

## CITY OF PLYMOUTH

**Subject:** Taxi Enforcement Activity Report - 2010

**Committee:** Licensing Committee (Hackney Carriage)

**Date:** 3 February 2011

**Cabinet Member:** Councillor Brookshaw

**CMT Member:** Director for Community Services

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**Ref:** ERS/LIC/PREM

**Key Decision:** No

**Part:** I

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### **Executive Summary:**

This is the second report of its kind and has been compiled to give the Licensing Committee (Hackney Carriage) an overview of the various aspects of the work undertaken by the Taxi Licensing Team in regulating the activities of the taxi and private hire trades, for the benefit of the residents and visitors to Plymouth during 2010.

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### **Corporate Plan 2010 – 2013 as amended by the four new priorities for the City and Council:**

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

Improving access across the City

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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.

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### **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.

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**Recommendations and Reasons for recommended action:**

That Committee note the attached report.

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**Alternative options considered and reasons for recommended action:**

None

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**Background papers:**

None

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**Sign off:**

Fin		Leg	<b>AG/10701/ 20.1.11</b>	HR		Corp Prop		IT		Strat Proc	
Originating CMT Member : Carol Burgoyne											

## **Taxi Enforcement Activity Report – 2010**

### **1.0 Introduction**

1.1 This annual report has been compiled to give Licensing Committee (Hackney Carriage) an update of the work undertaken by the Taxi Licensing Team and other agencies involved in regulating the hackney carriage and private hire trades.

1.2 On the 28<sup>th</sup> July 2008 Council approved the introduction of a Hackney Carriage & Private Hire Licensing Policy effective from the 1<sup>st</sup> November 2008. The policy provided a framework for all future decision making having regard to changes in legislation and recent case law. The principle objectives of the policy are

- Public and Driver Safety and Health
- Vehicle Safety, Comfort and Access;
- To Prevent Crime and Disorder and Protect Consumers
- To Encourage Environmental Sustainability

1.3 The main policy initiatives undertaken during 2010 are set out below:-

- Hydrogen fuel cell technology
- Fees
- Rank review
- On line Privacy Policy
- VRQ training requirements for all probationary drivers
- Preparation for a possible review of the Licensing policy

### **2.0 Main Initiatives During 2010**

Hydrogen fuel cell technology

2.1 The Licensing Policy adopted a vehicle emissions policy that set EURO technology standards to be applied to all vehicles after specified dates, these are;

- Vehicles licensed after the 1<sup>st</sup> April 2009 must comply with Euro II technology standards
- Vehicles licensed after the 1<sup>st</sup> April 2010 must comply with Euro III technology standards
- Vehicles licensed after the 1<sup>st</sup> April 2012 must comply with Euro IV technology standards

2.2 This policy was the subject to a further separate public consultation during 2009 and after due consideration the Cabinet Member responsible for taxis, under delegated decision, approved that the policy should remain unchanged.

2.3 Last year a local company has promoted a device that uses hydrogen fuel cell technology as a purports to reduce carbon dioxide and other exhaust emissions to levels that when fitted negates the need to

replace a vehicle to comply with the technology standards set out above. Officers took the decision not to reject the technology but to seek further expert advice and in the meantime to accept the installation of these devices in good faith until such time as whether or not the device could be properly accredited. If satisfactory accreditation is not forthcoming then the device will not be accepted and all vehicles that have had the device fitted will be requested to remove the device within a specified time to comply with the existing vehicle specifications.

#### Fees

- 2.4 Following detailed discussions with hackney carriage trade representatives on measures to balance the trade account, a report was considered by Members in March, when an increase of 10% was approved. A further annual report will be presented to Members in due course to ensure that the fees table is appropriately adjusted to ensure a balanced account within 3 years. The Private Hire account currently remains in surplus.

#### Rank Reviews

- 2.5 Officers coordinated a rank review for the Barbican and Park St, Devonport during 2010 and the results of the public consultations are currently being considered. A further report will be prepared for Cabinet Member for consideration in due course. It is fair to say that both have raised complex issues that require detailed consideration so that needs and aspirations of the users of the night time economy, licensed premises, local residents and businesses remain balanced.

