



My Ref: FOI/6370
Enquiries to: Information Requests
E-Mail: informationrequests@barnsley.gov.uk

Dear Requester,

Re: Request for Information – Freedom of Information Act 2000

I wish to confirm that the council has completed its search for the information which you requested.

The information requested and our findings are as follows: -

Point 1 — Reallocation policy (*retained as currently captured*)

Does Barnsley's licensing policy contain a provision governing what happens when a driver cancels a booking made by or for a disabled passenger and the operator's system allows it to fail without reallocation?

- If yes: cite the provision (section/paragraph/page).
- If no: confirm "no such provision exists."

If neither is provided, I will take this as confirmation that no such provision exists.

Answer: The Taxi and Private Hire Licensing Policy is a general policy document that contains requirements for licensed persons to comply with legislation and conditions, it does not contain a specific provision dealing with reallocation where a driver cancels a booking made by or for a disabled or able-bodied passenger and the operator's system allows the booking to fail.

Point 2 — Section 166 (EqA 2010) dispatch (*retained as currently captured*)

(a) Does Barnsley's licensing policy, or any operator equality impact assessment, address how dispatch should be handled by a private hire operator where a driver holds a section 166 exemption and a booking requires mobility assistance or involves an assistance dog? Identify the document and provision, or confirm none exists.

(b) If such a driver is allocated to such a booking and the journey fails as a result, is there a policy governing what happens next? Identify the document and provision, or confirm none exists.

If neither is provided for (a) or (b), I will take this as confirmation that no such policy exists.

Answer: The policy is a general document, it is not designed to regurgitate all the specific requirements of other areas of legislation. It does refer to equality-related obligations and the need for drivers and operators to comply with applicable legal requirements. It does not contain a specific policy governing what must happen next if such an allocation causes the journey to fail.

Point 3 — Standard of assessment

Against what specific document, policy, or written standard did the Council assess Veezu's operating model before concluding Veezu is fit and proper in relation to driver cancellations and disabled passengers?

- Identify the document and the relevant passage; or
- Confirm that the conclusion was reached without reference to any written standard.

If neither is provided, I will take this as confirmation that the conclusion was reached without reference to any written standard, and that the Council's repeated statements that it is "satisfied" Veezu is fit and proper in this area are not supported by any documented assessment.

Answer: The policy identifies the general “fit and proper” test for private hire operators and sets out wider licensing principles, including public safety, compliance with legislation, enforcement, and safeguarding. The policy is a general document that does not contain a specific written standard against which an operator’s booking model is assessed in relation to driver cancellations affecting disabled or able-bodied passengers.

Point 4 — Locus of responsibility under section 56 LGMPA 1976

When assessing Veezu's fitness in relation to driver cancellations, did the Council's assessment treat the booking as remaining with the operator throughout (consistent with section 56 of the Local Government (Miscellaneous Provisions) Act 1976), or did it treat a driver cancellation as ending the operator's responsibility for that booking?

- Identify which approach was taken, with reference to the assessment record; or
- Confirm that no assessment addressing this point was undertaken.

If neither is provided, I will take this as confirmation that the Council's assessment did not address the locus of responsibility for the booking following driver cancellation.

Answer: The policy does not address whether responsibility for a private hire booking remains with the operator throughout following a driver cancellation, nor does it state that a driver cancellation ends the operator’s responsibility for that booking.

Point 5 — Section 149 PSED — written record

What written record exists of the section 149 due regard exercise undertaken in respect of Veezu's licensing in relation to driver cancellations and disabled passengers?

- Identify the record, with date and reference; or

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- Confirm that no such record exists.
If neither is provided, I will take this as confirmation that no record of any section 149 due regard exercise exists in relation to this issue.

Answer: The Taxi and Private Hire Licensing Policy is a general policy document and does not specifically include a written record of the section 149 Public Sector Equality Duty.

Point 6 — Differential enforcement: driver vs operator

Has the Council, in the period it has held licensing responsibility for Veezu, taken any licensing or enforcement action against Veezu (as opposed to an individual driver) in respect of a disability-related cancellation or booking failure?

- Identify the action taken, with date and reference; or
- Confirm that no such action has ever been taken.
If neither is provided, I will take this as confirmation that no enforcement action has ever been taken against the operator in this area, notwithstanding enforcement action against individual drivers for the same category of event.

Answer: Enforcement action would not necessarily be the first line of response in accordance with the Councils Enforcement process.

Point 7 — Equality impact assessment

Was an equality impact assessment carried out at the grant or renewal of Veezu's operator licence, addressing the cancellation/reallocation scenario at Point 1?

- If yes: provide a copy or the relevant extract; or
- If no: confirm that none was carried out.
If neither is provided, I will take this as confirmation that no such assessment was carried out, and will treat the FOI request at my letter of 11 June as outstanding accordingly.

Answer: Equality impact assessments are not carried out at the grant or renewal of an operator licence addressing the cancellation/reallocation scenario described in Point 1
If you have any queries about this letter, please contact Information Requests Via email.

Please remember to quote the reference number above in any future communications.

If you are unhappy with the way the Directorate has handled your request, you may ask for an internal review. Please clearly mark your correspondence 'Complaint' and address it to:

Barnsley MBC

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PO Box 634, Barnsley, South Yorkshire S70 9GG

Information Requests Team
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email: informationrequests@barnsley.gov.uk

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: -

Customer Services Team
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Email: <http://www.ico.org.uk/foicomplaints>

Kind regards,

Information Requests Team, Barnsley MBC

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