



SHEFFIELD CITY COUNCIL LICENSING COMMITTEE

Report of: Chief Licensing Officer

Date: 14th November 2013

Subject: Private Hire and Hackney Carriage Licensing

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Business and Strategy, Place Portfolio

Summary: Report – Taxi Enforcement Review

Category of Report: OPEN

Private Hire & Hackney Carriage Licensing

Enforcement Activity

1. PURPOSE

- 1.1 To report to the Licensing Sub Committee the enforcement activity undertaken in private hire and taxi licensing for the period 1st April 2013 to 30th September 2013.

2.0 BACKGROUND

- 2.1 On 25th October 2005, the Licensing Board considered the comments and recommendations of the Strategic Resources and Performance Scrutiny and Policy Development Board and one of the resolutions of the meeting was;

“the Assistant Chief Executive, Legal and Governance, be requested to submit quarterly reports to this Board on enforcement practice by the Taxi Licensing Section”

- 2.2 The Licensing Board have previously agreed the level of enforcement activity, at its meeting of April 2007, the Licensing Board accepted that the Taxi Licensing Section undertake 88 enforcement duties per year.

- 2.3 This equates to at least 40 weeks per year with 2 officers having some form of enforcement activity take place over 2 nights/days a week. The rest is made up of day time and out of town enforcement with other agencies

3.0 Description of and reasoning behind enforcement Activity.

- 3.1 The Council has a duty to enforce the legislation in relation to Hackney Carriage and Private Hire Licensing.

- 3.2 The purpose of enforcement should always be to safeguard the health safety and welfare of the public by ensuring that the relevant legislation is complied with. The aim is to provide a good, accessible and safe means of public transport. It must be remembered that Private Hire and Hackney Carriage Drivers provide the service in order to earn a wage, they will only be there to provide a service if they are able to make a reasonable living.

- 3.3 Enforcement is all about maintaining reasonable standards in terms of vehicle condition and driver conduct and safeguarding both the public and licensees by preventing, insofar as we are able, illegal activity by those that are not appropriately licensed.

- 3.4 Current enforcement takes many forms, this includes night time on street enforcement by Officers, day time enforcement by officers, Enforcement is also done by way of stringent testing of vehicles by the Councils testing centre.

- 3.5 The 88 enforcement activities as stated in 2.2 are to take the form of out of office enforcement duties whether that be within normal office hours or out of office hours which will include at least 30 night time and/or weekend enforcement duties.

- 3.6 The 88 will also be included in the enforcement duties undertaken in joint agency enforcement exercises what ever form they take.

4.0 Enforcement Activity Undertaken

4.1 Set out below are the number and types of enforcement action conducted in the period 1st April 2013 to 30th September 2013

4.2 Vehicle Enforcement.

4.3 The table below shows how many vehicles were checked by officers, or seen over the period stated with the following outcomes:-

MONTH	No of Vehicles	Clear Checks	Defect notice issued	Suspensions	Other
April	59	30	28	0	1
May	79	58	18	0	3
June	73	56	14	1	2
July	64	51	13	0	0
August	120	113	7	0	0
Sept	59	43	16	0	0
TOTALS	454	351	96	1	6

4.4 Driver checks

4.5 The table below shows how many drivers/licensee checks undertaken by officers for the period, and gives the outcomes. Driver enforcement can take many forms and the numbers below may include warning letters that have been issued for reasons other than on street enforcement checks.

MONTH	No of Drivers	Clear Checks	Warning letters/defect notices	Suspensions	Other
April	34	18	16	0	0
May	47	16	29	0	2
June	64	9	50	0	5
July	66	32	28	0	6
Aug	113	102	9	0	2
Sept	47	35	12	0	0
TOTALS	371	212	144	0	15

4.6 Drivers & Licensee warning letters are often issued in relation to the licensed vehicle that they own or were the driver of at the time.

4.7 Defect letters will be sent out to licensees if a vehicle is seen to have a defect, e.g. Brake Light inoperative, and the vehicle was not physically inspected by an officer but was seen whilst officers were undertaking their duties.

