

<b>MEETING:</b>	General Licensing Regulatory Board
<b>DATE:</b>	Wednesday, 16 February 2022
<b>TIME:</b>	2.00 pm
<b>VENUE:</b>	Council Chamber, 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 22<sup>nd</sup> December, 2021.

3 Enforcement Update (*Pages 5 - 8*)

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 Green (Chair), Bowser, Bruff, A. Cave, Cherryholme, Clarke, Danforth, K. Dyson, Eastwood, Franklin, Greenhough, J. Higginbottom, Hunt, Lodge, Markham, Newing, Osborne, Ramchandani, Shepherd, Spence, Stowe, Sumner, Tattersall, Wilson, Wraith MBE and Wray

Shokat Lal, Executive Director Core Services  
Sajeda Khalifa, Solicitor  
Debbie Bailey, Senior Licensing Officer  
Jamie Impey, Senior Legal Officer

Please contact William Ward on email [governance@barnsley.gov.uk](mailto:governance@barnsley.gov.uk)

Tuesday, 8 February 2022

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<b>MEETING:</b>	General Licensing Regulatory Board
<b>DATE:</b>	Wednesday, 22 December 2021
<b>TIME:</b>	2.00 pm
<b>VENUE:</b>	Council Chamber, Barnsley Town Hall

## MINUTES

**Present** Councillors Green (Chair), Bowser, Cherryholme, Danforth, Eastwood, J. Higginbottom, Hunt, Newing, Tattersall, Wilson and Wray

**Also in attendance** Mr D Wilson (Licensing Consultant) representing one of the respondents to the consultation on the Taxi and Private Hire Policy.

### 15 Declaration of Interests

Councillor Hunt declared a non-pecuniary interest in Minute No 17 'Taxi and Private Hire Policy Review Consultation Responses 2021' in view of him submitting a response to that consultation in relation to the climate emergency and use of electric vehicles. He took no part in the discussion and voting in relation to this part of the item.

Councillor Tattersall declared a non-pecuniary interest in Minute No 17 'Taxi and Private Hire Policy Review Consultation Responses 2021' in view of her submitting a response to that consultation in relation to the use or CCTV. She took no part in the discussion and voting in relation to this part of the item.

### 16 Minutes

The minutes of the meeting held on the 27<sup>th</sup> October, 2021 were taken as read and signed by the Chair as a correct record.

### 17 Taxi and Private Hire Policy Review Consultation Responses 2021

The Service Director Legal Services submitted a report requesting Members to consider the outcome of the consultation on the review of the Draft Taxi and Private Hire Policy and recommending that the policy be forwarded to the Cabinet and Council for formal approval.

Members were reminded that the Department for Transport had recommended that all licensing authorities make publicly available a cohesive policy document that brought together all their procedures on taxi and private hire vehicle licensing. It was suggested that this should include policies on convictions, a 'fit and proper; person or 'suitability' test, conditions of licence and vehicle specifications and standards.

The overriding and primary overriding objective of such a policy was to protect the public by ensuring that the licensing regime protected the vulnerable. A policy for Barnsley had subsequently been produced and a statutory consultation had been undertaken from the 25<sup>th</sup> June to 3<sup>rd</sup> September, 2021. The report summarised the main issues contained within the Draft Policy a copy of which was appended.

A total of four responses to the consultation exercise had been received and these were outlined within the report together with officers responses to each. The majority of the responses had been accepted and incorporated within the Policy as appropriate, however, there were five upon which a decision was required from members and these related to:

- The suitability policy and whether or not the Council should fully adopt the Institute of Licensing Suitability Guidance
- Medical requirements and whether or not medical reports should be provided every year from the age of 60
- Application fees and whether or not these should be refunded in the event that a licence was not granted
- The driver topographical/knowledge test and whether this should be retained
- A request to require operator livery to be semi permanently affixed to vehicles. It was noted that should the Board wish to pursue this option, this could not be incorporated within the current policy as it would require further consultation with the trade

After discussion of all the representations detailed above, it was:

**RECOMMENDED TO CABINET AND COUNCIL** that the Draft Taxi and Private Hire Licensing Policy 1<sup>st</sup> January, 2022 to 31<sup>st</sup> December, 2026, as amended in accordance with the report now submitted and incorporating the Boards recommendations on the consultation as detailed below, be approved:

