

MEETING:	General Licensing Regulatory Board
DATE:	Wednesday, 19 February 2020
TIME:	2.00 pm
VENUE:	Reception Room, Barnsley Town Hall

MINUTES

Present

Councillors Wraith MBE (Chair), P. Birkinshaw, Clarke, Danforth, Gillis, Green, C. Johnson, W. Johnson, Noble, Shepherd, Sumner, Tattersall, Williams and Wilson

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 23rd October, 2019 were taken as read and signed by the Chair as a correct record.

16 Criminal Convictions Policy Update

The Service Director Legal Services submitted a report seeking approval to amend Section 5 of the Council's Convictions Policy which specifically addressed Compliance with Conditions and Requirements of the Licensing Authority.

Currently the policy does not recognise offences committed by drivers where they have received at least 3 written warnings in a twelve month period, and the options that were available to the General Licensing Panel in dealing with them.

It was suggested, therefore, that the convictions policy be amended to reflect the work of officers in the issuing of written warnings following Drivers committing offences and it be made clear that the General Licensing Panel would determine all cases.

In the ensuing discussion, the following matters were raised:

- The proposal was welcomed as a means of giving the General Licensing Board Panel the opportunity to consider information on warnings received by Drivers and in return Drivers would have the opportunity to acknowledge and defend any warnings received
- Members noted that if, for instance, a driver had received written warnings for faulty tyres, they could potentially receive 1 warning for each tyre plus a warning for falsifying their records, resulting in them being brought to Board
- The new policy would be a way for the Board to be able to deal with persistent offenders, or offenders with a pattern of behaviour

RESOLVED that members approve the amendment to Section of the Council's Convictions Policy.

17 Digitalisation of the Licensing Function

The Service Director Legal Services submitted a report informing the Committee of the ongoing project work being undertaken in order to digitalise the way that the Licensing Services operates.

Members were reminded of the Digitalisation report presented to the General Licensing Regulatory Board in October 2019, informing them of the plans to digitalise the Licensing function due to the current process and procedure being predominantly paper based and labour intensive for Licensing Officers and a summary of the type of work undertaken was provided.

Within the context of Future Council and Digital First the current method in providing the licensing service could no longer be justified, therefore the Digitalisation project would convert existing manual laborious operations (so far as was feasible) into digital operations.

Members were informed that representatives from the Private Hire and Hackney Carriage Trade had attended meetings in which they shared their views, opinions and concerns with regards to a digitalised service.

It was reported that Licensing Officers had worked closely with IT Services in designing the online forms and procedures by taking into consideration the comments shared by the licensed Trade and incorporating receipt of payments, a booking system for the knowledge test and receipt and issue of new and renewed existing licenses and associated documentation.

In the ensuing discussion, the following matters were highlighted:

- The current practice of face to face questions would now be done digitally through the system which had been meticulously tested by Licensing Officers. Any concerns regarding appropriate checks being made were allayed as drivers would be asked to upload appropriate documentation including DBS checks.
- 80% of the Trade were on board with the new system and welcomed the flexibility for drivers with the system being available 24hours a day and not restricted to office hours.
- Workshops were being held for some drivers who were apprehensive and fearful of the new technology and did not have the means of getting online. It was reported that a small group of drivers who may struggle would be invited to test the new system to alleviate any issues and fears they may have.
- The online system will work on all devices ie tablets or phones but if drivers require assistance then they would be signposted to Libraries or some Trade representatives who have volunteered to help.

RESOLVED that Members support the Licensing Team and the Licensed Trades with the digitalisation project to ensure the success of the project from it going live on 2nd April, 2020.

18 Enforcement Update

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

Licensing Enforcement Officers had proactively embarked on a taxi licensing enforcement operation on the 21st November, 2019. This had been a daytime operation involving Licensing Enforcement Officers and Vehicle Examiners from the Smithies Lane Depot. The operation focused on Springwell School and the drivers and vehicles contracted to transport children to the school on a daily basis.

Of the 29 inspected, 23 were found to be compliant. 6 vehicles were issued with immediate suspension notices for defects including nearside indicators, near side screen washer and number plate lights being inoperative, no reserve travel on the handbrake, the external of a vehicle being in a dirty condition, tyres below legal limits, ABS warning lights being illuminated and an electrical fault affecting all the lights on the vehicle.

Vehicle compliance continued to be an issue and at the forefront of every enforcement operation and with every Vehicle Examiner whilst undertaking vehicle inspections. Defective vehicles could not be excused and were not acceptable and this, coupled with failing to complete basic vehicle inspection sheets was a continuing concern as not only had the Trade requested this, but it was a valuable tool that ensured the safety of the licensed vehicle.

Further proactive enforcement operations would continue to be undertaken to ensure that drivers, operators and vehicle proprietors took responsibility for their failures and made appropriate changes as this was key to ensuring the safety of the travelling public.

In the ensuing discussion, and in response to questioning, particular reference was made to the following:

- In relation to the cleanliness standards of vehicles, it was noted that for an immediate suspension it would be an Officer judgment call, in one particular case the licence plate was ineligible resulting in the car being suspended until it had been cleaned.
- Officers informed members that a suspension would not be lifted until the car had been deemed roadworthy by relevant Officers. This could be anything from the same day for a dirty car that had been washed to weeks if it had a serious mechanical fault.
- It was pleasing to note that the number of suspensions for faulty bulbs had dropped as the message seemed to be getting around for Drivers to carry spare bulbs in their vehicles.

RESOLVED that the report be noted and the Board place on record its thanks and appreciation to the staff within the Licensing Service and Smithies Lane Depot for all their hard work in undertaking enforcement activities and ensuring the continued safety of the travelling public and for the outstanding results currently being achieved.

19 Driver Appeal - Update

The Service Director Legal Services submitted a report providing an overview of the outcome of an appeal made to the Magistrates Court and Crown Court by a Hackney Carriage and Private Hire Driver following a decision made by a General Licensing Regulatory Board Panel to revoke his driver licence.

The General Licensing Regulatory Board Panel had made its decision to revoke the licence on the 8th January 2019. The case was then presented to Barnsley Magistrates Court on 11th July, 2019 by way of an appeal.

In dismissing the appeal the Magistrates had stated that the Council had acted appropriately in revoking the drivers licence. The appeal had therefore been dismissed and the driver had been ordered to pay £900 in costs to Barnsley MBC.

Following the dismissal of the appeal by the Magistrates Court, the Driver lodged a further appeal at Sheffield Crown Court heard on 6th December, 2019. The Crown Court also dismissed the appeal and upheld the decision of the Magistrates Court and ordered the Driver to pay an further sum of £622.50 towards the Local Authority's costs.

Members commented that it was encouraging to see the support from Magistrates and Crown Courts upholding decisions made by Officers and the Panel, proving that the right decisions were being made.

Members expressed their gratitude and gave thanks to the Legal Team in representing the Authority in Court on both occasions. It was testament to the excellent and hard work of Officers and Panel members in bringing the driver to justice and making the safety of Barnsley's travelling public paramount.

RESOLVED:

- (i) that the report be noted; and
- (ii) that the Board place on record their thanks and appreciation to all involved for their continued hard work in supporting the Licensing Function and in ensuring the safety of the travelling public.

Chair