

**FALKIRK COUNCIL**

**Subject: CIVIC LICENSING ENFORCEMENT – MAY/JUNE 2014**  
**Meeting: CIVIC LICENSING COMMITTEE**  
**Date: 11 August 2014**  
**Author: CHIEF GOVERNANCE OFFICER**

**1. INTRODUCTION**

- 1.1 The Licensing Enforcement Officer undertook various aspects of enforcement in May and June 2014. Details of these are outlined in the following sections of the report.

**2. TAXI/ PRIVATE HIRE CAR CHECKS**

- 2.1 The Licensing Enforcement Officer routinely carries out spot checks of taxis and private hire car vehicles to ensure compliance with licence conditions.

- 2.2 The checks take place at various taxi ranks and other places within the district. The checks consist of a range of items including the following:-

- Id badge/ Taxi-Private Hire Licence
- DVLA driving licence
- Plates displayed
- Tariff Sheet
- Fire Extinguisher
- First Aid Kit
- Taximeter seal
- No commercial adverts displayed on the vehicle
- No smoking signs displayed
- Taxi roof sign
- Condition of vehicle

- 2.3 In May and June 2014, 76 taxis and 29 private hire cars were inspected by the Licensing Enforcement Officer. The majority of these checks were found to be in order with the exception of the following matters:-

Taxi Operator 066 – The taximeter was running 10 minutes slow.  
This is a breach of taxi licence condition numbers 32.

Taxi Operator 164 – The taximeter seal was missing due to the operator adjusting the meter.  
This is a breach of taxi licence condition number 31.

Taxi Operator 498 – The taximeter seal was broken due to the operator adjusting the meter.

This is a breach of taxi licence condition 31.

Private Hire Operator 025 – Both front tyres were below the legal tread depth.

The driver was informed to have the tyres replaced and attended at the licensing office a short time later with the vehicle to confirm that the tyres had been replaced.

This is a breach of private hire car condition number 1.

Private Hire Operator 086 – The taximeter was running 5 minutes slow.

This is a breach of private hire car licence condition number 32.

Taxi Drivers 1325 and 1658 – Both drivers were found not to be carrying their respective taxi driver licences.

This is a breach of taxi driver licence condition number 2.

Taxi Driver 1872 – An inspection of the drivers documents uncovered that his taxi driver licence had expired. The driver's explanation being that he had forgot to submit his renewal application. A renewal application was subsequently made within the legal timescale accompanied by a letter of explanation

Private Hire Car Driver 305 – Not carrying private hire car driver licence.

This is a breach of private hire car driver licence condition number 2.

All of the operators and drivers detailed above were written to and requested to attend the licensing offices and provide evidence that the matters detailed had been attended to. They have now fully complied.

### **3. CIVIC LICENSING ENFORCEMENT CHECKS**

3.1 During May and June 2014, the Licensing Enforcement Officer undertook 51 civic licensing compliance checks/enquiries.

3.2 The compliance checks/enquiries involved the following civic activities:-

- Houses in Multiple Occupation (HMO's) – three enquiries were carried out in relation to three properties following information received from the private sector housing department, the Police and a local Councillor. It was established that they were not operating as HMO's.
- Second Hand Dealers – fifteen routine checks of licensed premises were carried out to ensure that the licence holder details were correct, that the licence was being displayed properly and that the register of sales was being kept up to date. All were found to be in order. In addition, two enquiries were also carried out following information received from the Council's internal audit section and one application form has been posted out.

