MEETING:	General Licensing Regulatory Board
DATE:	Wednesday, 20 December 2017
TIME:	2.00 pm
VENUE:	Reception Room, Barnsley Town Hall

MINUTES

Present Councillors C. Wraith MBE (Chair), P. Birkinshaw, J. Carr, Clarke, Frost, S. Green, Daniel Griffin, W. Johnson, Lamb, Millner, Murray, Richardson, Saunders, Shepherd, Spence, Tattersall and Wilson

21 Declaration of Interests

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

22 Minutes

The minutes of the meeting held on the 25th October, 2017 were taken as read and signed by the Chair as a correct record.

23 Model Licensing Conditions for Animal Welfare - Deviation

The Executive Director Place submitted a report seeking approval for a deviation from the Model Licensing Conditions adopted by the Council in October 2014 and applied in Animal Licensing in limited circumstances where the Council was in receipt of formal advice from an Independent Veterinary Surgeon that animal standards would be maintained in doing so.

The Model Conditions included subsequent revisions to the national guidance some of which was having a disproportionate effect on local businesses. An example of this was the guidance for Dog Boarding Establishments 2016 which introduced minimum requirements of sleeping areas for dogs (irrespective of the size of the dog) and which also doubled these requirements for dogs from the same 'family' sharing a sleeping area. To meet these new requirements some businesses would have to knock down their existing kennel blocks or close their business on the basis that the works rendered the business unviable.

It was proposed, therefore, that subject to Independent Veterinary approval, businesses be allowed a variation from these Model Conditions subject to there being no adverse effect on animal welfare. In such circumstances it was likely that the licence would be conditional on specifying that enclosures only be used for dogs of a certain size. It was also proposed that were major changes were introduced following the review of the National Guidance, Regulatory Services be given discretion to apply transitional periods for the implementation of that particular condition.

It was noted that the various Model Licensing Conditions would continue to be revised and other similar requirements introduced, therefore, in addition to the above, approval was also sought for a 'non-specific' deviation from the Model Conditions in circumstances where there was formal confirmation from an Independent Veterinary

Surgeon that the specific deviation from those conditions would still maintain good animal welfare standards.

In the ensuing discussion, the following matters were raised:

- Whilst some members supported those proposals on the basis that there were adequate animal welfare safeguards in place, some felt unable to support them. They pointed out that the Model Licensing Conditions would have been developed in discussion and consultation with appropriate Veterinary Experts and trade organisations and, as such, felt it was inappropriate to go against those recommendations irrespective of the size of the animal concerned.
- There was also some concern at the proposal that further changes be made to the Model Licensing Conditions without prior reference to this Board
- It was noted that some businesses might be unable to comply with the Model Conditions as it would not be financially viable for them to make the required adaptations to their premises. It was pointed out by some Members, however, that the trade would have been aware of the changes being introduced for some time and they should, therefore, have made the necessary arrangements to comply with them. Other Members felt that it was probably better to allow the necessary deviation as in this way, the Animal Welfare Service could continue to work with the businesses concerned and thereby continue to improve animal welfare
- No information was available at the meeting about the number of premises that currently complied with the new standards
- There was some concern that the proposals could lead to a 'dual' approach to kennelling standards with some premises meeting the existing standards and some having a dispensation. This could perhaps give the latter businesses a financial advantage. It was pointed out, however, that any new build kennels would be required to fully comply with the Model Conditions
- Some members were in agreement that smaller dog breeds, for example, would not require the same kennelling space as larger breeds and provided that there was approval by an Independent Veterinary Surgeon, they saw no issues in allowing a deviation from the Conditions
- There was some concern that once a deviation was agreed some smaller kennels could be used at times of high demand for larger breeds. It was noted, however, that the Service undertook annual inspections and also responded to any complaints received. In addition, for premises with an approved deviation, ad hoc inspections could be arranged
- It was suggested that any deviation should be time limited until such time as improvements were made to comply with the Model Conditions
- The Board was advised that the Model Conditions were merely guidelines and that the Council could impose whatever conditions it considered reasonable. The proposal presented today was a means of dealing with the new arrangements in a pragmatic way. The concerns of Members was understandable and it was, therefore, appropriate, if approved, for the Board to receive an update on how the arrangements were working in 6 to 12 months' time

RESOLVED:

(i) that a deviation from the Model Licensing conditions, where officers are in receipt of advice from an independent veterinary surgeon that this deviation will not adversely affect welfare standards for animals of a particular type or size, be approved;

(ii) that the proposal to permit Regulatory Services to apply transitional periods to the implementation of model licensing conditions involving major changes or disproportional cost to businesses be approved in principle subject to any changes being reported to this Board in the first instance; and

(iii) that a report on the operation of the new proposals and also addressing the concerns of Members now raised be submitted to the Board within 12 months.

24 Taxi Demand Survey - Results of Survey

The Service Director Culture, Housing and Regulation submitted a report providing information on issues raised by the results of the recent taxi demand survey into whether there was unmet demand for Hackney Cabs (taxis that could ply for hire) in the Borough and seeking approval to the recommendations of that survey report.

The Board was reminded that the Council had retained a limit on the number of hackney cabs since its inception in 1974. There were currently 67 hackneys within the Borough but in order to retain a limit, the Council was required to undertake a survey into unmet demand on a regular basis. Such a survey had been undertaken earlier in the year and a copy was appended to the report.

The report, in outlining the survey methodology, indicated that the results of the survey were somewhat complex and these findings were summarised within that report.