5.0 Areas of Concern

5.1 As part of the normal enforcement duties carried out by officers, they have standing instructions to undertake enforcement activity in certain areas of the city where either members of the public or other agencies have reported problems involving hackney carriages or private hire vehicles. Some of the findings in the problem are listed below.

5.2 Castle Street. This area continues to be of concern for cyclists, and 12 warning letters have been issued to drivers in this period of enforcement activity, for causing a hazard or obstruction on this particular road.

5.3 City Road. This has again been reported as a problem area for illegal plying for hire and officers have been in the area over the last few months, purely for observation purposes at present and further enforcement activity in this area will take place over the coming months.

6.0 Prosecutions and Cautions of Offenders

6.1 There has been a single prosecutions during the period of 1st April 2013, and 30th September, this was for failure to carry an assistance dog. The outcome of which was the driver was fined £75 and asked to pay £40 compensation and £405 costs also a victim surcharge of £20.

6.3 There are 2 pending prosecutions for driving without a licence and no insurances offences currently awaiting trial dates.

7 Committee referrals and appeals

7.1 In this recording period the Licensing Section has referred 68 cases to the Licensing Sub Committee under the referrals policy.

7.2 A breakdown of the outcomes is set out below,

MONTH	No Cases	Granted Renewed or Re-instated	Grt/Renew with Warning	Refused/ Revoked	Suspended	Deferred /DTU
April	14	7	2	3	0	2
May	8	2	1	3	0	2
June	14	8	0	5	0	1
July	13	9	1	2	0	1
Aug	6	2	0	2	0	2
Sept	13	6	2	2	0	3
TOTALS	68	34	6	17	0	11

7.3 The Licensing Section has also attended 12 appeals and of those 12 appeals, 9 had their license granted or re-instated, 2 had their appeal dismissed and one person withdrew their appeal

8.0 Multi Agency Enforcement

8.1 The licensing section took part in a 3 joint enforcement exercises with South Yorkshire Police over a three separate days. The results of which are contained within the tables in section 4. This also may account for the high number of checks made in August then other months.

8.2 The licensing section declined an invitation to a multi-agency exercise held at East Midlands airport; this was as a result of an earlier instruction from this committee to refrain from out of town enforcement. Previous such exercises have resulted in little or no action or problems from Sheffield Licensed vehicles.

9.0 Future Multi Agency Enforcement

9.1 Taxi Licensing Section have formed working partnerships with Road Traffic Police, VOSA and other Agencies including the Council's own parking services.

9.2 There will be more joint enforcement exercises but due to the nature and the complexity of the organisations involved these take some time to set up. All future reports will include details of all joint exercises.

10.0 Future Reports

10.1 Future reports on enforcement practice by the Taxi Licensing Section will be submitted on regular basis through out the year up to a maximum of 4 reports.

10.2 Over the past few months the Licensing Service has been reorganised and structures within the service changed. We now have a more flexible team and taxi officers will be working along side other licensing officers. Enforcement will continue but it will be more joined up then we have been operating under in the past.

10.3 This means that on certain operations and exercises the officers time spent solely on taxi enforcement will be limited.

10.4 The new joined up approach will not affect the amount of taxi enforcement undertaken and we will strive to maintain the current high standards of enforcement we operate under.

11.0 Financial & Staffing Implications

11.1 None in relation to this report.

11.2 The enforcement costs are met from fee's received on vehicle applications and miscellaneous items to the Council. It is not legal to pay for enforcement duties from driver licence fees.

11.3 Licence fees are reviewed on an annual basis and this is when the fees would be adjusted if needed to be.

12.0 Recommendations

12.1 That members consider the content of this report.

13.0 Options

13.1 Consider the report and change the type and frequency of enforcement activity they require from the Taxi Licensing Section. If any changes are made then those changes to be clearly stated in the resolution.

13.2 Accept the report and make no changes to the frequency or type of enforcement undertaken.

Stephen Lonnia
Chief Licensing Officer
November 2013.