

## 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 1<sup>st</sup> November 2011 to 29<sup>th</sup> February 2012.

#### 2.0 BACKGROUND

- 2.1 On 25<sup>th</sup> 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 1<sup>st</sup> November 2011 to 29<sup>th</sup> February 2012

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 Vehicles	Checked No Faults	Defect notice issued	Suspensions	Warning letters	Other
November	17	7	10	0	0	0
December	17	5	12	0	0	0
January	24	11	9	0	2	2
February	21	10	10	0	0	1
<b>TOTALS</b>	<b>79</b>	<b>33</b>	<b>41</b>		<b>2</b>	<b>3</b>

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 Drivers	Checked No Faults	Warning letters/defect notices	Suspensions	Formal Warning	Other
November	9	6	3			
December	5	4	1			
January	21	11	10			
February	5	1	4			
<b>TOTALS</b>	<b>40</b>	<b>22</b>	<b>18</b>			

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.

4.8 The above statics are not a true reflection of the number of vehicles and drivers checked during this period. During the month of December the licensing software was updated to a newer version unfortunately when the upgrade was completed it had corrupted some of the information stored and the enforcement check system seems to have been affected the most.

#### 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 Rudyard Road. This area continues to be of concern for local residents, a number of warning letters and formal warnings have been issued to drivers who have repeatedly transgressed in this particular area. 47 warning letters have been issued to drivers in 2011, for causing a hazard or obstruction on this particular road.
- 5.3 City Road. This is an area of concern for the illegal activity of private hire vehicles plying for hire without a licence, the enforcement team will be carrying on with enforcement in this area, during the next year, although the decline of the venues in the area have affected the trade.
- 5.4 Fulwood Road, this area of concern has been raised by local residents we have not encountered any of problems in this area in the last 6 months, enforcement in this area is now scaled down to reflect this.
- 5.5 Chapeltown – Market Place, this area as with City Road has been identified as a problem area for illegal plying for hire, some covert operations have taken place here and we are now awaiting court dates for potential prosecutions of offenders.

#### 6.0 Prosecutions and Cautions of Offenders

- 6.1 The Private Hire and Taxi Licensing Section has submitted files for prosecution or dealt with the 4 offenders as listed below the trial dates will have been within the time period of this report, but the date of offence may have been prior to the 1<sup>st</sup> November 2011.

#### 6.2

NAME	OFFENCE (S)	OUTCOME
Shahryar Hessmpour	Plying for hire without a licence	Fine £250
	Using a Vehicle uninsured (2 separate Occasions)	Fine £300 6 pts each £500 costs
Gary Bardill	Failure to carry assistance dog	Official Caution
Carmello Caponcello	Failure to declare an offence	Official Caution
Munawar Hussain	Failure to carry assistance dog	£60 Fine £75 costs £15 surcharge

- 6.3 The licensing section has no pending prosecutions for different offences currently awaiting trial dates.

#### 7.0 Multi Agency Enforcement

- 7.1 One Multi Agency event took place within this period with Police officers in attendance on 27<sup>th</sup> January 2012.
- 7.2 On the exercise 21 vehicles were checked by officers. 9 defect notices were issued to drivers for vehicle faults.

## 8.0 Future Multi Agency Enforcement

- 8.1 Taxi Licensing Section have formed working partnerships with Road Traffic Police, VOSA and other Agencies including the Council's own parking services.
- 8.2 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.
- 8.3 Sheffield Officers will be involved in the summer months with a joint exercise at East Midlands Airport. Outcomes will be reported at the next review.

## 9.0 Future Reports

- 9.1 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.
- 9.2 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.
- 9.3 This means that on certain operations and exercises the officers time spent solely on taxi enforcement will be limited.
- 9.4 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.

## 10.0 Financial & Staffing Implications

- 10.1 None in relation to this report.
- 10.2 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.
- 10.3 licence fees are reviewed on an annual basis and this is when the fee's would be adjusted if needed to be.

## 11.0 Recommendations

- 11.1 That members consider the content of this report.

## 12.0 Options

- 12.1 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.
- 12.2 Accept the report and make no changes to the frequency or type of enforcement undertaken.