#### On-line Privacy policy

- 2.6 Members will be aware that the Council is required to maintain a public register and in keeping with current eGov provisions the Council has an online licensing public register allows remote access. Officers received representations from two licensed drivers requesting that their names are withheld due to personal circumstances. Following protracted deliberations in consultation with the Corporate Information Officer and the software provider an Online Privacy Policy was developed that set out the Council's policy towards providing access to online public register information and lays down the procedure to be followed where an individual may request that their details is withheld.

#### VRQ training requirements for all probationary drivers

- 2.7 Members will be aware that since 1 November 2008 all drivers issued with a probationary drivers licence are required to complete a VRQ (or equivalent) training qualification in Transporting Passengers by Taxi and Private Hire within the 12 months of first being issued with a licence. Officers have recently completed a comprehensive review of all drivers issued with a probationary licence since the inception of this policy and apart from a few exceptions all probationary drivers have complied. Officers are currently speaking to those drivers who have not complied with this requirement to ensure compliance.

Due to the availability of subsidised training opportunities it is evidence that many existing drivers have also taken advantage and have also completed a course.

### **3.0 Licensing Process**

3.1 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 of licensing hackney carriage vehicles and drivers; private hire vehicles and drivers; and private hire operators.

3.2 During 2010 officers processed approaching 3298 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 that is manned during Council opening hours.

3.3 This represented 178 new applications for hackney carriage and private hire driver licences; 542 renewal applications for driver licences; 296 applications for cancellation or surrender and 1650 separate vehicle applications that include new, changes and renewals. The remaining includes private hire operator licences, restricted driver licences, transfers and special events vehicle licences. This represents an overall increase of approximately 300 when compared with last year figures.

3.4 Licensing Committee (Hackney Carriage) held 11 meetings throughout 2010 to consider reports dealing with new applicants with relevant convictions, referrals for breaches in discipline and medical exemptions. Members considered 25 new applications and of those 2 were refused on the grounds that the person was not a 'fit and proper' person to hold a licence. Members considered 29 referrals for disciplinary breaches where convictions called into question the ability or willingness of a licensed driver to remain 'fit and proper' and be able to continue to promote the licensing objectives. Of those considered, 5 drivers had their licences revoked, 13 suspensions were issued and 7 were additionally required to retake their driving standards test or obtain a VRQ or equivalent training qualification.

3.5 Three appeals were subsequently submitted to the Magistrates' Court and Crown Courts in respect of Members decisions. All three appeals were dismissed (i.e. ruled in favour of the Members decision).

### **4.0 Enforcement Options**

#### General

4.1 A key part of the enforcement strategy is to ensure that Officers apply regulatory standards to the hackney carriage and private hire trades so that they meet the needs and aspirations of the travelling public. To

assist in maintaining passenger safety, the Council appointed a third Taxi Enforcement Officer in the October of last year.

4.2 A range of enforcement measures are used to ensure that drivers and their vehicles maintain a minimum safety standard, these measures include;

- evening and daytime rank patrols
- roadside vehicle inspections
- joint enforcement operations
- complaint investigation
- advice and education
- provision of advice and information

#### Patrols

4.3 Officers undertake hi-viz daytime and evening patrols to ensure that the hackney carriage and private hire trades comply with the standards outlined in the Licensing Policy, conditions of licence and byelaws; and other associated regulations. The objective is that the proprietors provide safe licensed vehicles and that driver's provide the standard of driving and customer care expected when transporting passengers.

4.4 During the course of these patrols officers use a range of enforcement options these include the following;

- Immediate Prohibition (served to remove unsafe vehicles from the road)
- Vehicle defect reports (served to notify the proprietor/driver of less serious works that require resolution within a specified time)
- Fixed Penalty Notices (for smoking offences)
- Referral to Licensing Committee (Hackney Carriage)
- Referral for Prosecution
- Verbal and written warnings
- General advice and education

4.5 Taxi and Private Hire vehicles require a 12 month compliance test and for vehicles of 5 years of age or more, a 6 months compliance 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. To maintain vehicle safety standards Officers undertake roadside visual inspections to identify licensed vehicles that fall below these specified safety standards. During 2010, officers conducted **526** roadside vehicle inspections checking for unsafe tyres, defective lights, cleanliness, damage and functioning taximeters. These inspections resulted in 158 (30%) immediate prohibitions being issued, primarily for defective tyres and lights; a further 171 (32%) vehicle defect reports were issued requesting that non-urgent repairs are carried out within a specified time. These visual inspections are not always random and

frequently the experienced eye will lead an officer to select vehicles where defects are likely to be found.

