

FALKIRK COUNCIL

Subject: CIVIC LICENSING ENFORCEMENT – AN OVERVIEW
Meeting: CIVIC LICENSING COMMITTEE
Date: 14 February 2013
Author: CHIEF GOVERNANCE OFFICER

1. INTRODUCTION

- 1.1 Local Authorities enforce legislation to protect the individual and the community as a whole. Within the Licensing section, the Civic Licensing Enforcement Officer carries out a range of activities with the aim of achieving this. The officer's role along with the investigation of complaints is to ensure that those licensed are complying with the conditions of their licence and unlicensed individuals/ businesses either make arrangements to be licensed properly or cease operating.
- 1.2 The purpose of this report is to set out the approach to enforcement within Civic Licensing and give Members a flavour of the actions undertaken to ensure laws are complied with. It is intended that from March 2013, an update on recent enforcement issues will be brought before the Civic Licensing Committee for Members information

2. COMPLIANCE

- 2.1 A range of activity is undertaken by the Civic Licensing Enforcement Officer to ensure compliance with legislation. Inspections of premises and spot checks on licensed vehicles are carried out on a routine (but not programmed as yet) basis and as a response to complaints and enquiries from the public about businesses and individuals.
- 2.2 Where non-compliance is discovered, the options to seek/ promote compliance include:
- Explaining the legal requirements and, where appropriate, the means to achieve compliance
 - Providing an opportunity to discuss points that are an issue
 - Consideration of reasonable timescales to achieve compliance
 - Enforcement actions such as seizure of taxi/ private hire car licence plates, caution or prosecution.

3. ENFORCEMENT ACTIONS

3.1 The decision to take enforcement action will be taken on a case by case basis and, to ensure consistency of approach, in accordance with any Council policies that may be relevant. The action taken, which could be immediate, will always be proportionate to the seriousness of the non-compliance. Factors that will be taken into account by the enforcement officer will include, but are not limited to:-

- The risk that the non-compliance poses to the safety, health or economic welfare of the public at large or individuals
- Evidence that suggest that an offence was pre-meditated
- There is a history of previous warnings/ cautions, or similar misdemeanours
- There has been reckless disregard of health and safety requirements

3.2 In a typical year there will be an ongoing programme of checks made on taxi/ private hire car vehicles and other civic licences including street traders, window cleaners, second hand dealers, Houses in Multiple Occupation and skin piercing/ tattooing. During 2012 there were 480 taxi checks carried out with 321 checks carried out on other licensed activities.

3.3 In addition to the above, 64 Taxi knowledge tests were carried out in 2012 and 27 taxi/ civic licence complaints investigated with none requiring formal action as a result.

4. INTER-AGENCY PARTNERSHIP WORKING

4.1 Where joint responsibility for enforcement exists with other agencies, the lead Agency will be determined dependent on the circumstances of the case and the relevant course of action to be followed by that agency.

4.2 Partnership working has included evening patrols with Central Scotland Police, VOSA and the Department of Work and Pensions targeting taxis and private hire cars.

5. REPORTS TO COMMITTEE

5.1 It is proposed that as from the March 2013, Enforcement Action will be reported to the Civic Licensing Committee on a monthly basis of issues resolved. The report will detail the type of activity, action taken and outcome.

6. RECOMMENDATION

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

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Chief Governance Officer
Date: 7 February 2013

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LIST OF BACKGROUND PAPERS

None