- (a) That the Institute of Licensing Suitability Guidance be adopted in its entirety;
- (b) That the requirement for a medical report to be produced every year from the age of 60 be retained;
- (c) That the D4 medical reports from a company called 'Doctors on Wheels' be no longer accepted for the reasons detailed within the report;
- (d) That the application fee charged be non-refundable on the grounds that the Council is permitted to charge for the administration involved in the processing and granting of a licence; and
- (e) That the topographical test be maintained as a means of ensuring that all licenced drivers have a good working knowledge of the area

**RESOLVED** that the proposal to require operator livery to be semi-permanently affixed to vehicles be supported in principle and that a report on this matter be submitted to the Board following further consultation with the hackney carriage and private hire trade.

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Chair

# Item 3

**Report of the Assistant Director to the  
General Licensing Regulatory Board  
to be held on the 16 February 2022**

## **LICENSING AND ENFORCEMENT UPDATE**

### **1. Purpose of Report**

The purpose of this report, is to provide Members with an overview of the enforcement work Licensing Officers have recently undertaken and the advice and support given to the hackney carriage and private hire trade during the COVID pandemic.

### **2. Background**

Members are minded to note, that Licensing Officers have continued to proactively work with the Hackney Carriage and Private Hire Trade and other Local Authorities to ensure that those who chose to work through the COVID pandemic did so whilst ensuring to the best of everyone's ability that both customers and drivers remained safe.

In addition, on the 18<sup>th</sup> November 2021 Licensing Officers carried out an taxi and private hire licensing enforcement operation at Springwell School. A summary of the enforcement operation is detailed below.

### **3. Current Position**

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

Members will be aware that for a period it became a legal requirement for passengers to wear a face covering in taxis and private hire vehicles, although there were exemptions and drivers needed to be mindful of

customers who were exempted from wearing face masks through age, disability or underlying medical issues.

Officers also strongly advised and encouraged all our drivers to also wear face coverings.

We advised that operators should confirm with their customers at the time of booking the expectation for them to wear face masks or provide reasons they would be unable to.

Officers also assisted drivers by sourcing 40,000 face masks that that could be distributed to passengers who did not have a face covering when entering a licensed vehicle. The masks were also given to the taxi marshals so they could offer them to customers in the taxi queue prior to them entering a vehicle.

On the 18 November 2021 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 S Green, was also in attendance.

In total 8 licensed vehicles and drivers were inspected on the day, the results of which are detailed as follows:

- 5 vehicles were found to be compliant
- 1 driver was issued a written warning for failing to complete his daily vehicle check.
- 1 Vehicle licenced by another local authority was checked and found to have an inoperative off side brake light. The vehicle details were reported to the relevant local authority for further action.
- 1 vehicle licensed by another local authority was checked and found to have a near side front tyre below the legal limit. The

vehicle details were reported to the relevant local authority for further action.

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. Defective vehicles are not acceptable and cannot be excused, coupled with failing to complete basic vehicle inspection sheets, which is a tool that ensures the very safety of a licensed vehicle, is not acceptable.

#### **4. Proposal**

As the COVID case rates in South Yorkshire remain high drivers will be supported if they wish to continue promoting the wearing of face coverings for themselves and their customers, as the Government suggests, you should continue to wear a face covering in crowded and enclosed spaces where you may come into contact with people you do not normally meet.

Private Hire and Hackney Carriage vehicles are licensed for the maximum number of people they can carry, as we are cautiously returning to plan A in England, Officers will support drivers who, in the interests of safety, restrict the number of passengers they are comfortable to carry.

Officers also still encourage drivers to continue to ventilate their vehicles by keeping the windows open where appropriate and to clean their vehicles, especially touch points frequently.

Proactive enforcement operations will also continue to take place. Vehicle failures are always unacceptable and our operations must convey the message that operators, vehicle proprietors and drivers must accept responsibility for their failures and make a change.

Failure to do so, will put the safety of the public at risk when using a hackney carriage or private hire vehicle in Barnsley.

The principal consideration must be one of public safety.

Members are asked to support Officers and encourage private hire and hackney carriage drivers and operators to continue to keep their vehicles as safe as possible for both drivers and customers at all times.

5. **Background Papers**

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

6. **Officer Contact**

Debbie Bailey

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