

## **ENFORCEMENT UPDATE**

### **1. Purpose of Report**

The purpose of this report, is to provide Members with an overview of the work Licensing Enforcement Officers have undertaken to date.

### **2. Background**

Members are minded to note, that since the last update in September 2013, Licensing Enforcement Officers have continued to proactively embark on a number of taxi licensing enforcement operations. A summary of enforcement operations undertaken are detailed below.

### **3. Current Position**

On 20 September 2013, Licensing Enforcement Officers alongside Vehicle Examiners from the Smithies Lane Depot, took part in a three day operation focusing their attention on a series of licensed operators. On the first day a total of 45 licensed vehicles (both hackney carriage and private hire) were inspected, the results of which are as follows:

- 35 vehicles found to be compliant
- 10 vehicles issued with a suspension notice for dangerous defects i.e. defective tyres below the legal limit, front and near side lights inoperative of which 6 drivers issued with a written warnings for a variety of reasons i.e. failing to complete daily check sheet or poor cleanliness to vehicle interior

Taking the above into account, Members will note that 22% of vehicles inspected were found to be non-compliant and as a result, suspended with immediate effect. In addition to this, 13% of drivers were issued with a written warning for reasons that could have been simply avoided through the

completion of a daily inspection check sheet or maintaining their vehicle in a clean and tidy manner.

On 21 September 2013, a second operation took place between Licensing Enforcement Officers and again colleagues from Smithies Lane Depot, targeting licensed operators whose vehicles persistently fail their MOT test. In total, 43 licensed vehicles (both hackney carriage and private hire) were inspected, the results of which are as follows:

- 35 vehicles found to be compliant
- 8 vehicles issued with a suspension notice for dangerous defects i.e. defective tyres below the legal limit, side and brake lights inoperative, partial vehicle signage displayed and passenger window inoperative of which 4 drivers were issued with a written warning for displaying licence plate in rear window of vehicle or failure to complete vehicle check sheet

Taking the above into account, Members will note that 18% of vehicles inspected were found to be non-compliant and as a result, suspended with immediate effect and 9% of drivers issued with a written warning.

On 22 September 2013, the final of the three day joint working enforcement operation took place, again involving Enforcement Officers from the Licensing Service and Vehicle Examiners from Smithies Lane Depot. During the inspections a total of 20 licensed vehicles (both hackney carriage and private hire) were inspected, the results of which are as follows:

- 10 vehicles found to be compliant
- 10 vehicles issued with a suspension notice for dangerous defects i.e. defective tyres below the legal limit, external accident damage to vehicle, side and brake lights inoperative and rear seat belt inaccessible of which 2 drivers were issued with a written warnings for displaying licence plate in rear window of vehicle or failure to complete vehicle check sheet

Taking the above into account, Members will note that 50% of vehicles inspected were found to be non-compliant and as a result, suspended with immediate effect and 10% of drivers issued with a written warning. Again, drivers were issued with written warnings for reasons that could have been simply avoided through the completion of a daily inspection check sheet.

On 20 October 2013, a further three day operation took place involving Licensing Enforcement Officers alongside Vehicle Examiners from the Smithies Lane Depot. The purpose of the operation was to continue inspecting as many of the 92 licensed operators located within the Barnsley borough. It is important sufficient time is taken to inspect each and every business to ensure compliancy. During the first day only a small proportion of vehicles were available for inspection. In total 5 vehicles were inspected, and the results are detailed as follows:

- 2 vehicles found to be compliant
- 3 vehicles issued with a suspension notice for dangerous defects i.e. defective tyres below the legal limit
- No written warnings issued

Taking the above into account, Members will note that 60% of vehicles inspected were found to be non-compliant and as a result, suspended with immediate effect.

On 21 October 2013, a second operation took place between Licensing Enforcement Officers and again colleagues from Smithies Lane Depot. In total, 10 licensed vehicles (both hackney carriage and private hire) were inspected, the results of which are as follows:

- All vehicles found to be compliant
- 1 driver issued with a written warning for failure to complete vehicle check sheet

On this occasion, Officers were pleased to report that every vehicle inspected was found to be compliant. This is an excellent result, as Officers within the Licensing Service are more concerned with compliancy and are determined to see existing vehicle suspension and MOT failure rates improve, in a bid to drive up standards.

On 22 October 2013, the final of the three day joint working enforcement operation took place, again involving officers from the Licensing Service and Vehicle Examiners from Smithies Lane Depot. During the inspections, in total, 7 licensed vehicles (both hackney carriage and private hire) were inspected, the results of which are as follows:

- 6 vehicles found to be compliant
- 1 vehicle issued with a suspension notice for rear passenger window taped up to prevent opening and drivers window not opening fully with 1 written warning issued to the proprietor of the vehicle issued with a suspension notice for failure to complete vehicle check sheet

Taking the above into account, Members will note that 14% of vehicles inspected were found to be non-compliant and as a result, suspended with immediate effect and 14% of drivers issued with a written warning. Members will note the alarming nature behind the suspension of the licensed vehicle. These are both serious and unacceptable conditions to operate a licensed vehicle; a vehicle that is licensed to transport members of the paying public to their destination safely.

On 13 December 2013, Licensing Enforcement Officers alongside Vehicle Examiners from the Smithies Lane Depot, took part in an intensive operation at the direct request of one of Barnsley's largest licensed operator. Enforcement Officers and Vehicle Examiners worked collaboratively inspecting a high volume of vehicles in a bid to ensure compliancy. In total, 51 licensed vehicles, the majority of which were private hire vehicles, were inspected, results of which are detailed below:

- 39 vehicles found to be compliant
- 12 vehicles issued with a suspension notice for inoperative side lights, inoperative number plate lights and faulty front passenger seat belt with 1 driver issued with a written warning for failing to complete vehicle check sheet and displaying licence plate in rear window of vehicle

Taking the above into account, Members will note that 23% of vehicles inspected were found to be non-compliant and as a result, suspended with immediate effect. In addition to this, 2% of drivers were issued with a written warning for reasons that again could have been simply avoided through the completion of a daily inspection check sheet.

Vehicle non-compliance is not just an issue Officers are concerned with during the undertaking of each and every enforcement operation; it is one that continues to be at the forefront of every Vehicle Examiners mind whilst undertaking an MOT test. Officers within the Licensing Service were alarmed to report in its last update that vehicle failure rates had peaked at 80%. This was both a shocking and appalling statistic and one, both Enforcement Officers and fellow colleagues from Smithies Lane Depot have chosen not to ignore. Defective tyres are not acceptable, failure to complete a basic vehicle check sheet, a check sheet that not only the Trade requested to complete but a tool that ensures the very safety of a licensed vehicle, is not acceptable.

#### **4. Proposal**

Proactive enforcement operations like these will continue to take place on a quarterly basis and since the submission of its last enforcement update report, the Licensing Service is pleased to report that current vehicle failure rates have reduced by 30% and currently stand at 50%. Whilst this statistic remains at an unacceptable level and continues to harbour great concerns amongst those driven to combat such ill failings, the message that operators, vehicle proprietors and drivers must begin to accept responsibility for their failures and make a change.

Failure to do so, will only continue to put the safety of the public at risk when using a hackney carriage or private hire vehicle in Barnsley.

After all, the principal consideration here must be one of public safety.

**5. Background Papers**

Enforcement Officer Reports which contain exempt information and not available for public inspection

**6. Officer Contact**

Kate Liddall

X 4258