

Subject: Enforcement Activity Report - 2009

Committee: Licensing Committee (Hackney Carriage)

Date: 11 February 2010

Cabinet Member: Councillor Brookshaw

CMT Member: Director for Community Services

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Part: I

Executive Summary:

This report has been compiled to give the Licensing Committee (Hackney Carriage) an overview of the various aspects of the work undertaken by licensing officers to regulate the activities of the taxi and private hire trade for the benefit of the residents and visitors to Plymouth during 2009.

It is proposed that in future Members receive an annual report at the beginning of each year.

Corporate Plan 2009-2012:

This report links to the delivery of the corporate improvement priorities. In particular:

1. Improving Accessibility (Transport)
 2. Informing and involving residents.
 3. Keeping Children Safe
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Implications for Medium Term Financial Plan and Resource Implications: Including finance, human, IT and land

There are no financial implications associated with this report.

Other Implications: e.g. Section 17 Community Safety, Health and Safety, Risk Management, Equalities Impact Assessment, etc.

Members should be aware that Section 17 of the Crime and Disorder Act 1998 puts a statutory duty on every Local Authority to exercise its various functions with due regard to the need to do all that it reasonably can do to prevent crime and disorder in its area.

Recommendations:

That Committee note the attached report.

Alternative options considered and reasons for recommended action:

None

Background papers:

None

Sign off:

Fin	EM DevF 910006 6	Leg	AG/7 481/1. 2.10	HR		Corp Prop		IT		Strat Proc	
Originating SMT Member : Carol Burgoyne											

Licensing Committee – 11th February 2010

Taxi Enforcement Activity Report – 2009

1.0 Introduction

- 1.1 This report has been compiled to give Licensing Committee (Hackney Carriage) an insight into the work undertaken by taxi enforcement officers and other agencies involved in regulating the Evening and Night Time Economy (ENTE) during 2009. The main policy initiatives conducted during 2009 have been
- Vehicle Emissions Public Consultation
 - Fees
 - Rank review
 - Introduction of a new vehicle plating system
 - VRQ training requirements for all probationary drivers
 - Introduction of new Hackney Carriage Byelaws
 - Delegated decision making for Private Hire Transport Operators and for VRQ extensions
- 1.2 On the 28th July 2008 Council approved the introduction of a Hackney Carriage & Private Hire Licensing Policy that was effective from the 1st November 2008. The policy provided a framework for all future decision making and had regard to the need to modernise following changes to legislation and recent case law. The principle objectives of the new policy were Public and Driver Safety and Health; Vehicle Safety, Comfort and Access; To Prevent Crime and Disorder and to Protect Consumers; and to Encourage Environmental Sustainability.

2.0 Licensing Process

- 2.1 Licensing Officers with administrative support, undertake all aspects of the taxi licensing function covered by the Plymouth City Council Act 1975, Town Police Clauses Act 1847 and associated legislation. These responsibilities cover the regulatory process for the licensing of hackney carriage vehicles and drivers; private hire vehicles and drivers; and private hire operators.
- 2.2 During 2009 officers processed approaching 3000 applications for the range of taxi licensable services including new applications, renewals, transfers, notifications, changes in circumstances (i.e. convictions, change of address etc). The focus of this operation is the taxi licensing desk, located in the Civic Centre that is manned throughout opening hours to process all these requests.
- 2.3 This represented 226 new applications for hackney carriage and private hire driver licences; 498 renewal applications for driver licences; 239 applications for cancellation or surrender and 1340 separate vehicle applications to change or renew the vehicle licences. The rest

include private hire operator licences, restricted driver licences, transfers and special events vehicle licences.

- 2.4 Licensing Committee (Hackney Carriage) held 13 meetings to consider reports dealing with new applicants with relevant convictions, referrals for breaches in discipline and medical exemptions. Members have considered 39 new applications and of those 5 were refused on the grounds that the person was not a 'fit and proper' person to hold a licence.
- 2.5 Members considered 34 referrals for disciplinary breaches where changes in circumstances or convictions called into question their ability or willingness to continue to promote the four licensing objectives. Of those considered 8 driver licences were revoked and 12 suspensions were imposed.
- 2.6 Three appeals were subsequently made to the Magistrates' Court in respect of Members decisions. Two appeals were upheld by the Court (i.e. ruled in the applicants favour) and one appeal was dismissed (i.e. ruled in favour of the Members decision).
- 2.7 By comparing the above mentioned statistics Members will note that based on the number of applications processed during the year only a small percentage have been referred to Committee for decisions as to whether the person is, or continues to be a 'fit and proper person' capable of upholding the licensing objectives stated in the Council's Licensing Policy.

