

**Report of the Assistant Director to the
General Licensing Regulatory Board
to be held on the 23 December 2015**

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 enforcement update, 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 15 October 2015, Licensing Enforcement Officers alongside Internal Audit and Vehicle Examiners from the Smithies Lane Depot took part in a morning time operation at Greenacre School focusing their attention on licensed vehicles undertaking home to school transport contracts. Given the time period upon which the passengers arrived, the duration of the exercise was short and only a small number of licensed vehicles inspected. In total 3 licensed vehicles were inspected, including 1 Hackney Carriage and 2 Private Hire, the results of which are detailed as follows:

All 3 vehicles found to be compliant.

During the same inspection, 1 driver was issued with a written warning for the following:

- failing to complete the required daily check sheet in accordance with conditions of the vehicle licence

On 5 November 2015, a second operation took place involving Licensing Enforcement Officers, Internal Audit, Cllr C Wraith MBE & Cllr S Green and Vehicle Examiners from the Smithies Lane Depot. Again, this operation focused its attention on a number of licensed vehicles undertaking home to school contracts. Members are minded to note that both this and the previous operation (dated 15 October 2015) had been instigated at the request of the Council's Internal Audit Department, as part of its review into the home to school contract system and Licensing policies and procedures. Each operation was designed to ensure both driver and vehicle compliancy. In total 34 licensed vehicles were inspected, including 2 Hackney Carriage and 32 Private Hire, the results of which are detailed as follows:

16 vehicles were found to be compliant and 16 vehicles were issued with immediate suspension notices for defects including:

- Inoperative head lights
- Inoperative side lights
- Inoperative brake lights
- Inoperative number plate lights
- Inoperative horn

In addition to the above advice was also given in relation to:

- Cleanliness
- Tyres being close to the legal limit

During the operation 3 drivers were also issued with written warnings for the following:

- failing to complete their daily vehicle inspection sheets and failing to display driver ID badge in accordance with conditions of both vehicle and driver licence

Taking the above into account, Members will note that over 50% of private vehicles inspected during this operation were found to be non-compliant and as a result, suspended with immediate effect.

With reference to the Hackney Carriage vehicles, it was pleasing to note that both vehicles inspected were compliant.

On 27 November 2015, Licensing Enforcement Officers alongside Cllr C Wraith MBE & Cllr S Green, Vehicle Examiners from the Smithies Lane Depot and South Yorkshire Police Traffic Unit took part in a night time operation focusing their attention on all licensed vehicles. In total 41 licensed vehicles were inspected including a combination of both hackney carriage and private hire vehicles.

36 vehicles were found to be compliant and 5 vehicles were issued with immediate suspension notices for defects including:

- Inoperative indicator lights
- Inoperative number plate lights
- Incorrect indicator colour

During the operation 4 drivers were also issued with written warnings for the following:

- failing to complete their daily vehicle inspection sheets, failing to display driver ID badge and incorrect display of vehicle front plate in accordance with conditions of both the vehicle and driver licence

Taking the above into account, Members will note that a significant reduction of licensed vehicles had been suspended as 13% of licensed vehicles inspected during this operation were found to be non-compliant and as a result, suspended with immediate effect.

On 11 December 2015, Licensing Enforcement Officers alongside Cllr S Green, Vehicle Examiners from the Smithies Lane Depot and South Yorkshire Police Traffic Unit took part in a day time operation focusing their attention on licensed vehicles and operators. At the time of writing this report, it is understood a total of 8 licensed vehicles were inspected, including 7 Private Hire and 1 Hackney Carriage, the results of which are detailed overleaf:

2 vehicles were found to be compliant and 6 vehicles were issued with immediate suspension notices for defects including:

- Oil leaks
- Sharp edges and a defective wing liner
- Inoperative indicator lights
- Missing wiper blades – subsequently scratched front windscreen obscuring drivers view

During the operation 3 drivers were also issued with written warnings for the following:

- failing to complete their daily vehicle inspection sheets and falsifying the completion of daily inspections sheets (all 3 vehicles found to be defective and suspended)

Taking the above into account, Members will note that 75% of licensed vehicles inspected during the operation were found to be non-compliant and as a result, suspended with immediate effect. In addition, the SYP Traffic Unit also issued 3 fixed penalty notices to licensed drivers for speeding offences.

Members are minded to note that a further verbal update will be provided at the meeting detailing an updated total number of licensed vehicles inspected, which will provide a full and accurate account of enforcement action taken on the day.

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 all Officers mind whilst undertaking a vehicle inspection. Defective vehicles are not acceptable and cannot be excused or tolerated. This factor coupled with failing to complete basic vehicle inspection sheets, an inspection sheet introduced at the request of the Trade to ensure 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. Vehicle inspection failure rates remain at an unacceptable level and continue to harbour great concerns amongst those committed in combatting such ill failings and conveying 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 are not available for public inspection

6. **Officer Contact**

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