

BARNSELY METROPOLITAN BOROUGH COUNCIL

GENERAL LICENSING REGULATORY BOARD

1st July 2015

1. **Present:** Councillors C. C. Wraith MBE (Chairman), Burgess, J Carr, Duerden, Ennis, S Green, Hampson, Johnson, Millner, Richardson, Saunders, Sheard and Wilson.

2. **Declarations of Pecuniary and Non-Pecuniary Interest**

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

3. **Minutes**

The minutes of the meeting held on the 6th May, 2015 were taken as read and signed by the Chairman as a correct record.

Arising out of the discussion of the minutes reference was made to the following:

- (a) Facebook Taxi Operation – it was noted that in connection with this enforcement operation, PACE interviews were taking place with a view to prosecution rather than the issuing of fixed penalties
- (b) Training - A training session for all Members of the Board was to be undertaken in the near future
- (c) Out of district Drivers

It was noted that Hackney Carriage Drivers licenced within other areas could legally work within the Barnsley borough but only as a Private Hire Vehicle. They could not work or ply as a Hackney Carriage or use any of Barnsley's Hackney Ranks.

It was possible, however, that a vehicle licenced within another district could come into the Borough working as a Hackney Carriage if the vehicle was pre booked whilst within those areas. There had, however, never been a significant issue of Hackney Carriages illegally working within Barnsley but if any Member had concerns, they should contact the Licensing Service so that the matter could be investigated further.

It was noted that all licences had to be held by one authority and, therefore, some Operating Centres, thought not many, were held outside Barnsley – primarily Rotherham and Wakefield. There was perhaps a perception that in view of recent events in Rotherham

quite a few drivers were working from there, but this was not really the case or a significant issue.

4. Licensing Enforcement - Update

The Assistant Director Regulatory Services submitted a report providing an overview of the work of Licensing Enforcement Officers undertaken recently.

It provided, in documentary form, details of the Licensing Enforcement exercises undertaken between January to April 2015 as orally reported to the meeting on the 6th May, 2015. In addition, it was reported that the Service had undertaken a further licensing enforcement exercise on the 23rd April, 2015.

This daytime exercise had involved Licensing Enforcement Officers working alongside Vehicle Examiners from the Smithies Lane Depot focussing on smaller Licensed Operators. In total, four vehicles had been inspected, two of which had been found to be fully compliant and two had been issues with suspension notices for defective lights and one driver had received a written warning for failing to complete the vehicle inspection sheet.

In its totality, therefore, vehicle compliance continued to be an issue and was at the forefront of every enforcement operation and with every Vehicle Examiner whilst undertaking MOT tests. Defective vehicles were not acceptable and could not be excused, couple with this was the concern at the failure to complete basic vehicle inspection sheets (something that had been requested by the Trade) and was a tool that ensured the safety of vehicles.

Proactive enforcement operations would continue to be undertaken on a quarterly basis.

Arising out of the discussion reference was made to the following:

- It was noted that inspections were undertaken of smaller operators to ensure compliance with licensing conditions. In response to questioning, the Licensing Enforcement Officer informed the Board that if the operator was not available, repeated visits would be undertaken. In addition, it was noted that all Operators were inspected at least once each year
- During the course of one inspection, 2 alleged illegal taxis had been stopped and their vehicles inspected. Both had been spoken to and invited to attend a tape recorded interview under caution to explain their actions but had declined to attend. These drivers had been given the opportunity to apply for Private Hire/Hackney Carriage Licenses on the basis that licensing conditions could then be enforced to ensure compliance with all legal requirements to ensure the safety of the public

- The way in which the Service stored and collated evidence to support appropriate prosecutions was outlined. With regard to 'illegal' drivers it was noted that there was a need to prove the driver was working for 'hire and reward' and the difficulties associated with this were outlined.
- Reference was made to the use of 'intelligence' reports and to comments made via social media sites. The Licensing Enforcement Officer commented on the importance of issues of illegal drivers being reported for investigation
- Reference was made to the differing powers of Licensing Enforcement Officers, the Police and representatives from VOSA
- Members were reminded that drivers receiving three written warnings for contravention of licensing conditions were brought before a Panel of the General Licensing Regulatory Board when action could be taken against them and, ultimately, the license could be revoked
- There was a discussion of the possible use of IT to confirm the completion of the daily check sheet. On balance, however, it was not thought that this would be feasible at the moment given the likely cost implications. It was noted, however, that only a small number of drivers appeared to be failing to comply with this requirement as most were extremely conscientious
- The support of Operators for the Licensing Service and for ensuring the compliance with conditions was noted
- Members were informed that regular enforcement exercises were undertaken and anyone wishing to accompany officers on any of these exercises was indeed welcomed and encouraged to do so as they could then see, at first hand, the types of issues encountered

RESOLVED

- (i) that the report be received; and
- (ii) that the Board place on record their thanks and appreciation to Local Authority staff for all their hard work in undertaking Enforcement activities to ensure the continuing safety of the travelling public.

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Chairman