

MEETING:	General Licensing Regulatory Board
DATE:	Wednesday, 6 September 2017
TIME:	2.00 pm
VENUE:	Reception Room, Barnsley Town Hall

MINUTES

Present

Councillors C. Wraith MBE (Chair), Clarke, Dures, S. Green, Daniel Griffin, Hampson, W. Johnson, Millner, Pourali, Richardson, Saunders, Sheard, Shepherd, Spence, Tattersall, Williams and Wilson

At the invitation of the Chair, The Mayor, Councillor Ennis.

14 Declaration of Interests

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 26th April, 2017 were taken as read and signed by the Chair as a correct record.

16 Taxi Legislation - Proposed Changes

The Service Director Culture, Housing and Regulation submitted a report advising Members of a range of taxi legislation recommendations proposed by the All Party Parliamentary Group (APPG) for taxis.

It was reported that recent and significant changes to the taxi and private hire markets combined with the introduction of new technologies had led many drivers and representative bodies across the industry to believe that the existing regulation was no longer fit for purpose and that associated reform had not kept pace with the changing market.

Taxi regulations were not set nationally and this had resulted in some Private Hire Operators taking advantage of less robust licensing systems to avoid areas where stronger requirements existed. An example of this was 'cross border hiring'. The introduction of the Deregulation Act 2015 had allowed Private Hire Operators to subcontract a booking to another operator licensed within a different licensing district. This had the effect of limiting the enforcement action that Authorities could undertake against a driver who operated in another area despite not meeting the local licensing regulations.

In addition, the APPG had identified one local authority that did not require an applicant to undertake a DBS check to receive a licence which was felt to be imperative in order to ensure that all applicants were subject to rigorous criminal conviction screening before being granted a licence to carry passengers. It was also noted that the absence of a national database of licenced drivers and applicants who had been refused a licence or whose licences had been revoked meant that there

was a greater risk of applicants/drivers applying to a different licensing authority and being granted a licence.

The APPG had, therefore, proposed that the Government consult on the creation of statutory guidance for taxi and Private Hire Vehicle Licensing which would set out minimum standards that all licensing authorities should impose. It was also proposed that Local Authorities would retain the ability to impose further standards above this should they feel it necessary and proportionate to local needs.

The APPG also proposed that:

- In order to address issues in relation to 'cross border hiring' there should be a statutory definition which would define that a journey should begin or end in the licensing authority area
- There should be a national database of registered drivers and operators in conjunction with the DVLA and the Police

In order to address the types of issues identified locally, Licensing Officers within South Yorkshire had met with representatives of the Local Government Association and the National Anti-Fraud Network to secure the development of a national register of all licenced driver refusals and/revocations. It was acknowledged that whilst this would not solve all the challenges, it was an important sector-led initiative aimed at tackling the problem of individuals making applications in different areas following a refusal or revocation elsewhere.

The report also indicated that, following the recent events in Rotherham, that Local Authority had implemented a number of stringent licensing requirements including:

- (a) Enhanced DBS Checks
- (b) Certificate of Good Conduct – for those residing outside the UK
- (c) Improved theory test
- (d) BTEC Level 2 Certificate - Professional Taxi and Private Hire Driver
- (e) Sign code of conduct for vulnerable passengers
- (f) Dress code
- (g) Taxi cameras recording audio and video – with video recording on at all times and audio when transporting a child under 18 or a vulnerable adult

The Board noted that with the exception of (d) and (g), all the remaining measures were imposed by this Council. It was also noted that currently the Licensing Service was undertaking a review of the application criteria and policy requirements in order to ensure a more rigorous approach was applied when meeting its duty to protect the public.

The report engendered a full and frank discussion during which the following matters were raised:

- Members very much supported the introduction of CCTV cameras in vehicles for both the protection of the public but also for the driver. It was noted that the trade organisations were broadly supportive of such a proposal but that prior to the inclusion within the licensing criteria, there would be a full consultation with all drivers and operators. Arising out of the discussion, it was noted that:

- Whilst the costs of CCTV recording equipment had significantly reduced over recent years, the costs of the purchase and installation would have to be borne by the driver/operator/proprietor as appropriate
 - The reasons for not requiring audio to be recorded all the time were outlined – it was noted that Information Commissioner required there to be a demonstrated evidential need
- There was support for a standardised approach to taxi licensing including the adoption of minimum standards for all licensing authorities to impose. Discussions with both Sheffield and Doncaster had indicated that their licensing conditions were not too dissimilar to Barnsley's. Arising out of the above, there was a discussion as to how this Board could lend support to the APPG proposals possibly by requesting the local MP's to support the proposals when discussed in Parliament. It was noted that a Private Members Bill (from the APPG) had been timetabled for discussion in February 2018
- The introduction of a BTEC qualification was welcomed in principal although it was noted that this would have to be financed by the Driver and not the Authority. Details of the course and it's appropriateness for Barnsley would be investigated. It was also noted that some authorities had introduced a communication/speaking test and this could be considered as part of the review of conditions
- There was a discussion of the requirements in relation to the transportation of disabled passengers.
 - It was noted that the Law Commission recommendation was that 33% of the fleet should be wheelchair accessible but in Barnsley this was currently around 11%. Whilst drivers were encouraged to purchase such vehicles their decisions were largely commercially driven.
 - Additional charges to carry disabled passengers was not permitted and if any Member became aware of instances where this occurred they should inform the Licensing Service
 - There was a need to consult disability groups to ensure that the needs of such users were being met. The Service had regular meetings with the Diversity and Equalities Officer who also attended the Trade Liaison Group meetings
- In response to specific questioning, it was noted that Uber Drivers had to comply with the same conditions of licence as any other driver. It was noted, however, that no such applications had been made to Barnsley

RESOLVED

- (i) that the report be noted and the proposals supported; and
- (ii) that the report be sent to the four MP's for Barnsley who be requested to support the APPG proposals when discussed within Parliament.

Chair