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MEETING:	General Licensing Regulatory Board
DATE:	Wednesday 16 April 2025
TIME:	2.00 pm
VENUE:	Council Chamber, Barnsley Town Hall

AGENDA

- 1 Declarations of Interests on matters contained within the Agenda

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 12 February 2025.

- 3 Fees and Charges Review (*Pages 5 - 12*)

- 4 Taxi and Private Hire Policy - CCTV in Hackney Carriages (*Pages 13 - 18*)

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

Councillors Green (Chair), Bellamy, Booker, Bowser, A. Cave, Cherryholme, Denton, Eastwood, Holling, Hunt, Lodge, Markham, Moyes, Murray, Osborne, Pearson, Roberts, Sheard, Shepherd, Stowe, Tattersall, Waters, White, P. Wright and A. Wray

Anna Hartley, Executive Director Public Health and Communities, BMBC
Carrie Abbott, Service Director Public Health, BMBC
Sajeda Khalifa, Solicitor
Debbie Bailey, Service Manager (Licensing)
Jamie Impey, Senior Legal Officer
Rachel Wilkinson, Head of Regulatory Services

Please contact Mel Bray on email democratic@barnsley.gov.uk

Tuesday 8 April 2025

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MEETING:	General Licensing Regulatory Board
DATE:	Wednesday 12 February 2025
TIME:	2.00 pm
VENUE:	Council Chamber, Barnsley Town Hall

MINUTES

Present

Councillors Green (Chair), Bellamy, Bowser, Cherryholme, Clarke, Denton, Holling, Hunt, Lodge, Markham, Moyes, Murray, Pearson, Roberts, Shepherd, Tattersall, Waters and P. Wright

14 Declarations of Interests on matters contained within the Agenda

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 18 December 2024 were taken as read and signed by the Chair as a correct record.

16 Enforcement Update

Members were provided with an overview of the enforcement work that had recently been undertaken by Licensing Officers.

It was noted that the Hackney Carriage and Private Hire Associations had raised concerns at the regular Trade Liaison Meetings regarding the volume of Private Hire and Hackney Carriage vehicles, which were licensed by other local authorities and operated within Barnsley town centre.

On 14 December 2024, a joint pro-active static nighttime operation had been undertaken with the Licensing Enforcement Officers and Licensing Officers from Sheffield, Kirklees and Wolverhampton, which had focused on Barnsley town centre and the drivers and vehicles that work in the nighttime economy. Councillor Green, Chair of the Licensing Committee had also been in attendance. A total of 45 licensed vehicles and drivers had been inspected on the night, 10 had been licensed by Barnsley Council, 13 from Leeds Council, 10 from Sheffield Council, 5 from Chesterfield Council, 4 from Wolverhampton Council and 3 from Rotherham Council.

Members noted the results of the 10 Barnsley vehicles and drivers that had been stopped and checked as follows:

- 6 licensed vehicles and drivers had been fully compliant.
- 2 vehicles had been suspended for defective lights.
- 2 vehicles had been suspended for non-compliant signage and license plates.
- 4 vehicles had received advice regarding first aid kits, bodywork and minor light issues.

- The compliance details of the vehicles and drivers that were licensed by other local authorities had been fed back to their respective Licensing Officers.

It was noted that proactive and reactive enforcement operations would continue to take place on a regular basis. The failure of drivers to adhere to the clear standards set out by all licensing authorities may put the safety of the public at risk when travelling by Hackney Carriages or Private Hire vehicles.

In the ensuing discussion, and in response to a series of questions raised by Members, particular reference was made to the following:

- Vehicle standards were not consistent across all local authorities.
- Barnsley Licencing Enforcement Officers continued to offer to attend joint pro-active operations in other local authority areas. D Bailey continued to meet with other local authorities on a regular basis.
- There was a tendency for Barnsley licenced drivers and vehicles not to travel outside of Barnsley unless their fare took them outside of the borough.
- Councillor Green had met with MPs to ascertain what could be done at a South Yorkshire local authority level to standardise licensing practices. The matter had been escalated and representations were also being made by other local authorities.
- None of the 10 Barnsley vehicles and drivers that had been stopped during the nighttime operation on 14 December 2024 had been repeat offenders.
- All drivers had a responsibility to ensure their vehicles were always clean. A suspension would be issued where a vehicle was found to be unclean, until it was cleaned and returned for inspection. Members were requested to provide D Bailey with the number plate details of any unclean vehicles.