- Late Hours Catering – eight routine checks of licensed premises were carried out to ensure that the licence holder details were correct and that the licence was being displayed properly. In addition, three enquiries were carried out which resulted in an application form being posted out to two premises. Applications have as yet to be received and follow up visits are being arranged. It was established that the other premises have a planning restriction on their operating hours and do not require a licence. However, information was received that they have been operating after 11pm and the Police were informed and have subsequently cautioned and charged the operator on two separate occasions.
- Booking Office – five enquiries were carried out at licensed offices. Two visits were in relation to complaints received by the licensing section about taxi drivers. Checks were made of the booking records to establish the identities of the driver's concerned. The three other visits were in relation to a complaint about the parking of taxis in the area and involved visiting three separate booking offices in Grangemouth.
- Street Trader – eight licensed traders were checked (two mobile fish vans a mobile snack van and five balloon sellers) and found to be operating in accordance with their licence conditions. One enquiry made with a plant/flower seller and an application form was subsequently submitted.
- Knife Dealer – one routine check of licensed premises was carried out to ensure that the licence holder details were correct, that the licence and appropriate signs were being properly displayed and that the register of sales was being kept up to date. All were found to be in order.
- Metal Dealer – one enquiry made with a jewellery shop and an application form posted out.
- Skin Piercing – two enquiries were made and information and application forms were posted out.
- Window Cleaner – one licensed window cleaner was checked. One other person was checked and found to be operating without a licence. He has since made application for and been granted a licence.

3.3 In addition to the above, the Licensing Enforcement Officer carried out 7 knowledge tests involving 9 candidates. 22 site notice checks were also carried out.

#### **4. CIVIC LICENSING COMPLAINTS**

4.1 A complaint was received from a female alleging that whilst she had been at work, walking along assisting a person with learning difficulties, a taxi driver had slowed down in his taxi and had made inappropriate remarks to her. The driver was traced and interviewed and strenuously denied the allegation. With no corroboration to the incident no further action was taken. However, the driver was reminded that he should behave in a civil and proper manner at all times whilst driving his taxi.

- 4.2 A complaint was received from a female alleging that a taxi driver had carried out a dangerous overtaking manoeuvre. She had been supervising her son during a driving lesson and they had been stopped at a road junction immediately behind a vehicle indicating to turn right. The taxi driver had then approached and passed both vehicles on the nearside. The driver was traced and interviewed and admitted that he had carried out the manoeuvre. However, he claimed that he thought her vehicle and the vehicle immediately in front of her were both turning right. He was reminded that when driving his taxi he should drive in a safe and proper manner at all times. He was also written to regarding this matter.
- 4.3 A complaint was received from a male motorist complaining of a taxi driver using a disabled bay at Asda, Grangemouth, to pick up a hire. This incident was caught on camera and clearly showed the taxi driver entering the disabled bay and picking up his passenger who was not disabled. The driver was traced and interviewed and his only excuse was that the nearby pick-up point was busy. He was warned not to use the disabled bays in this way in future and was also written to accordingly.
- 4.4 A complaint was received from a female alleging that she had made a booking with a taxi company for a taxi to take her and a blind friend and that the driver had refused to take her friend's guide dog. Enquiry was made with the taxi company and the driver concerned and it was established that there had been an error with the electronic booking system which had resulted in the driver not being allocated the hire. Complainer advised accordingly and satisfied with the outcome of the enquiry.
- 4.5 A complaint was received from a female motorist alleging that a taxi driver had parked his taxi in such a manner that she had been unable to park her vehicle in a parking space. She also complained that the particular parking area was not a taxi rank and that when she had spoken to the taxi driver he had been aggressive. The driver was traced and interviewed and stated that he had not been in a taxi rank at the time as he was on a meal break and had advised his control room accordingly. He denied being aggressive to the complainer and stated that when she had spoken to him he had moved his taxi as far forward as he could to allow her to park.
- 4.6 The complainants were advised of the outcomes and were satisfied with the courses of action undertaken.

## **5. RECOMMENDATION**

- 5.1 It is recommended that Members note the contents of this report.

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**Chief Governance Officer**  
**Date: 31 July 2014**

**Contact Officer: Bryan Douglas, Licensing Co-ordinator (telephone 501262)**

### **LIST OF BACKGROUND PAPERS**

None