

MEETING:	General Licensing Regulatory Board
DATE:	Wednesday 26 October 2022
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 22 June 2022.

3 Statement of Gambling Policy Review Consultation 2022 (*Pages 7 - 10*)

The Service Director Law and Governance will submit a report to inform Members of the statement of Gambling Policy Review Consultation.

4 The Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 amendment to the Taxi and Private Hire Policy 2022 (*Pages 11 - 14*)

The Service Director Law and Governance will submit a report to inform Members of the new Taxis and Private Hire Vehicles (Disabled Persons) Act 2022, which came into force on 28 June 2022, and seek approval to amend the Taxi and Private Hire Policy 2022 to include the new legislation.

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

Councillors Green (Chair), Bowser, A. Cave, Cherryholme, Clarke, Danforth, K. Dyson, Franklin, Greenhough, Hunt, Kitching, Lodge, Markham, Newing, Osborne, Pickering, Ramchandani, Risebury, Shepherd, Stowe, Sumner, Webster, White, Williams, Wilson and Wraith MBE

Shokat Lal, Executive Director Core Services
Matt O'Neill, Executive Director Growth and Sustainability
Sajeda Khalifa, Solicitor
Debbie Bailey, Senior Licensing Officer
Jamie Impey, Senior Legal Officer

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

Tuesday 18 October 2022

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MEETING:	General Licensing Regulatory Board
DATE:	Wednesday, 22 June 2022
TIME:	2.00 pm
VENUE:	Reception Room, Barnsley Town Hall

MINUTES

Present

Councillors Green (Chair), Bowser, Clarke, Danforth, K. Dyson, Franklin, Greenhough, Lodge, Osborne, Risebury, Shepherd and Williams

1 Declaration of Interests

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

2 Minutes

The minutes of the meeting held on the 20th April, 2022 were taken as read and signed by the Chair as a correct record.

3 Driver Safeguarding Refresher Training

The Head of Legal Services submitted a report informing Members of a planned programme of driver safeguarding refresher training being rolled out to all Licenced Drivers by the end of 2022.

The report, in outlining the background to the proposal, indicated that in accordance with the requirements of the Policing and Crime Act 2017, the Department for Transport had issued statutory guidance on exercising taxi and private hire vehicle licensing functions which were designed specifically to protect children and vulnerable individuals from harm when using such services. According, a new Taxi and Private Hire Licensing Policy had been published in March, 2022 which had a key aim of protecting the public and safeguarding children and the vulnerable. For this reason, all applicants for a driver licence, and all existing licensed drivers, were required to undertake basic safeguarding training.

It was considered that those in the taxi and private hire industry could play a crucial role in spotting and reporting abuse, exploitation or neglect of children and vulnerable adults. They were also an asset in the detection and prevention of abuse or neglect of such individuals.

Safeguarding training was delivered on a monthly basis to all new drivers by the Local Authority Designated Officer for Safeguarding and, in addition, a programme of safeguarding refresher training was now provided for all existing drivers which would be completed by the end of December, 2022. The training would take two hours, and be provided free of charge and all drivers would be required to undertake the mandatory refresher training unless they had attended their original safeguarding training in the last 12 months.

The programme of training had been developed to help drivers provide a safe and suitable service to vulnerable passengers of all ages; recognise what made a person

vulnerable; and understand how to respond, including how to report safeguarding concerns and where to get advice.

The refresher training would also include ways in which drivers could help to identify 'county lines' exploitation by being aware of warning signs which included children and young people travelling in taxis or private hire vehicles alone; travelling at unusual hours; travelling long distances; being unfamiliar with the local area or not having a local accent; and paying for journeys in cash or prepaid.

The key purpose of the training was to make drivers aware of what to do if they believed someone was at risk of harm. The principal consideration for the Service was for public safety, any drivers failing to attend safeguarding training would be referred to a Panel of the General Licensing Regulatory Board where Members would be asked to determine their licence.

In the ensuing discussion, the following matters were raised:

- The consensus of the Panel was that the safeguarding training was welcomed as a means of further ensuring the continued safety of passengers
- It was noted that all drivers were provided with emergency numbers (including out of hours) via which issues of concern could be raised. As a last resort, drivers could also ring 999 if there was a threat of imminent danger. Information about contact details was also available on the Council's website
- Details of the whistleblowing arrangements were outlined. Any issues raised were treated in confidence and investigated appropriately
- It was noted that any Child Sexual Exploitation issues would be fully investigated, and appropriate action taken. Particular reference was made to the potential for 'county lines' exploitation. Many drivers were already aware of such issues and of how to spot the signs but, nevertheless, this was also included within the training. The Senior Officer (Licensing) was confident that nothing occurred in Barnsley on the scale of the issues occurring in some other Local Authority areas, however, the service always remained vigilant. Safeguarding was 'high on the agenda' and appropriate action was always taken in response to issues raised
- The Service would investigate whether or not it was possible or feasible to assess the lessons learned and knowledge retained by drivers following attendance at the safeguarding training
- It was noted that regular meetings were held between the Licensing Service and the Home to School Transport Service so that any emerging issues could be dealt with. The Safeguarding training included information for drivers on how to behave and how to speak to children as well as the signs to look for when transporting children and particularly as this related to Home to School Transport contracts
- Arising out of the above, it was reported that drivers were being provided with contact numbers for the schools when they were transporting children so that if an issue was encountered in the vehicle on route, they could ring the school for support or advice.

RESOLVED that the report be received, and that the General Licensing Regulatory Board continue to support Officers in encouraging Private Hire and Hackney Carriage

Drivers to attend their mandatory safeguarding refresher training as soon as possible.

