



SHEFFIELD CITY COUNCIL LICENSING COMMITTEE

Report of: Chief Licensing Officer

Date: 25th July 2013

Subject: Private Hire and Hackney Carriage Licensing

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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 September 2012 to 31st May 2013.

2.0 BACKGROUND

- 2.1 On 25th October 2005, the Licensing Committee (previously 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 Committee (previously 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 September 2012 to 31st March 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 Vehicles	Checked No Faults found	Defect notice issued	Suspensions	Warning letters	Other
September	79	77	2	0	0	0
October	49	39	7	0	3	0
November	37	32	4	0	1	0
December	0	0	0	0	0	0
January	3	0	3	0	0	0
February	74	49	24	1	0	0
March	118	72	44	1	0	1
April	101	48	47	0	1	5
May	163	79	79	0	2	3
TOTALS	624	396	210	2	7	9

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 found	Warning letters/defect notices	Suspensions	Formal Warning	Other
September	57	52	4	0	1	0
October	96	35	57	0	2	2
November	58	4	43	0	4	7
December	19	1	17	0	0	2
January	2	0	2	0	0	0
February	52	35	15	0	0	2
March	38	29	8	0	1	0
April	52	31	19	0	0	2
May	65	23	36	0	2	3
TOTALS	439	210	201	0	10	18

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 number of warning letters and formal warnings have been issued to drivers who have repeatedly transgressed in this particular area.
- 5.3 118 warning letters and 2 Defect notices have been issued to drivers in this period of enforcement activity, for causing a hazard or obstruction on this particular road.
- 5.4 5 formal warnings have been issued, these are issued to drivers who have transgressed in this particular area before and are warned that further problems may lead to a Licensing Sub Committee referral for persistent contraventions. (see Committee referrals below)

6.0 Prosecutions and Cautions of Offenders

- 6.1 There have been no prosecutions during the period of 1st September 2012, and 31st May 2013,
- 6.3 There are at least 3 pending prosecutions for different offences currently awaiting trial dates.

7 Committee referrals and appeals

- 7.1 In the recording period of September 2012 to March 31st 2013, (figures for April and May were not available at the time of writing this report) the Licensing Section has referred 49 cases to the Licensing Sub Committee under the referrals policy.
- 7.2 The Licensing Section has also attended 5 appeals and of those 5 appeals, 2 had their license granted and 3 had their appeal dismissed. In recent reports the Committee have asked for more insight into reasons that appeals are won or lost and what grounds these appeals are heard. Below is a couple of examples of recent cases and the Courts reasons behind its decisions.
- 7.3 One of the recent appeals was in front of a District Judge; below is the grounds given for re-instating drivers or issuing of licenses on appeal, this gives food for thought to Councillors and Officers when making decisions.
- 7.4 Mr X
- 7.5 Mr X was revoked with immediate effect in the interests of public safety on the 28th January. This was on the basis that his solicitor had advised us in December that he'd been sent to prison for six months for the production of cannabis. The revocation pretty much coincided with his release (after serving about 6 weeks due to early release provisions).

- 7.6 The District Judge who dealt with the appeal took the view that the grounds under s61 of the Local Government (Miscellaneous Provisions) Act were not made out in

Mr Ali's case. The only ground which conceivably applied was the 'any other reasonable cause' ground.

- 7.7 He stated had Parliament wanted to take a firm line with drugs offences then the Act could have done so (as it had with offences of a dishonest, violent or sexual nature which it clearly states within in the legislation as reason for refusals). The District Judge, although in no way condoning the production of cannabis, didn't see how the commission of that offence, without anything further, made Mr X unfit to drive a taxi. His appeal was therefore allowed.
- 7.8 Mr Y
- 7.9 Mr Y had his licence revoked by Board on the in February. Although one of the reasons given for revocation was that the Members felt his driving was a risk to passengers and other road users, an immediate revocation was not considered to be necessary in the interests of public safety?
- 7.10 The Defence put considerable weight behind this decision not to revoke immediately, however this was considered by the District Judge and also took the view that any concerns there might have been about his safety had now been addressed by the fact that he'd recently taken some advanced driving lessons evidenced by a letter from a driving instructor. His appeal was therefore allowed.
- 7.11 This is no way a criticism of any of the parties involved in these appeals but are just examples of what occurs when applicants do appeal and what questions the Council are asked (through its officers) on appeals.

8.0 Multi Agency Enforcement

- 8.1 The licensing section took part in a multi agency enforcement activity with South Yorkshire Police over a couple days where the main police operation was to locate uninsured and dangerous vehicles. During the two day enforcement 45 Sheffield licensed vehicles were stopped and checked, 1 vehicle licence was suspended due to a below legal limit tyre, 7 defect notices were issued. 37 vehicles were checked and found to have no faults.

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.
- 9.3 We have two joint Police exercises scheduled within the summer months.

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 Page 57
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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