised in relation to the use of CCTV and the Senior Licensing Officer outlined the reasons for these not being included as a specific mandatory requirement. Particular reference was made in this respect to the potential massive implications this would have on the trade particularly in

terms of the financial burden and the requirement to comply with legislation including the General Data Protection Regulations

- The Senior Licensing Officer gave a brief outline of how the consultation would be undertaken and with whom which included the two Trade Organisation within the Borough. It was suggested that Members of the Trade might want to attend the meeting in September in order to present their perspective on the new Policy. Arising out of this discussion, Members noted that the Trade organisations had been aware since July 2020 that the Policy was to be revised and indeed some drivers whose licences were due for renewal had already taken to signing up to the new DBS update arrangements in advance of it being a mandatory requirement
- Reference was made to the fact that the requirement to introduce electric vehicles in order to meet zero carbon emissions had not been included within the new policy. This was an issue that could be included with the representations made which would then be considered as part of the formulation of the final policy
- The Licensing Service worked closely with users including the Home to School Transport Service. Any comments received as a result of the consultation would be considered
- Reference was made to the problems associated with licensed operators using licenced drivers within Barnsley who were licensed by other authorities. Regular liaison took place between Barnsley and other authorities to try to ensure stringent standards were met and maintained. Any issues identified were followed up with the respective licensing authority. It was anticipated, however, that the adoption of more rigorous standards and now proposed by the DfT would help address anomalies between the conditions of this authority and others without the need for national legislation
- It was noted that there was an expectation by the DfT that the Institute of Licensing guidance on suitability would be adopted and the failure to do so would be something that would have to be addressed with that Department
- Reference was made to the fact that it was a criminal offence to charge more for transporting people with disabilities or those in wheelchairs
- It was noted that once licensed, a driver was permitted to drive any licenced vehicle

RESOLVED:

- (i) That the report be noted, and the Taxi and Private Hire Licensing Policy be approved for public consultation to take place for 10 weeks commencing on the 25th June, 2021 and finishing at 00:00 hours on the 3rd September, 2021; and
- (ii) That a report on the outcome of the public consultation be submitted to the September meeting of this Committee for consideration and referral to Cabinet and Council for final approval.

Chair