

Public Document Pack

MEETING:	General Licensing Regulatory Board
DATE:	Wednesday 21 December 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 - 4*)

To accept as a correct record the minutes of the meeting held on 26 October 2022.

3 Enforcement Update (*Pages 5 - 8*)

The Service Director Law and Governance will submit a report providing an overview of the enforcement work Licensing Officers have undertaken recently.

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 Jack Moore on email governance@barnsley.gov.uk

Tuesday 13 December 2022

This page is intentionally left blank

MEETING:	General Licensing Regulatory Board
DATE:	Wednesday 26 October 2022
TIME:	2.00 pm
VENUE:	Reception Room, Barnsley Town Hall

MINUTES

Present

Councillors Green (Chair), Bowser, Cherryholme, Clarke, Danforth, K. Dyson, Franklin, Greenhough, Hunt, Kitching, Lodge, Osborne, Shepherd, Webster and White

4 Declaration of Interests

Councillor Shepherd declared a non-pecuniary interest in Minute number 6 as the Chief Executive of the Gaming and Betting Council is a personal friend and had received hospitality earlier in the year.

5 Minutes

The minutes of the meeting held on the 22nd June, 2022 were taken as read and signed by the Chair as a correct record.

6 Statement of Gambling Policy Review Consultation 2022

The Service Director Law and Governance provided members with an overview of the forthcoming Statement of Gambling Policy Review Consultation, 2022.

Members were informed that as a Licensing Authority a Statement of Gambling and Policy Review must be determined and published at least once every 3 years. Following a review Barnsley was in a position to carry out the statutory consultation leading to the final policy being determined. The consultation would run for 10 weeks commencing on 28th October, 2022 and concluding at midnight on 6th January, 2023. Members were asked to consider the document to be released and provide any reviews in writing to Licensing by the closing date.

RESOLVED that the Gambling Policy Review Consultation be approved and the consultation arrangements be noted.

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

The Service Director Law and Governance submitted a report informing members of the new Taxi and Private Hire Vehicles (Disabled Persons) Act 2022 which came into force on 28th June, 2022.

Members were reminded that the Council's Taxi and Private Hire Licensing Policy which brought together all taxi and private hire vehicle licensing procedures was implemented in March 2022. The Taxi and Private Hire Vehicles (Disabled Persons) Act 2022 amended the Equality Act 2010 to ensure that disabled passengers are not

discriminated against and receive appropriate assistance wherever they travel in taxi and private hire vehicles without being charged extra.

Members were informed that a list of licensed taxis and private hire vehicles that would be capable of carrying wheelchair users either in their wheelchair or in a passenger seat would be maintained and published on the council's website.

Members were provided with details of the duties the drivers must adhere to and the repercussions of non-compliance such as prosecution or referral to a General Licensing Sub-Committee. Medical exemption certificates would be available from the Licensing Section based on medical grounds of whether the driver's physical condition would prevent them from performing mobility assistance duties.

In addition to the requirements set out in Act, it would also be recommended for the driver or operator to ask every passenger whether assistance would be required and this would be at the booking stage or on approach in the rank or when hailed.

In the ensuing discussion, the following matters were raised and answered:

- The medical criteria would be determined based on the medical grounds of each individual case alongside evidence provided by medical professionals determining if a driver would be fit enough to carry out the required duties
- Drivers could report an injury for a medical exemption on the 24 hour online system which would be picked up and investigated during office hours
- With the size and weight difference of various wheelchairs, Licensing Officers were in the process of gathering relevant information as to each car available and what size wheelchair they could accommodate, guidance would be issued to drivers
- A disclaimer would be placed on the webpage detailing all wheelchair accessible vehicles, that it would be advisable for potential passengers to also check with the driver/company in advance of booking as to whether the vehicle would be able to accommodate their equipment
- Appropriate training for drivers was being looked into in order to give both passengers and Drivers the ability to appropriately assist a disabled person in and out of a vehicle
- Carers were not specifically named and covered under the new legislation but Assistance Dogs were

RESOLVED that the amendment of the Taxi and Private Hire Policy 2022 to the include the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 be approved.

Chair

Item 3

**Report of the Service Director Law and
Governance to the General Licensing
Regulatory Board to be held on
21 December 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.

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 Authority Departments to ensure that any issues and concerns within the trades are raised and addressed accordingly.

To maintain these communications a regular Trade Liaison Meeting is held and chaired by Councillor S Green, with representatives from the Private Hire Association, the Hackney Carriage Associations and other representatives from the trade. Officers from other departments are also invited to attend when an agenda item requires expertise from another service.

In addition, on the 11th November 2022 Licensing Officers carried out a taxi and private hire licensing enforcement operation in the town centre. A summary of the enforcement operation is detailed below.

3. Current Position

On the 11 November 2022 Licensing Enforcement Officers alongside Officers from South Yorkshire Police took part in a night time operation focusing their attention in Barnsley town centre and the drivers and vehicles that work in the night time economy.

The Chair of the Licensing Regulatory Board, Councillor S Green, was also in attendance.

In total 22 licensed vehicles and drivers were inspected on the night, the results of which are detailed as follows:

- 18 vehicles were found to be fully compliant
- 3 Vehicles were found to have defective lights being two number plate lights and a main beam - all of which were rectified on the night
- 1 vehicle was suspended for failing to display the required door signage – this vehicle suspension was lifted the same night when the driver returned displaying the required signage
- 6 drivers were issued with written warnings for failing to complete their daily vehicle checks
- 6 drivers were also spoken to about the signage on the vehicles and reminded of the required standard – being:-

The vehicle when working must display on its front doors the words “Private Hire Vehicle Advanced Booking Only” and must display on the rear offside and near side doors of the vehicle the operator’s trade or business name and telephone number.

No other signs or words whatsoever shall be displayed.

The “Private Hire Vehicle Advanced Booking Only” signage must be in a contrasting colour to the vehicle, be at least 19” x 6” in area and be in a prominent position in the centre of the door panel.

Vehicle non-compliance is an issue Officers are concerned with during the undertaking of each and every enforcement operation. 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

Proactive enforcement operations will 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. We have clear standards that must be adhered to as failure to do so may put the safety of the public at risk when using a hackney carriage or private hire vehicle in Barnsley.

The principal consideration is as always, one of public safety.

Members are asked to support Officers and encourage private hire and hackney carriage drivers and operators to comply with the conditions of their licence and 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
07786525961

This page is intentionally left blank