- 4.6 Although the number of immediate prohibition notices issued with stop notices remains disappointingly high, this high profile approach lets the trade know that unsafe vehicles will not be tolerated and promotes awareness that all drivers should undertake a daily vehicle check before carrying passengers.
- 4.7 There has been a significant increase in the overall number of roadside vehicle inspections then compared with 2009 (2009 – 350; 2010 – 526). The number of roadside inspections has increased as Officers consider this enforcement option as very effective in identifying potentially unsafe licensed vehicles. The percentage of immediate prohibition notices (35% to 30%) and vehicle defect notices (39% to 32%) issued has reduced slightly from when compared with 2009. However, they remain significantly high and Officers will continue to carry out roadside inspections and work with the trade to reduce the percentage of failure rate. In addition one further successful prosecution was taken against an uninsured driver.
- 4.8 During routine patrols officers also have regard to smoke-free requirements that apply to hackney carriages and private hire vehicles. During 2010 officers issued 29 fixed penalty notices (FPN's) to drivers who were observed smoking in their licensed vehicles and a further 1 FPN's was issued to a driver for failing to display the appropriate smoke-free signs within the vehicle.
- 4.9 There were 3 occasions where a driver has not taken the opportunity to discharge the offence by the payment of a fine or opted not to accept the FPN. In these cases 2 were subsequently successfully dealt with in the Magistrates Court.

#### Operation Evershot

- 4.10 Officers continue to work closely with other enforcement agencies in particular the traffic police. During these specific joint enforcement operations 80 roadside vehicle inspections were undertaken when 29 (36%) immediate prohibitions and 22 (28%) vehicle defect notices were issued. These numbers remain reasonably consistent with the overall percentage failures stated above. During these operations the Police also use their own enforcement powers by issuing fixed penalties for offences such as bald tyres and tinted glass offences. These operations have been very successful in promoting combined enforcement operations with the trade.

#### Insurance Checks

- 4.11 Drivers are currently able to operate with short term insurance cover. It has been suspected that drivers could be working without insurance cover where regular payments are not maintained. Three joint

enforcement operations with the police were undertaken during 2010 where the Police Officer could carry out the appropriate real time insurance checks. 41 checks were carried out and to date no uninsured vehicles have been identified. Further operations will be undertaken during 2011.

#### Plying for Hire

- 4.12 Officers coordinated a plying for hire test purchase operation in December to identify any private hire drivers who were prepared to take a fare that had not been pre-booked. The operation was successful in that no driver was identified as being prepared to take such a booking.

#### Training and Awareness

- 4.13 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 during routine patrols where Officers are able to answer questions and where appropriate hand out specialist information sheets that are also available on the Council licensing website.

### **5.0 Work Initiatives for 2011**

- 5.1 Officers will continue to undertake routine and targeted enforcement operations to ensure that the taxi and private hire trades promote the licensing objectives to provide an efficient and flexible service that contributes positively to the transport needs to the local population.
- 5.2 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 Committee for Members to consider whether the driver remains 'fit and proper' to hold a licence. Officers will continue to liaise with trade groups to promote vehicle safety and personal responsibility and investigate other ways to improve vehicle standards.
- 5.3 Subject to work demands the Licensing Policy will be the subject of review during 2011, to ensure that it remains effective in regulating the taxi and private hire trades. It is intended to run a public consultation to obtain the widest range of views including those from the trade, interested parties, disability groups and other organisations that rely on this transport sector.
- 5.4 The Council currently operates a limit on the number of hackney carriage licences issued and this policy will need to be the subject of a public consultation over the next few months. Having considered all relevant representations, if the Council decide to retain a limit then an unmet demand survey will then be commissioned to satisfy the need for such a policy.



5.5 Officers will continue to explore ways of improving rank provision throughout the City. Public consultations for the Barbican and Park St, Devonport have recently ended and Officers are currently considering the representations submitted and will prepare a further report for Cabinet Member consideration in due course.

## **6.0 Conclusion**

6.1 This report has sought to provide members with an insight into the range of work initiatives and enforcement options that Officers use to regulate the licensed hackney carriage and private hire trades within Plymouth. It also highlights the major policy initiatives planned for the next 12 months and how we will continue to interact with partner agencies to ensure that resources are targeted effectively.