

BARNSLEY METROPOLITAN BOROUGH COUNCIL

This matter is not a Key Decision within the Council's definition and has not been included in the relevant Forward Plan

**Report of the Executive
Director, Place Directorate**

TAXI LICENSING UPDATE

1. Purpose of Report

- 1.1 To inform Members of the programme of taxi licensing activity progressed within Regulatory Services, particularly in relation to safeguarding children, improving on existing standards and with the key priority of ensuring the safety of the paying public.

2. Recommendations

- 2.1 To consider the report and progress made so far.
- 2.2 That approval be given for the Licensing Team to put a business case together to introduce taxi cameras in all licensed vehicles.

3. Introduction

- 3.1 Following the publication of the Dame Louise Casey review and more recent Rotherham Update Paper, Barnsley MBC's Licensing Service was able to confirm that a number of measures introduced by Rotherham MBC were already firmly in place in Barnsley. Whilst this is reassuring, it is important to ensure that the existing robust processes and policies are regularly reviewed to ensure public safety.
- 3.2 The Licensing Service has considered a number of improvements implemented by Rotherham MBC that are not already in place in Barnsley, and assessed the merits of introducing them here.
- 3.3 Standard Convictions Policy
 - 3.3.1 Initial assessment of convictions policies across South Yorkshire shows that there is a good degree of consistency. Where appropriate, policies are tailored to specific issues within individual authorities, such as the Child Sexual Exploitation (CSE) situation in Rotherham.
 - 3.3.2 The current convictions policy in Barnsley bears many similarities to that of Rotherham, particularly in relation to the convictions to be considered and the time period that must have elapsed since conviction before an individual can be considered "fit and proper" to be a licensed driver. It is felt that the current policy is robust enough to deal with any matters of

concern that arise in relation to drivers, but it will be regularly reviewed to ensure that this remains the case.

3.3.3 Having said this, the Licensing Service in Barnsley, along with other local authorities, is firmly of the view that national minimum standards should be introduced by the Government to ensure that any existing anomalies between policies are not perpetuated and that local authorities can be confident that all taxis in their area are operating to consistent and acceptable standards, whether licensed by them or not. The Service will take every opportunity to lobby government to this end.

3.4 Retrospective Application of the Convictions Policy to all Existing Drivers

3.4.1 Rotherham MBC, due to the extent of the problems identified in relation to CSE in particular, has applied its convictions policy to all current drivers and assessed them against it. This has resulted in 6% of its 1,200 drivers having their licences revoked.

3.4.2 Officers have considered taking a similar line in Barnsley, but advice from Legal Services is firmly that extreme caution should be exercised here, that there may not be sufficient evidence in place at this time to show a similar CSE problem in Barnsley as that which has existed in Rotherham.

3.4.3 Officers are of the view that there is not enough evidence relating to the taxi trade in Barnsley to justify retrospective application of the convictions policy. If such a move were to be made here, the Council would run the risk of legal challenge, possibly via judicial review, and that the current good working relationship with the taxi trade in Barnsley would be compromised.

3.4.4 The Council continues to robustly apply its convictions policy to current drivers when any new information or intelligence comes to light. This has resulted in eight drivers having their licences revoked recently due to matters of concern being reported. All drivers continue to have extensive criminal records check carried out when any application for, or renewal of, a licence is made.

3.5 Shared Database

3.5.1 Information sharing between local authorities and partner organisations is critical to the effective enforcement of taxi licensing. To this end, officers from Barnsley and neighbouring authorities got together to develop a shared database whereby any driver licence revocations or refusals could be entered onto the database and shared between colleagues. This would go some considerable way to preventing a driver from having their licence revoked in one area, only to carry on working in another area, or to have a licence granted in another area.

3.5.2 The work started in South Yorkshire has now been picked up nationally, and the Institute of Licensing and the National Anti-Fraud Network have been commissioned to deliver a national database of taxi driver licence refusals and revocations.

3.5.3 While a national database will not in itself solve all the challenges faced by Licensing Services in relation to taxi drivers and operators, it is an important sector-led step in preventing drivers having licences refused or revoked in one area and then working in another.

3.5.4 The Licensing Service will continue to support and participate in the development of the national database wherever possible.

