

The background of the slide features a large, faint, light blue watermark of the City of Vancouver coat of arms. The crest includes a crown with four maple leaves, a shield divided into four quadrants (top-left: a building, top-right: a cross with antlers, bottom-left: a sailing ship, bottom-right: an eagle), and a banner at the bottom with the motto 'VANES FOR A'.

## **Agenda Item 5**

### **Civic Licensing Enforcement - October 2016**

**Falkirk Council**

**Subject: Civic Licensing Enforcement – October 2016**  
**Meeting: Civic Licensing Committee**  
**Date: 30 November 2016**  
**Author: Chief Governance Officer**

**1. Introduction**

- 1.1 The Licensing Enforcement Officer undertook various aspects of enforcement in October 2016. Details of these are outlined in the following sections of the report. During this period the Licensing Enforcement Officer has been assisting with the administration and processing of applications as there are staff shortages due to sickness absence and annual leave being taken.

**2. Taxi/Private Hire 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 October 2016, 33 taxis 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 056 – the operator name sticker was missing.  
This is a breach of taxi licence condition number 13.

Taxi Driver 1940 – was found not to be carrying his taxi driver licence.  
This is a breach of taxi driver licence condition number 2.

The operator and driver have attended at the licensing office regarding these issues. They are now fully compliant.

### **3. Civic Licensing Enforcement Checks**

3.1 During October 2016, the Licensing Enforcement Officer undertook 19 civic licensing compliance checks and enquiries.

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

- Second Hand Dealers – five routine checks of licensed premises were 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. Everything was found to be in order. One enquiry was also carried out and an application form issued.
- Street Trader – four routine checks were carried out to ensure that the licence holder details were correct. All were found to be in order.
- House of Multiple Occupation – one follow up enquiry was made regarding two properties in Camelon. It was established that they are not operating as unlicensed HMO's.
- Skin Piercing – two 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 enquiry was also carried out and an application form issued.
- Late Hours Catering – four 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. This resulted in a variation form being issued regarding the change of day to day manager in one of the premises.
- Metal Dealer – one routine check of licensed premises carried out to ensure that the licence holder details were correct and that the correct recording of purchases was being carried out. All was found to be in order.

3.3 These checks consist of a range of items including the following:-

- Licence type
- Licence holder details
- Day to day manager details (if applicable)
- Id badge/ Licence
- Register check (if applicable)
- Vehicle details (if applicable)
- Occupants details

- 3.4 In addition to the above, the Licensing Enforcement Officer carried out 5 site notice checks. Two taxi driver knowledge tests involving three candidates were also carried out.

#### **4. Civic Licensing Complaints**

A complaint was received from a female motorist alleging that she had stopped at Charlotte Dundas Court, Grangemouth, to check her sat nav system when the driver of a taxi, which was parked in front of her car, had approached and taken a photograph of her car, before returning to his taxi. She had then approached him to ask what he was doing and he had been aggressive in telling her that she was parked in a taxi rank and that the photograph was evidence for the Police. The complainer did concede that she had been wrong to stop in the taxi rank, but felt that the taxi driver's behaviour was not called for. The taxi driver was subsequently traced and interviewed regarding his actions. He claimed that the complainer had been parked in a taxi rank and that he had noted that another taxi driver on a social media outlet had advised that if they found any vehicle illegally parked in a taxi rank then they should take a photograph and send it to Police Scotland to deal with the matter. He denied that he had been aggressive towards the complainer and also added that he had not forwarded the photograph to the Police. The complainer was updated accordingly and acknowledged that she was satisfied with the outcome of the enquiry.

A complaint was received from a taxi driver alleging that a private hire car driver had attempted to pick up a hire off the street. The incident having occurred in Mary Street, Laurieston, when the taxi driver had noted the driver of a private hire car slowing down and calling out to a male pedestrian if he was wanting a taxi. The taxi driver had thereafter stopped and picked up the pedestrian who confirmed that the private hire car driver had called over to him about wanting a taxi. The taxi driver also added that the private hire car driver had then driven after him and had 'tailgated' him for a short distance before turning off. The private hire car driver was subsequently traced and when interviewed claimed that he had been allocated to pick up a hire from Mary Street, Laurieston, and that he had only called over to the pedestrian as he thought that he could be his hire. He denied that he had driven close to the taxi after it had picked up the pedestrian and claimed that he had only been going for his next hire. A check of the booking office records for the private hire car driver confirmed that he had been allocated a hire from Mary Street, Laurieston, at the time. The complainer was updated with the outcome of the enquiry.

A complaint was received from a wheelchair user alleging that the driver of a wheelchair taxi at Falkirk High Railway Station had refused to take her as a hire claiming that he did not have his ramps with him and then adding that the configuration of her wheelchair meant that he was unable to take it. The taxi driver was subsequently traced and interviewed about this matter. He stated that the wheelchair user had not spoken to him, but that her female companion had approached him and asked if he was a wheelchair taxi.

He informed her that he was and when she asked about taking the complainer he had told her that the type of wheelchair that she was using had caused difficulties in the past when trying to access his taxi. The female had accepted his explanation and had not said anything else before returning to the complainer. The taxi driver also denied telling the female that he did not have his ramps with him, adding that they are carried at all times by him. It was explained to the taxi driver that he should have offered to assist the customer whilst explaining his concerns as this would have explained his actions. The complainer was contacted following the interview with the taxi driver and confirmed that she had not spoken to him, but that it had been her daughter who had been with her and who had spoken to him. The complainer's daughter was thereafter contacted and confirmed that she had been with her mother and that she had approached the taxi to ask the driver if he could take a wheelchair, she could not recollect if the driver had said anything to her about not carrying his ramps. However, she went on to say that the taxi driver had remained seated in his taxi and that when asked about taking the wheelchair hire he had looked towards her mother and stated that the ramps that he had were not right for taking a wheelchair of the style that she was using. The taxi driver was issued with a warning letter regarding his actions. The complainer was also updated with the outcome of the enquiry and confirmed that she was satisfied with the action taken.

## **5. Recommendation**

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

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**Chief Governance Officer**

**Date: 21 November 2016**

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

#### **List of background papers**

None