Chair

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Item 3

Report of the Service Director to the General Licensing Regulatory Board to be held on the 26 October 2022

Statement of Gambling Policy Review consultation 2022

1. Purpose of Report

The purpose of this report, is to inform Members of the statement of Gambling Policy Review Consultation.

2. Background

As a licensing authority we must determine and publish a Statement of Gambling Policy at least once every three years, in line with statutory guidelines. In respect of this we have reviewed our current Statement of Gambling policy and are now in a position to carry out the statutory consultation before the final policy is determined.

3. Current Position

The Gambling Act 2005 requires the Council to have a “Statement of Gambling Policy” that sets out the policies that the Council will generally apply to promote the Licensing Objectives when making decisions on applications made under the Act.

The Gambling Commission jointly regulates the gambling industry with licensing authorities. The gambling authorities regulate personal and operating licenses, i.e. business who provide gambling, and local authorities regulate permits and premises i.e. the physical area/premises where gambling takes place.

The Gambling Act 2005 has three licensing objectives that a licensing authority must incorporate into any strategy. These are:

- preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- ensuring that gambling is conducted in a fair and open way
- protecting children and other vulnerable people from being harmed or exploited by gambling.

The Statement of Gambling Policy will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and in accordance with the statutory requirements of the Act.

The consultation will run for 10 weeks commencing on 28th October 2022 and finishing at 00:00 hours on 6th January 2023.

4. Proposal

Members are asked to consider the consultation document and provide any views to the Licensing Officer in writing no later than 00:00 on the 6th January 2023.

5. Recommendation

That members note and consider the consultation arrangements and respond accordingly to the consultation document

6. Officer Contact

Debbie Bailey

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Item 4

**Report of the Service Director to the
General Licensing Regulatory Board
to be held on the 26 October 2022**

The Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 amendment to the Taxi and Private Hire Policy 2022

1. Purpose of Report

The purpose of this report is to inform Members of the new Taxis and Private Hire Vehicles (Disabled Persons) Act 2022, which came into force on 28 June 2022, and seek approval to amend the Taxi and Private Hire Policy 2022 to include the new legislation.

2. Background

Members are reminded that our new Taxi and Private Hire Licensing policy which brought together all our procedures on taxi and private hire vehicle licensing was implemented in March 2022.

Members will also be aware of the new Taxis and Private Hire Vehicles (Disabled Persons) Act 2022, which came into force on 28 June 2022.

The 2022 Act amends the Equality Act 2010 to place duties on the local authority, taxi and private hire drivers and operators. The changes will help to make sure disabled passengers can use taxi and PHV services without being discriminated against and that they receive appropriate assistance, wherever they travel, without being charged extra.

3. Current Position

The information below sets out the requirements the Local Authority, drivers and operators MUST now adhere to when dealing with disabled service users:-

The Licensing authorities must maintain and publish a list of licenced taxis and private hire vehicles that are designated as being wheelchair accessible. The list will be available on our website and will identify the vehicles whose drivers are subject to the duties under the new legislation and required to provide assistance to wheelchair users and refrain from charging extra for this. Vehicles placed on the list will be capable of carrying wheelchair users either in their wheelchair or in a passenger seat (depending on which the wheelchair user prefers), including allowing passengers to:

- get into and out of the vehicle in safety
- travel in the vehicle in safety and reasonable comfort

Duties of drivers of non-designated wheelchair accessible vehicles. (Hackney and Private Hire)

Drivers MUST:

- Carry the passenger
- Carry their wheelchair (e.g. in the boot of the vehicle)
- Carry their mobility aids
- Take reasonable steps to carry the passenger in safety and reasonable comfort
- Provide reasonable mobility assistance
- Not make, or propose to make, any charge for carrying out the above duties

Drivers of designated vehicles (WAV's) included on the wheelchair accessible list

- To carry a wheelchair user without charging extra
- Any non-exempt driver to provide reasonable assistance to any wheelchair user

Prebooked taxi's for any disabled passenger including wheelchair users the driver MUST

- Take such steps as reasonable to assist the passenger to identify and find the vehicle which has been hired
- Not to make, or propose to make, any charge for carrying out the above duties

The Act places offences on PHV operators who refuse or fail to provide a booking for a disabled person either

- Because the person is disabled
- Or they prevent a driver from being made subject to a duty which would otherwise be imposed on the driver

Disabled passengers with an assistance dog, the driver MUST

- Carry the disabled persons dog and allow it to remain with that person
- Not make, or propose to make, any charge for carrying out the above duties

Medical Exemption

- All taxi and private hire drivers may apply to the Licensing Section for an exemption certificate and notice on medical grounds or where their physical condition prevents them from performing the mobility assistance duties under the new legislation.
- Exemption notices, when displayed correctly, will exempt a driver only from the mobility assistance duties - meaning, for example, that a driver's medical condition cannot be used as a justification for charging a disabled person more than a non-disabled person.

In addition to the above it is also recommended that the driver or operator asks every passenger whether they require assistance. For hired vehicles, this should be at the booking stage. For taxis, this should be when the vehicle is hailed or approached at the taxi rank or on the street.

Any driver found not be adhering to the above legislation may face prosecution and/or be referred to the General licensing sub-committee for determination.

The primary and overriding objective of the taxi and private hire vehicle policy must be to protect the public by ensuring that the licensing regime protects the vulnerable.

4. Proposal

To include the requirements of the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 at Appendix O in the current Taxi and Private Hire Policy 2022.

5. Recommendation

That members approve the inclusion of the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 to the current Taxi and Private Hire Policy 2022.

6. Officer Contact

Debbie Bailey

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