In response to a query raised by Councillor Shepherd regarding repeat offenders, D Bailey referred to the licensing policy which stated that a driver would be brought before the General Licensing Regulatory Board Panel following 3 written warnings. Where a vehicle was found to be defective, it was the vehicle that was suspended rather than the driver. Members agreed to D Bailey's suggestion for a report to be presented to a future Board Meeting, to recommend a change to the policy to include repeat offenders of defective vehicles to be brought before the General Licensing Regulatory Board Panel.

RESOLVED that Members agreed 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.

Chair

Item 3

**Report of the Assistant Director to the
General Licensing Regulatory Board
to be held on the 16 April 2025**

Fees and Charges Review

1. Purpose of Report

The purpose of this report is to seek approval from Members for the new hackney carriage and private hire drivers licence, hackney carriage and private hire vehicle and operator licence fees.

2. Background

A review of the hackney carriage and private hire drivers, operators and vehicle licence fees have not been carried out since 2014.

The Licensing team has recently been expanded to provide sufficient resource to enable the team to respond to requests for service and operate more proactively as public safety remains our top priority. This expansion has seen an increase in the number of pro-active and reactive compliance checks carried out in relation to driver, vehicle and operators.

Officers currently carry out detailed time monitoring which has been used to inform a full review of the licence fees.

Assumptions have been made as to the amount of work that the newly recruited officers in the team will spend on work related to hackney carriages and private hires licenses. These assumptions are based on the work carried out by currently employed officers and the time they spend on hackney carriage and private hire licences. As these assumptions have not yet been tested, full time

monitoring will continue to be carried out by all officers and the fees will be reviewed and adjusted accordingly in the future if necessary.

An assumption of the future number of licences issued is based on current numbers of licences issued. Whilst licences may be surrendered throughout the year, new applications will be received and so the overall numbers do not fluctuate too much therefore it is felt this is a representative figure to use.

It should be noted that the cost of enforcement against licensed drivers is not recoverable in fees and must be borne by the Council.

3. Current Position

Fees have been calculated to accurately reflect costs following changes to working practises and increases in staffing costs since the current fees were adopted in 2014.

The fees are based on the time taken to carry out relevant procedures and formalities.

4. Proposal

The Council is the Licensing authority for the purpose of hackney carriage and private hire licensing. Its functions and responsibilities in relation to fees and charges for taxi and private hire licenses are set out in section 53 and 70 of the Local Government (Miscellaneous Provisions) Act 1976 (LG(MP)A 1976)

Schedule 1 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) (The Regulations) allocates responsibility for some of those fee setting functions to the Council.

Section 101 of the Local Government Act 1972 allows the Council to delegate those licensing functions which are allocated to it by virtue of the Regulations. The Council has delegated responsibility to the General Licensing Regulatory

Board (GLRB) under its Scheme of Delegation within the Council's Constitution to set hackney carriage and private hire licences fees subject to it taking into account policy considerations of cabinet and or Council.

Section 70 of the LG(MP)A 1976 permits the Council to set vehicle and operator licence fees, but where this fee exceeds £25, under section 70(4) a public notice of the proposed fees must be advertised in a local newspaper circulating in the borough. The advertisement must advise where any objections to the fee changes can be lodged and must allow a period of at least 28 days from publication of the notice for objections to be lodged. If no objections are made or if all objections are withdrawn the proposed fees come into effect at the end of the 28-day period. Where objections are not withdrawn, the Council (i.e. GLRB) must then consider the objections before determining the fee level and setting a further date, not later than two months after the specified date, on which the new fees shall come into force.

In relation to drivers licence application fees, under section 53 of the LG(MP)A 1976 there is no statutory requirement to publicise any changes in the level of fees. However, as with the vehicle and operator licence fees, it is not uncommon to publish details of the proposed fees and provide for a period of 28 days from publication for any objections to the fees to be lodged with the Council. Any such objections will be considered by the Council (GLRB) before the proposed fees are finally approved.

Any application for a licence must be accompanied by a fee. The fee is set locally having regard to the guidance issued by the Home Office. In calculating fees, we have taken into account:-

- All the activity required for processing and granting a licence e.g. considering applications and assessing the suitability of the applicant.
- Staff costs associated with supporting the service.
- Support provided by other parts of the Council to the Licensing Team, e.g. Legal Services and other associated recharges.
- Carrying out inspections and ensuring compliance with the law

- Issuing the licence
- Management costs

Enforcement costs must be based on the principles of good regulation and set out in an open and transparent way. Fees cannot be used for enforcement action against drivers, as an economic deterrent or to raise funds.