The findings indicated, amongst other things, that

- there was a highly significant unmet demand mainly in the early hours of the morning at weekends when only 58% of the available hackney cabs were working. There was a problem in getting drivers to work during the busiest late night/early morning and whilst this was recognised by the trade, many drivers did not want to work at these times citing safety issues and family commitments
- 87% of the respondents to the driver survey supported retaining the cap on the number of vehicles as this meant that drivers were known to the travelling public, fareshare was kept low, vehicles were maintained to a high standard and pollution and congestion were kept under control
- Customer satisfaction was high despite waiting times at busy periods and customers appeared to accept the need to wait
- Taxi marshals were seen as a positive and improved the safety of both drivers and the public
- Whilst there had been a reduction in the number of drivers, this had been offset by the move to the issuing of dual licences, however, there was a shortage of private hire vehicles at peak times which was increasing the pressure on hackney vehicles

- The trade saw the entry requirements for new drivers as being too onerous although the Licensing Service considered that these requirements were necessary to ensure that all drivers were seen to be fit and proper and were suitably trained

It was noted that there appeared to be a lack of vehicles working at unsociable hours, however, any increase in the number of licenced vehicles would not guarantee additional vehicles being available at peak times and, in addition, there was no legal way of ensuring that vehicles worked at times of high demand. The solution to the unmet demand was, therefore, with drivers themselves who needed to be encouraged to work longer hours or to exchange less busy hours for peak times when their services were needed.
It was reported that the since the receipt of the report the Council was working closely with the trade to try to resolve these issues. Officers had already held meetings with the Taxi Liaison Group and with representatives of the trade when discussions had focused on the need to encourage drivers to work during the unsociable hours (when there was an unmet demand) and on the recruitment of new drivers who might be willing to work at such times. It was proposed that this work continue and that a further review be undertaken with a report being submitted to the Board in 12 months' at which time, based on the findings of that review, a decision would be made as to whether there should be an increase in the number of licenced hackney cabs or, alternatively, whether the cap should be lifted completely.

With the consent of the Chair, Councillor C Wraith MBE, Mr D Wilson (Licensing Consultant) representing the Hackney Carriage Association addressed the meeting.

Mr Wilson thanked the Chair for allowing him to speak on behalf of his clients. There was very little he could add to the report as the findings were accepted by the trade and by the Council alike. It was pleasing to note that both the Hackney Carriage and Private Hire Trade were working together with the Council in order to achieve positive results.

He concurred with the findings of the report. The problem associated with unmet demand wasn't the shortage of vehicles but the reluctance of drivers to work unsociable hours. This was not, of course, unique to the Hackney Trade as the Council now issued dual licences to all applicants and drivers were still unwilling to work such hours. He agreed with the Council that the solution was not to lower the standards for new applicants or increase the number of cabs but was to work with existing drivers to try to address the problem. He commented on the positive steps already taken by the Council in addressing the issue in the Trade Liaison meeting and with members of the trade.

The Chair commented on the positive relationship that existed between the Council and the Hackney Carriage and Private Hire Trade and to the standard of vehicles that had improved significantly over recent years. There were no legislative powers to require drivers to work during unsociable hours and, therefore, it was hoped that an amicable solution could be found.

In the ensuing discussion, the following matters were raised:

- The concerns of drivers surrounding safety and the impact on family commitments of working unsociable hours was noted

- In response to specific questioning, it was reported that a number of hackney carriage vehicles had CCTV cameras installed
- It was noted that taxi drivers were self-employed and, therefore,the EU working directive was not applicable
- The increase in the number of cabs would not solve the problem; it was the lack of drivers willing to work late nights, at weekends and at unsociable hours which was not an attractive proposition. Arising out of this:
    - there was a discussion as to how to incentivise drivers to work such hours and whether or not there needed to be a recruitment exercise
    - it was felt important that people saw taxi driving as a career of choice rather than a job of last resort
    - increasing fares (and thereby income) for unsociable hours may have unintended consequences and lead to an increasing use of 'Facebook' taxis
- It was felt that the Taxi Marshal initiative had been extremely successful, should be continued and enhanced if possible
- It was noted that the longest wait for a taxi had been 14 minutes, overall satisfaction was high and passengers were willing to wait
- The importance of addressing the unmet demand could not be overestimated given the importance of the night time economy coupled with the current investment in the town centre. It was noted that discussions were ongoing between the Highways Service and the taxi trade with regard to the Town Centre regeneration and the location of ranks

RESOLVED:

(i) that the report and taxi demand survey report be noted;

(ii) that renewed Taxi Marshal provision be fully taken advantage of with continued enforcement action being taken in order to minimise unlicensed operations ('Facebook taxis');

(iii) that the Trade work together to maximise hackney carriage availability at all times, including the consideration of shared driving (one vehicle utilising several drivers) and also the encouragement of new drivers to enter the trade as a key part of their future;

(iv) that the Licensing Service work with the Trade to facilitate new drivers being recruited but without compromising the application process;

(v) that better signage be provided for the Market Hill rank together with marketing of its existence and that the hackney carriage trade be encouraged to increase daytime presence at this location;

(vi) that a further review/survey be undertaken in 12 months' time to identify if levels of vehicle availability have increased;

(vii) that the report on the findings of the review be submitted to this Board and include consideration of whether or not the number of hackney cabs should stay the same, be increased or whether the cap should be lifted completely; and

(viii) that further update reports on progress be submitted throughout the year.

At the conclusion of the meeting the Chair, Councillor C Wraith MBE, wished all Members and Officers a Happy Christmas and a healthy and prosperous New Year.

Chair