3.6 Taxi Cameras

3.6.1 Rotherham has also mandated that all taxis licensed in its area should have taxi cameras fitted.

3.6.2 It is felt that introducing a similar requirement in Barnsley would be appropriate.

3.6.3 Introducing taxi cameras in Barnsley would involve a lengthy and difficult process, including the gathering of suitable evidence to justify such a move and close collaboration with the Information Commissioner's Office to establish the rules and constraints within which any such scheme would have to operate.

4. **Proposal and Justification**

4.1 It is proposed that Members give the go-ahead for officers to commence the process of establishing a business case to justify the introduction of cameras in all licensed vehicles in Barnsley, including making contact with the Information Commissioner's Office to agree the framework within which any such scheme would have to operate.

4.2 Whist not complacent in anyway, there is not the evidence that Barnsley has a CSE problem on the same scale as Rotherham. Having said that, it is felt that installing cameras in taxis would provide reassurance to both drivers and passengers, and would help to ensure their safety.

5. **Consideration of Alternative Approaches**

5.1 A decision not to approve the mandatory installation of taxi cameras in all licensed vehicles does not support the prevailing need to ensure the well-being and safety of both drivers and passenger.

6. **Implications for Local People and Service Users**

6.1 The programme of activity to be undertaken will ensure those licensed to drive licensed vehicles and members of the paying public benefit from improved licensing standards, thus ensuring the safety of those who live, work and visit the borough.

7. Financial Implications

- 7.1 Consultations on the financial implications have taken place with representatives of the Service Director – Finance (S151).
- 7.2 The purchase/installation cost of taxi cameras will be borne by the licensed driver and/or vehicle proprietor. There are no other financial implications emerging from this report.

8. Employee Implications

- 8.1 There will be some additional duties placed on officers within the Licensing team in that the Service will have some data management responsibilities for recordings taken from cameras in taxis, but it is intended that this is contained within existing resources.

9. Communications Implications

- 9.1 There are no immediate communications considerations arising from this report. However, throughout the period of policy and process review, there have been a number of public media campaigns in respect of the use of licensed taxis. It will also be necessary to communicate clearly with the taxi trade and the general public as and when cameras are installed in vehicles.

10. Consultations

- 10.1 The Council's SMT has been consulted on the content of this report.

11. The Corporate Plan and the Council's Performance Management Framework

- 11.1 The protection of vulnerable children and adults remains a key Council priority, thus enabling people achieve their potential.

12. Promoting Equality, Diversity, and Social Inclusion

- 12.1 There are no implications resulting from this report.

13. Tackling the Impact of Poverty

- 13.1 There are no implications emerging from this report

14. Tackling Health Inequalities

- 14.1 This programme of work promotes the health and safety of vulnerable children and adults transported in licensed vehicles across the borough.

15. Reduction of Crime and Disorder

- 15.1 The mandatory introduction of taxi cameras and the over-arching review of licensing policies and processes, along with the establishment of a national database, will assist the Council in reducing crime and disorder across the

borough. Ensuring those licensed to drive are, in accordance with the LG(MP)A76, both professional and aware of the safety of passengers and vehicles at all times is a key aspect off all the changes made, and proposed, to the licensing regime in Barnsley

16. Risk Management Issues

- 16.1 Delivery of licensing services, including issues relating to CSE, is already referenced in the Regulatory Services risk register. It is anticipated that the measures already in place, plus the introduction of cameras in taxis, will serve to mitigate any risk to the Council.

17. Health, Safety & Emergency Resilience Issues

- 17.1 There are no implications emerging from this report.

18. Compatibility with the European Convention on Human Rights

- 18.1 The Council wide approach to ensuring Council Services with a stake in safeguarding the general public continue to learn from the Casey Report, in accordance with the right for both vulnerable children and adults to be protected from harm and exploitation.

19. Conservation of biodiversity

- 19.1 There are no implications resulting from this report

20. Glossary

- 20.1 CSE Child Sexual Exploitation
NAFN National anti-Fraud Network
LG(MP)A76 Local Government (Miscellaneous) Provisions Act 1976

21. List of Appendices

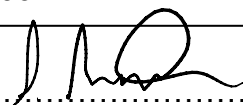
- 2.1.1 There are no appendices to the report

22. Background Papers

Background papers used in the compilation of this report are available to view by contacting the Licensing Service, Barnsley MBC, PO Box 634, Barnsley, S70 9GG.

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Financial Implications /
Consultation



(To be signed by senior Financial Services officer where no financial implications)