The current fees and proposed fees are set out below:-

Licence	Duration	Current Fee	Proposed Fee	Increase to Current Fees
Driver	1 Year	£137	£150	£13
	3 Year	£221	£240	£19
Operator	1 Year	£63	£126	£63
	5 Years	£127	£254	£127
Vehicle	1 year	£164	£180	£16

The fees set by other South Yorkshire Authorities are provided below for benchmarking information only. They are not as a consideration to base any decision against:-

Sheffield Council

Driver – 1 Year £223
 2 years £245
 3 Years £268

Vehicle - £212

Operator –

Type	Number of Vehicles	Cost to buy or renew licence
1 year	1 to 10	£531
	11 to 50	£664
	51 to 100	£1993
	101 to 250	£4650
	Over 250 vehicles	£6643
2 years	1 to 10	£1026
	11 to 50	£1282
	51 to 100	£3063
	101 to 250	£5840
	Over 250 vehicles	£8119
3 years	1 to 10	£1521
	11 to 50	£1900
	51 to 100	£4133
	101 to 250	£7030
	Over 250 vehicles	£9595
4 years	1 to 10	£2016
	11 to 50	£2518
	51 to 100	£5203
	101 to 250	£8220
	Over 250 vehicles	£11071
5 years	1 to 10	£2510
	11 to 50	£3137
	51 to 100	£6274
	101 to 250	£9411
	Over 250 vehicles	£12548

Rotherham Council

Driver - 1 Year £152
 3 Years £223

Vehicle - £179

Operator

1 3 vehicles	£154
4 to 20 vehicles	£206
21 to 40 vehicles	£485
Over 40 vehicles	£714

Doncaster Council

Driver - 3 years £201.50

Vehicle £229.20

Operator 5 Years £591

The fees are set locally based on the costs incurred. The fees must be determined by the GLRB and must be robust so as not to attract legal challenges.

Whilst the fees charged by the Council in relation to taxi licensing are discretionary, this does not prevent the Council from charging such fees as it considers reasonable in recovering its costs related to the licensing regime. Indeed, the Council should be recovering its costs incurred otherwise the burden could fall on the local taxpayers.

In relation to licensing enforcement costs that cannot be met from the Licensing fees; these relate to driver enforcement costs. Section 53(2) of the LG(MP)A 1976 does not appear to make provision for the recovery of any costs by a council in connection with ongoing administration or enforcement in relation to driver licences. Therefore, these costs are not included in the calculation of fees.

As part of this exercise, consultation has taken place with representatives from the Local Authority Finance Department who have confirmed the methodology used and the fees calculated are reasonable.

It is anticipated that the fees will be reviewed in 12 months following the officers continued time monitoring and therefore the anticipated level of income generated will be subject to a further report.

Officers will continue to work closely with the Private Hire and or Hackney Carriage Associations via the Trade Liaison Group and the planned changes have been communicated accordingly.

Legislation (section 70 LG(MP)A 1976) requires that a period of statutory consultation (28 days) is carried out prior to any increase in fees. Representations made during the consultation period must be then considered within another 28 days before any changes are implemented. The proposed fees will be advertised in the Barnsley Chronicle on the 18th April and all current licence holders will be informed by e-mail. If no objections are received the new proposed fees will come into force on the 16th May 2025.

If any objections are received it is for the GLRB to then consider these and come to a decision regarding the fees which, at this point can be changed or remain the same.

Members are asked to approve the 28-day consultation to being on the 18th April 2025.

5. Background Papers

N/A

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 16 April 2025**

Taxi and Private Hire Policy - CCTV in Hackney Carriages

1. Purpose of Report

The purpose of this report is to inform Members that on the 5th March 2025 Cabinet approved changes to the Taxi and Private Hire Licensing Policy in relation to the addition of the mandatory use of CCTV in Hackney Carriage vehicles.

2. Background

In April 2024 Cabinet approved to accept £173,500 from SYMCA as part of the Transport Innovation Fund for a pilot scheme to introduce CCTVs in taxis. It was also approved by the General Licensing committee following the results of the taxi demand survey, that the current limit on the number of hackney carriage licences would be retained at 67 and remedial actions taken. A further demand survey will then be repeated to establish the impact of the actions in 12 months.

The installation of CCTV in Hackney Carriages formed part of the remedial actions proposed. The main aim of the CCTV is to increase both driver and passenger safety and encourage more drivers to work at unsociable times. It will also reassure drivers if customers demonstrate challenging behaviors.

The Department for Transport (DfT) recommends that all licensing authorities make publicly available a cohesive policy document that brings together all their procedures on taxi and private hire vehicle licensing. Barnsley MBC implemented its Taxi and Private Hire Policy in March 2022. A link to the current document is provided :- <https://www.barnsley.gov.uk/media/e5ahsjco/taxi-and-private-hire-licensing-policy-2022.pdf>

In line with this pilot scheme the Taxi and Private Hire Policy has been amended to update the Councils position in relation to the mandatory requirement for CCTV in Hackney Carriages.

