

FALKIRK COUNCIL

Subject: CIVIC LICENSING ENFORCEMENT – APRIL 2015
Meeting: CIVIC LICENSING COMMITTEE
Date: 17 June 2015
Author: CHIEF GOVERNANCE OFFICER

1. INTRODUCTION

- 1.1 The Licensing Enforcement Officer undertook various aspects of enforcement in April 2015. 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 April 2015, 20 taxis and 3 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:-

Private Hire Car Driver 397 – was found not to be carrying a private hire car driver licence.

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

Taxi Operator 514 – failing to display the front plate.

This is a breach of taxi licence condition number 5.

Taxi Drivers 449, 582, 1546 & 1801 – were found not to be carrying a taxi driver licence.

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

The operators were written to and requested to attend the licensing offices and provide evidence that the matters detailed have been attended to. They have now fully complied.

3. CIVIC LICENSING ENFORCEMENT CHECKS

3.1 During April 2015, the Licensing Enforcement Officer undertook 16 civic licensing compliance checks and enquiries.

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

- Second Hand Dealers – one routine check of licensed premises was carried out to ensure that the licence holder details were correct, that the licence was being properly displayed and that the register of sales was being kept up to date. All was found to be in order.
- Late Hours Catering – three routine checks of licensed premises were carried out to ensure that the licence holder details were correct and that the licence was being properly displayed. All was found to be in order.
- Skin Piercing – three routine checks of licensed premises were carried out to ensure that the licence holder details were correct and that the licence and notices were being properly displayed. All was found to be in order. One check was carried out at premises which have applied for a licence to ensure that they are not operating before a licence is granted. The visit confirmed that they were not operating.
- Public Entertainment – one enquiry was made regarding a forthcoming event. A temporary licence application was subsequently made.
- Booking Office – one enquiry was made to identify a driver regarding a taxi complaint. A routine check was also carried out to ensure that the licence holder details were correct, that the licence was being displayed properly and that the booking register was being kept up to date. Everything was found to be in order.
- Houses in Multiple Occupation – three enquiries were carried out. It was established that one property was occupied by three unrelated people. The owner and Letting Agent were contacted and appropriate action was taken to remove the persons from the property. It was established that the other two properties were not operating as HMO's.
- Street Trader – one routine check of a licensed street trader (snack van) was carried out to ensure that the licence holder details were correct and that the licence was being carried. All was found to be in order. One other licensed street trader (coffee van) was checked and a variation form was issued in relation to a change of route.

- 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 notices were being displayed properly and that the register of sales was being kept up to date. The premises were found to be fully compliant.

3.3 In addition to the above, the Licensing Enforcement Officer carried out 9 knowledge tests involving 12 candidates. 6 site notice checks were also carried out.

4. CIVIC LICENSING COMPLAINTS

A complaint was received from a male person alleging that a taxi driver had refused to take him as a hire as he had his guide dog with him. A second taxi driver was also alleged to have informed him that he could only take him as a hire if the car windows were open. Enquiry established that the first taxi driver has an allergy to animals and that he suffers from a severe allergic reaction when in close contact with them. He has since produced a letter from his doctor confirming this. The taxi driver has made a request for a notice of exemption which will be considered by Members later on in the agenda at today's meeting. The second driver when interviewed stated that he had informed the male that he would take him as a hire, but that the driver's window would be slightly open on the journey. This driver has previously been involved in conveying members of the Falkirk Blind Club along with their guide dogs and maintained that he always asks if he can drive with his window slightly open.

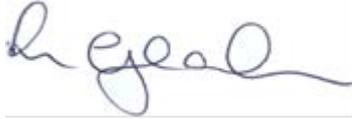
A complaint was received from a male person alleging that a taxi driver who attended for him did not know where Main Street, Larbert or Bothkennar was. The taxi driver was subsequently interviewed and claimed that he knew where Main Street, Larbert, was but that the hire had requested to go to a particular shop premises, that he had not heard of, and had not mentioned Main Street to him. He also claimed that he knew where Bothkennar was but that the hire had told him to go to Bothkennar Town, which he had not heard of.

A complaint was received from a male alleging that a taxi driver had been driving in what he considered was a dangerous manner and that the taxi driver had also made rude hand gestures to him when he had sounded his horn. The taxi driver was subsequently interviewed and denied the allegation. He claimed that his driving manoeuvre had been carried out in a proper manner and that he had been almost past the complainer's vehicle when he noticed the complainer indicate to pull out. He also added that when the complainer had sounded his horn he had raised his hand to acknowledge him and that he had not made any form of gesture towards him. The taxi driver also claimed that he had submitted a letter of complaint to the Police about the incident as the complainer had followed him to a taxi rank to remonstrate with him, but that he had ignored him.

The complainants were advised of the outcomes and were satisfied with the course of action undertaken.

5. RECOMMENDATION

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

A handwritten signature in blue ink, appearing to read 'h geal', is enclosed in a thin black rectangular border.

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Chief Governance Officer
Date: 8 June 2015

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

LIST OF BACKGROUND PAPERS

None