

CITY OF PLYMOUTH

Subject: Enforcement Activity Report - 2011

Committee: Taxi Licensing Committee

Date: 7 June 2012

Cabinet Member: Councillor Coker

CMT Member: Director for Place

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Part: I

Executive Summary:

This is the third report of its kind and provides an overview of the work undertaken in licensing and regulating the hackney carriage and private hire trades, for the benefit of the residents and visitors to Plymouth. The report provides a summary for activity throughout 2011 up to the 31 March 2012.

Corporate Plan 2012 - 2015:

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

Improving access across the City

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:

Committee note the attached report.

Alternative options considered and reasons for recommended action:

None

Background papers:

Hackney Carriage and Private Hire Licensing Policy

Hackney Carriage and Private Hire Emissions Policy 2012

Sign off:

Fin		Leg	AG/147 63/21.5. 12	HR		Corp Prop		IT		Strat Proc	
Originating SMT Member : Anthony Payne											

Taxi Enforcement Activity Report – 2011

1.0 Introduction

- 1.1 This report has been compiled to give the Taxi Licensing Committee an overview of the work undertaken by the Taxi Licensing Office in regulating the hackney carriage and private hire trades in Plymouth during 2011 up to the 31 March 2012.
- 1.2 On the 28 July 2008 Council approved the introduction of a Hackney Carriage and Private Hire Licensing Policy effective from the 1 November 2008. The policy provided a decision-making framework where the guiding principle licensing objectives 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 2011 up to the 31 March 2012 are set out below:-
- Review of the Vehicle Emissions Policy
 - Annual review of Licence Fees
 - Review of hackney carriage Table of Fares (tariff)
 - Review of the hackney carriage Quantity Limit
 - Barbican Rank Review
 - New Knowledge of Plymouth test
 - Preparation for a review of the Hackney Carriage and Private Hire Licensing policy

2.0 Policy Initiatives

2.1 Review of the Vehicle Emission Policy

The Licensing Policy adopted by Council on the 28 July 2008 set out a phased introduction of vehicle engine improvements so that all vehicles licensed after the 1st April 2012 would comply with Euro 4 technology standards. The reason for the phased approach was to minimise any financial burden on the trade whilst contributing to improving air quality.

The City currently has two Air Quality Management Areas (AQMA's) covering the Mutley Plain and Exeter St areas and both have identified nitrogen dioxide as the problem pollutant of concern. Although there are several different contributing sources of this gas in Plymouth, the main source is that emitted by vehicle engines. Nitrogen dioxide pollution from vehicles is greatest when cars are stationary or travelling at very slow or high speeds (in excess of 60mph).

In these areas low speeds are the main problem as it takes longer for a vehicle to travel through the affected area and concentrations of gases therefore take longer to disperse.

- 2.2 Due to the economic climate the vehicle emissions policy has been the subject of two further reviews. In 2009, the Cabinet Member responsible for taxis, under delegated decision, decided that the policy should remain unchanged.

Further representations were made by the trade during 2011 and after careful consideration of all the evidence available at that time, the Cabinet Member responsible for taxis, under delegated decision, decided to amend the emissions policy. The main change was to extend the requirement to comply with Euro 4 technology standards, for existing licenced vehicles, by 3 years until 1 April 2015.

2.3 Licence Fees

Detailed discussions took place with hackney carriage trade representatives during 2011, on the measures to be taken to balance their trade account. Members considered a report in September 2011 and subsequently approved a revised table of fees in December 2011 to be implemented on the 1 January 2012. The main objective is to ensure that the fees table was appropriately adjusted to achieve a balanced account by 2013/14. Further annual reports will be presented to Members to ensure that the fees table is appropriately adjusted to ensure that this objective is achieved and then maintained.

2.4 Hackney Carriage Table of Fares (Tariff)

Following detailed discussions with hackney carriage trade representatives during 2011 a revised table of fares schedule in November 2011 which was implemented on the 1 December 2011. Officers will review the need for further amendment of the table in discussion with the trade in 2012.

2.5 A Review of the Hackney Carriage Quantity Limit

Historically the Council have maintained a quantity limit on the number of hackney carriages that it will licence; the current limit is 367. This policy should be the subject to regular review and an unmet demand survey has recently been completed by Amey. Officers are currently preparing a report for Council based on their findings.