As the requirement for CCTV is mandatory a public consultation was carried out to assess responses and views in relation to the proposal.

3. Current Position

The pilot scheme is limited to Hackney Carriage Vehicles and will be implemented in April 2025. A further review will then be carried out by April 2026 to determine the effectiveness of the CCTV and the availability of taxis in the town centre.

In line with this pilot scheme the Taxi and Private Hire Policy has been amended to update the Councils position in relation to CCTV as follows :-

CCTV

It is recognised that the hackney carriage and private hire trades provide a valuable public service, especially late at night, when other forms of public transport are not always available. Security for both drivers and passengers is a high priority.

CCTV cameras can be a valuable deterrent to criminal activity as well as protecting the driver from unjustified complaints.

For the purpose of this policy, CCTV relates to recording inside of the vehicle only.

All hackney carriages licensed by Barnsley MBC must have a CCTV system installed by the provider specified by the Council following the tender exercise*. The CCTV system must be in use whenever the vehicle is in use as a licensed vehicle for the purpose of hire and reward.

Whilst the Council will provide the CCTV system, the ownership will transfer on installation to and will at all times remain the property of the licensed proprietor/owner of the hackney carriage vehicle who will at all times be liable for its use in their vehicle(s). The licensed proprietor/owner of the hackney carriage vehicle will be responsible for the maintenance and security of the CCTV system. The Council will have no liability for the goods or services provided. We will be data controller for the purpose of data protection and so own the footage.

The installation of security measures such as a bulkhead or screen between driver and passengers, as a means of providing some protection for drivers is acceptable. Where a screen has been fitted the CCTV camera must be fitted to ensure a clear recording. The driver and proprietor of the hackney carriage vehicle shall ensure that the CCTV system is properly maintained and serviced to ensure clear images are recorded. Any deliberate abuse or deliberate attempt to interfere with the legitimate use of the CCTV system will be given due weight and regard when determining whether the driver/proprietor is a fit and proper person to continue holding a licence.

Warning signage must be clearly and prominently displayed inside the vehicle advising passengers that a CCTV system is in operation in the vehicle.

It will be the hackney carriage driver/proprietors responsibility to comply with all aspects of the law regarding such surveillance equipment. There is information available on the ICO's website - [CCTV and video surveillance | ICO](#) and the CCTV code of practice - [Update to Surveillance Camera Code of Practice - GOV.UK \(www.gov.uk\)](#)

**The approved supplier will be confirmed prior to the implementation of this policy and any change to the hackney carriage vehicle conditions.*

The Hackney Carriage Vehicle conditions of licence have been amended as follows:-

HACKNEY CARRIAGE VEHICLE CONDITION

- In relation to CCTV systems proprietors must have CCTV equipment installed to the specification set by Barnsley MBC and ensure that it is operated in accordance with the Licensing Authority's Policy.
- The vehicle must display a minimum of 3 warning signs clearly and prominently displayed inside the vehicle advising passengers that a CCTV system is in operation in the vehicle. The notices shall be positioned in a prominent (though not obstructive) position where they can be easily read by persons both inside and outside of the vehicle. The proprietor shall ensure that the notices are maintained in a clean and legible condition.
- The proprietor shall ensure that the CCTV system is properly and regularly maintained and serviced in accordance with the manufacturer's instructions.
- Written records of all maintenance and servicing shall be made and retained by the proprietor for a minimum of 24 months. Such written records shall be made available on demand by an authorised officer of the Licensing Authority.
- The vehicle proprietor shall take all reasonable steps to ensure that any driver of the vehicle is made aware of every condition in relation to the installed CCTV system.

As the mandatory requirement is in relation to CCTV in Hackney Carriage Vehicles there is no reason to amend drivers individual licences.

In order to share the proposed changes to the policy and hackney carriage vehicle licence conditions and capture the views of all interested parties, a public consultation was carried out in relation to mandating CCTV in Barnsley MBC Hackney Carriages.

The consultation ran for 10 weeks from 25 October 2024 until 00:00 hours on 3 January 2025.

In total Officers received 26 responses, 23 were in favour of the CCTV becoming a mandatory requirement, 1 was in favour of the CCTV on a voluntary basis, and 1 response was not in favour and a further response did not give a view but responded with questions. These questions were answered and the respondent verbally confirmed that they would then be in favour of the mandatory CCTV requirement.

5. Recommendation

That Members support the work of officers to ensure that the pilot scheme is successful in supporting driver and passengers feel safe when working and travelling in Barnsley.

6. Officer Contact

Debbie Bailey

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