

**Report of the Assistant Director to the
General Licensing Regulatory Board
to be held on the 26 November 2014**

ENFORCEMENT REPORT

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 October 2014, Licensing Enforcement Officers have continued to proactively embark upon a number of licensing enforcement operations. A summary of enforcement operations undertaken are detailed below.

3. Current Position

On 18 September 2014, Licensing Enforcement Officers alongside Vehicle Examiners from the Smithies Lane Depot (accompanied by two members of the General Licensing Regulatory Board (GLRB) in a day/night time operation focusing their attention on a number of licensed operators and several centrally located hackney carriage ranks. In total 33 vehicles (11 hackney carriage and 22 private hire vehicles) were inspected, the results of which are as follows:

Hackney Carriage

- 10 vehicles found to be compliant
- 1 vehicle issued with a suspension notice for a defective tyre

It is pleasing to note that the majority of hackney carriage vehicles inspected on this occasion were found to be compliant. This is an encouraging result and one that is welcomed by all.

Private Hire

- 16 vehicles found to be compliant
- 6 vehicles issued with a suspension notice for defects i.e. defective tyre, inoperative head and side lights, shattered wing mirror and failure to display required door signage, of which 5 drivers were issued with written warnings for failing to complete daily check sheets and produce driver licence I.D. badge

Taking the above into account, Members will note that out of 22 private hire vehicles inspected 6 were found to be non-compliant and as a result, suspended with immediate effect. In addition, 5 drivers were issued with a written warning for contravening licence driver conditions.

On 3 October 2014, a joint multi-agency night time operation took place involving Licensing Enforcement Officers, VOSA and South Yorkshire Police (accompanied by a member of the General Licensing Regulatory Board), focusing their attention on the Midland Street hackney carriage rank, followed by intensive operation at the direct request of one of Barnsley's largest licensed operator. Officers concerned worked collaboratively, inspecting a high volume of vehicles in a bid to ensure compliancy. In total, 45 licensed vehicles (5 hackney carriages and 40 private hire) were inspected the results of which are detailed below:

Hackney Carriage

- 5 vehicles found to be compliant
- 0 suspension notices issued
- 0 written warnings issued

Whilst only a small number of hackney carriage vehicles were inspected, it pleasing to note that all vehicles presented were found to be compliant. This is another encouraging result and one that is welcomed by all.

Private Hire

- 40 vehicles found to be compliant

- 0 suspension notices issued
- 5 written warnings issued for failing to complete daily check sheets

This result is a testament to the hard work officers are dedicating in ensuring drivers and vehicle proprietors alike comply with minimum standards, as this process is more concerned with compliance and ensuring vehicles licensed operate in a safe and road worthy condition.

On 4 October 2014, a second multi-agency night time operation took place involving Officers from Licensing, VOSA and South Yorkshire Police (accompanied by a another member of the GLRB). Working collaboratively, Officers inspected a high volume of licensed vehicles. In total, 57 (20 hackney carriages and 37 private hire) were inspected, the results of which are as follows:

Hackney Carriage

- 20 vehicles found to be compliant
- 0 suspension notices issued
- 0 written warning issued

A further encouraging result, one which shows that 100% of hackney carriage vehicles inspected were found to be compliant.

Private Hire

- 36 vehicles found to be compliant
- 1 suspension notice issued for failure to display front and nearside door signage and refusal to display rear signage
- 4 written warning issued for failing to complete daily check sheets one of which was issued to the above driver for his poor attitude

With the exception of one driver who refused to adhere to a simple vehicle licence condition and the reasonable request of an authorised officer, Members are minded to note that the remaining fleet of private hire vehicles were found to be compliant and maintained to a high standard.

On 15 October 2014, day time operation took place involving Licensing Enforcement Officers and Vehicle Examiners from the Smithies Lane Depot took part in a focusing their attention on a small select number of licensed operators. In total, 10 vehicles (1 hackney carriage and 9 private hire), were inspected, the results of which are as follows:

Hackney Carriage

- 1 vehicle issued with a suspension notice for inoperative windscreen washers and defective nearside tyre
- 0 written warning issues

Members are minded to note that the defect found was rectified and the suspension notice issued was lifted with immediate effect.

Private Hire

- 3 vehicles issued with a suspension notice for inoperative and differing coloured headlights, loose passenger window and sharp edges located to the rear passenger seat
- 0 written warning issued, however, 1 advisory (verbal caution) issued for windscreen wipers failing to park properly and partially obscuring drivers view

Members will note that whilst only a small number of private hire vehicles were inspected, 3 out of the 9 private hire vehicles inspected were still found to be non-compliant and as a result, suspended with immediate effect for reasons that could have simply been avoided through the completion of an inspection check sheet and in doing so, detected the potential danger of inoperative lights and hazardous defects.

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 every MOT test. Officers within the Licensing Service were pleased to report in its last update that vehicle failure rates at Smithies Lane

Depot had reduced by a further 1%. This is a slightly encouraging statistic and one that is welcomed by all. However, it must not be ignored that a failure rate of 46% is unacceptable statistic and one, Licensing Enforcement Officers and fellow internal colleagues alike chose 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 the last enforcement update report, the Licensing Service is pleased to report that current first time vehicle MOT failure rates have reduced further and currently stand at 39%. A 7% reduction is very encouraging and one to be acknowledged by all concerned. The Licensing Service and colleagues at Smithies Lane Depot alike strive to improve such levels and remain committed in combating ill failings. The Licensing Service will continue in its endeavours to cascade a strong message to operators, vehicle proprietors and drivers who have clearly begun to accept responsibility for their failures and started to make a change. Last month Members will note Officers attempts to assist in remedying a particular prominent failing, defective tyres, has seen a number of tyre gauges issued to the drivers, vehicle proprietors and operators alike. This approach has been welcomed by the licensed trade who have received the tools required to confidently measure the depth of a tyre tread thus ensuring it is being used within the scope of the law.

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**

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