2.6 Hackney Carriage Rank Review

The adequacy and provision of rank space throughout the City is subject to regular review and Officers have conducted a rank review of the Barbican and Park St, Devonport. The results of the public consultations were considered and it was evident that a variety of complex issues existed that required detailed analysis so that needs and aspirations of the users of the night time economy, licensed premises, taxi drivers, local residents and businesses were equally considered.

The representations included concerns such as increased vehicle pollution; loss of available resident parking; need; road safety; heritage and conservation and cost. In conclusion one additional four vehicle rank was approved by delegated decision and this will be located outside the Barbican Mayflower Centre.

To gain approval for new ranks in locations where there is demand, whilst satisfying specific road safety concerns, the city centre long-term aspirations, the hackney carriage trade, residents and local businesses objections is a complex process that requires time and due consideration. Officers will continue to explore new suggestions and other options such as hailing points.

For example a proposal to install a rank at the top of Cornwall St in the pedestrianized area in the vicinity of the Drake shopping mall and Marks & Spencer has always been a preferred location of the trade. Officers recently commissioned a road safety report to investigate the options and the report concluded that a new rank should not be sanctioned in this location as it would increase the number of vehicles accessing a pedestrian zoned area. There are existing ranks in Old Town St, Charles St and Mill St that should meet the needs of shoppers in this area.

Officers have recently concluded a review of the condition of all existing ranks and are implementing an upgrade programme to ensure that they remain properly marked and signed.

2.7 New Knowledge of Plymouth Test

All new drivers are required to undertake a Knowledge of Plymouth written test as one of the pre-requisites to obtaining a probationary licence. The test is designed to test an applicant's knowledge of Plymouths roads and venues and their ability to transport a paying customer by the shortest available route. To introduce a 'locality criteria' the test was expanded to have regard to the following criteria.

- A greater relevance to routes
- To test the applicants local knowledge by asking additional questions concerning which building or attraction would be passed enroute (this was designed to make sure that the applicant knew the area and not solely rely on an A to Z map)
- To include questions on law and conditions
- To include questions on customer care

The revised papers were introduced from in August 2011 and have received favourable feedback from training schools and other interested parties and the percentage of failures has noticeably increased.

In tandem with the review of the written test, Officers are reviewing the Driving Standards Test with the intention of expanding the testing criteria to include the practical assessment of the professional skills required of a licensed driver, such as;

- Attitude under pressure
- Professional Appearance

- Map reading skills
- Communication skills
- Professional attitude
- Money handling skills
- Customer care

2.8 Hackney Carriage and Private Hire Licensing Policy

Officers have continued to prepare for a review of the Hackney Carriage and Private Hire Licensing Policy and all its associated conditions of licence and specifications, which will be the subject of a public consultation in the near future. Following the public consultation Officers will prepare a report to be submitted to Cabinet and then Council. The main consultation points are to review the following areas;

- Vehicle specifications
- Driving standards test
- Medical exemptions policy
- CCTV in licensed vehicles
- Advertising on vehicles
- Guidelines of the relevance of convictions
- Scheme of delegations
- Consideration of specifications for horse-drawn omnibuses and rickshaws
- Consideration of long wheel based hackney carriage vehicles
- A restriction on Private Hire Operators using the words 'taxi' or 'cab' in their company name.
- Review of window tints

The Law Commission are currently undertaking a major public consultation and the outcome of this consultation will be considered as part of this review.

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 2011 up to 31 March 2012, officers processed 4400 transactions which included a range of taxi licensable services including driver and vehicle applications new applications, renewals, transfers, notifications, suspensions, 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 The Taxi Licensing Committee held 16 meetings to consider reports dealing with new applicants with relevant convictions, referrals for breaches in discipline and medical exemptions. Members considered 26 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. Members considered 39 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, 6 drivers had their licences revoked, 23 suspensions were issued and 8 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 in respect of Members decisions and all three appeals were dismissed.

4.0 Enforcement Options

4.1 General

Licensing Officers regulate the hackney carriage and private hire trades to ensure that drivers and vehicles comply with legislative provisions so that they provide a service that achieves the needs and aspirations of the travelling public.

- 4.2 A range of enforcement strategies are used to regulate drivers and vehicle standards, these measures include;

- evening and daytime rank patrols
- roadside vehicle inspections
- joint enforcement operations
- complaint investigation
- advice and education
- issue of guidance notes

4.3 Patrols

Officers undertake high visibility 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 that would be reasonably expected from the travelling public.