3.0 Enforcement General

- 3.1 A key part of the work is to ensure that legislative requirements are applied to assist in providing a hackney carriage and private hire service that meets the needs and aspirations of the residents and visitors to Plymouth. Taxi enforcement includes a wide range of measures to monitor how drivers interact in a proper manner and that vehicles remain fit for purpose, these measures include;
 - evening and daytime rank patrols
 - roadside vehicle inspection
 - joint enforcement operations
 - customer complaint investigation
 - advice and education
 - provision of information

Rank Patrols

- 3.1.1 Officers undertake daytime and evening rank patrols to assist in ensuring that the trade comply with the operating standards as set out in the licensing policy, conditions of licence, byelaws and other associated regulations to ensure that the owners provide safe vehicles and that driver's apply a reasonable standard of driving when

transporting members of the public. To assist them officers use a range of enforcement options, based on the seriousness of the offence these include the service of the following;

- Immediate Prohibition(to remove defective vehicles from the road)
- Vehicle defect reports (VDR)
- Fixed Penalty Notices
- Referral to Licensing Committee (Hackney Carriage)
- Referral for Prosecution
- Verbal warnings
- General advice and education

- 3.2 Taxi and Private Hire vehicles require a 12 month compliance test and for vehicles of 5 years of age or more, a 6 months test. A compliance test represents an inspection at a 'given point in time' and does not provide a guarantee of roadworthiness for the duration of the certificate. During 2009, officers conducted 350 roadside vehicle inspections checking tyres, for defective lights, cleanliness, damage and functioning taximeters. These inspections resulted in 124 (35%) immediate prohibitions being issued, primarily for defective tyres and lights; a further 134 (38%) vehicle defect reports (VDR) were issued requesting that non-urgent repairs are carried out within a specified time. Members are reminded that these inspections are not always random and frequently the experienced eye will lead an officer to select vehicles where defects may be expected.
- 3.3 Officers work closely with other enforcement agencies including the Police (traffic and licensing), VOSA and other neighbouring local authorities in recognition that the taxi and private hire trades operate cross border and these partnerships contribute towards providing a well-regulated service that contributes to the Evening and Night Time Economy of Plymouth and assists in reducing levels of crime and fear of crime.
- 3.4 Following an awareness publicity campaign to highlight the potential hazards of hiring unlicensed stretch limousines, officers organised a joint evening operation with VOSA and the police to identify unsafe vehicles that were transporting passengers to prom nights during June. The operation resulted in 3 vehicles being taken off the road due to serious faults. The operation received local media publicity prior to and following the operation that which allowed us to promote vehicle safety to parents and schools.
- 3.5 During routine patrols officers also have regard to smoke-free requirements that apply to hackney carriages and private hire vehicles. During 2009 officers issued 18 fixed penalty notices (FPN's) to drivers who were found to be smoking in their vehicles and a further 5 FPN's were issued to drivers for failing to display the appropriate smoke-free signs within their vehicles.

Operation Evershot

- 3.6 Officers participated in two joint enforcement operations with traffic police in July and December 2009, which proved to be very effective in identifying and removing unroadworthy vehicles from the road. In July, of the 86 vehicle inspections, 23 stop notices were issued (26%) and the December of the 77 vehicle inspections, 35 stop notices were issued (45%). The defects were primarily due to tyres below the minimum tread and defective lights.
- 3.7 Although the number the vehicles issued with stop notices was disappointing, the inspection profile from within the trade was invaluable, the level of publicity obtained through press releases and radio interviews was effective in promoting driver self-awareness that daily vehicle checks are essential and also by raising our profile users should bring incidences of bad practice to our attention.

6.0 Training and Awareness

- 6.1 Officers have sought to provide all drivers with the relevant information to ensure that they remain up-to-date with current operating practices. This is undertaken by the production of information sheets that are distributed in a number of ways, by hand, by post and by posting on the Council website.
- 6.2 The introduction of the VRQ training requirement for all new probationary drivers has proved an effective measure for ensuring that all new drivers achieve a similar standard by passing a qualification in Transporting Passengers by Taxi and Private Hire. Since the introduction of the licensing policy officers have also worked with the trade and local training providers to encourage existing drivers to undertake a qualification and take advantage of favourable funding opportunities rather than wait until the qualification becomes mandatory.

7.0 Work Initiatives for 2010

- 7.1 Officers will continue to undertake routine and targeted enforcement operations to ensure that the taxi and private hire trades promote the licensing objectives thereby providing an efficient and flexible service that contributes positively towards supporting a vibrant, well regulated Evening & Night Time Economy.
- 7.2 Joint operations with other enforcement agencies such as the traffic police will continue to target unsafe vehicles. Where repeat offending is identified officers will continue to bring the offenders before Licensing Committee in order for Members to consider whether the person is 'fit and proper' to remain a licensed driver. Officers will continue to liaise with trade groups to promote vehicle safety and personal driver

responsibility and investigate other ways for improving vehicle standards.

- 7.3 Officers are committed to reviewing the Licensing Policy in order to ensure its on-going effectiveness in regulating the taxi and private hire trade. It is intended to run a public consultation in order to obtain the widest range of views including those from trade, interested parties, groups and organisations that rely on this public service transport provision.

8.0 Conclusion

- 8.1 This report has sought to provide members with insight into the range of work initiatives and enforcement techniques that officers have used during 2009 to regulate the licensed taxi and private hire trades within Plymouth. In addition to highlight the major initiative planned over the next 12 months and how we interact with partner agencies to ensure that resources are targeted effectively.