- 4.4 During the course of these patrols officers use a range of enforcement tools, these include;

- General advice and education
- Verbal and written warnings
- Immediate Prohibition (the removal of unsafe vehicles from the road)
- Vehicle defect reports (notification of less serious defects that require resolution within a specified time)

- Fixed Penalty Notices (for smoking offences)
- Referral to Taxi Licensing Committee (for breaches of conditions)
- Prosecution

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' but does not provide a guarantee of roadworthiness for the duration of the certificate. Officers undertake roadside visual inspections to identify any licensed vehicle that falls below these specified safety standards. Enforcement officers conducted 708 roadside vehicle inspections during this period, checking for worn tyres, defective lights, cleanliness, damage and functioning taximeters. These inspections resulted in 203 (28%) immediate prohibitions being issued, primarily for defective tyres and lights; a further 199 (28%) vehicle defect reports were issued requesting that non-urgent repairs are carried out within a specified time. These visual inspections are not random as frequently an experienced eye will lead an officer to select a vehicle where defects are likely to be found.

Detailed statistics have now been kept for the last 5 years and in that time there has been a gentle downward trend concerning the issue of immediate prohibition notices. This is attributable to a number of factors that include the decrease in the average age of the fleet due to the phased introduction of the emission policy, the publicity gained from the increased number of inspections undertaken and general awareness of the trade towards vehicle safety. For example, the phased introduction of the vehicle emission standards since 2008 has removed all Euro 1 and Euro 2 (other than those which have been fitted with an adaption kit to operate to a Euro 3 specification) from the fleet.

- 4.6 Although the number of immediate prohibition notices issued remains disappointingly high, the hackney carriage and private hire trades are aware that roadside vehicle inspection is undertaken and that all unroadworthy vehicles will be taken off the road and that all drivers should undertake a daily vehicle check before carrying passengers.
- 4.7 Officers also have responsibility for enforcing smoke-free requirements that apply to hackney carriages and private hire vehicles. During 2011 up to 31 March 2012, officers issued 42 fixed penalty notices (FPN's) to drivers who were observed smoking in their licensed vehicles. There were 4 occasions where a driver has not taken the opportunity to discharge the offence by the payment of a FPN or opted not to accept the FPN.
- 4.8 Officers continue to work closely with other enforcement agencies in particular the police and regular joint enforcement daytime and night time patrols were undertaken. These operations have been very successful in promoting combined enforcement operations with the trade. A specific operation was also undertaken throughout February and March with police officers attached to the City Centre to address problems with hackney carriage drivers over-ranking in areas such as the Barbican, Mutley Plain and Union St. Taxi Enforcement Officers teamed up with police officers and

PCSOs at weekends to address the problem and will continue with on-going regular joint patrols to ensure that the problem is controlled.

4.9 Training

At the request of the police, Officers attended Police Headquarters at Middlemoor, Exeter and undertook a training seminar for selected Police Officers from across the Devon and Cornwall force. The seminar was well received and it is hoped that this will help establish better links between the police and other local authorities throughout the area.

4.10 Plying for Hire

Officers coordinated a plying for hire test purchase operation in June 2011 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.

4.11 Training and Awareness

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 2012**

- 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 police will continue as an efficient use of resources to ensure that the trade continue to be reminded of their obligation to provide a safety means to passenger public transport and not to cause nuisance.
- 5.3 Changes to the Hackney Carriage and Private Hire Licensing Policy and all its associated conditions of licence and specifications will be the subject of a public consultation; the public consultation will hopefully obtain the wide range of views including those from the trade; local residents and businesses; disability groups and other organisations that rely on this transport sector.
- 5.4 Officers will submit a report to Council outlining an option appraisal regarding the hackney carriage quantity limit. The report will incorporate the results of the public consultation and the unmet demand survey
- 5.5 Officers will continue to explore ways of improving hackney carriage rank provision throughout the City.
- 5.6 Law Commission for England and Wales which advises the Government on law reform is currently consulting on changes that should be made on how the hackney carriage and private hire trades should be regulated in future. The outcome of this review will shape the way in which future legislation will be drafted.

As Plymouth has its own act (Plymouth City Council Act 1975) officers are acutely aware that we put forward our views to ensure that we can be included in any future enactments. The deadline for responses is the 10 August 2012.

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.