

FALKIRK COUNCIL

Subject: CIVIC LICENSING ENFORCEMENT – MARCH 2013
Meeting: CIVIC LICENSING COMMITTEE
Date: 8 May 2013
Author: CHIEF GOVERNANCE OFFICER

1. INTRODUCTION

- 1.1 Members will recollect that at the February meeting of the Civic Licensing Committee, the activity of enforcement within Civic Licensing was introduced for information.
- 1.2 It was agreed that future reports detailing enforcement action undertaken recently would be brought before Members for information.
- 1.3 Various aspects of enforcement undertaken by the Licensing Enforcement Officer in April 2013 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/ 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 2013, 35 taxis and 4 private hire cars were inspected by the Licensing Enforcement Officer. All of these checks were in order with the exception of the following matters:-

Taxi Operator 440 – The taximeter was found to be running 4 minutes slow.
This is a breach of taxi licence condition number 26.

Taxi Operator 435 – The first aid kit and fire extinguisher were missing from the vehicle. In relation to the first aid kit this is a breach of the taxi inspection test. The fire extinguisher is a breach of taxi licence condition number 8.

Taxi Operator 067 – The rear taxi plate was positioned in the rear window. This is a breach of taxi licence condition number 5.

Taxi Driver 165 – The driver did not have his taxi driver licence. This is a breach of taxi driver licence condition number 8.

Taxi Operator 146 – The tariff sheet was missing from the vehicle. This is a breach of taxi licence condition number 16.

Taxi Operator 445 – The fire extinguisher was missing from the vehicle. This is a breach of taxi licence condition number 8.

Taxi Operator 415 – The taximeter was found to be running 4 minutes slow. This is a breach of taxi licence condition number 26.

Private Hire Car Operator 032 – The taximeter seal was missing. This is a breach of private hire car licence condition number 23.

Private Hire Car Operator 006 – The rear private hire car plate was positioned in the rear window. This is a breach of private hire car licence condition number 5.

Taxi Operator 397 – The taximeter was found to be running 4 minutes slow. This is a breach of taxi licence condition number 26.

Private Hire Car Driver 346 – The driver did not have his private hire car driver licence. This is a breach of private hire car driver licence condition number 8.

Taxi Operator 086 – The taximeter seal was missing and the rear taxi plate was positioned in the rear window. The taximeter seal is a breach of taxi licence condition number 25. The rear plate is a breach of taxi licence condition number 5.

Private Hire Car Operator 043 – The taximeter seal was missing and the vehicle was found to have two defective tyres. The taximeter seal is a breach of private hire car licence condition number 23. The defective tyres are a breach of private hire car licence condition number 1.

- 2.4 All driver/ operators with outstanding issues were written to and requested to present the vehicle with missing equipment/ documentation at the Licensing section. All have now fully complied.

3. CIVIC LICENSING ENFORCEMENT CHECKS

3.1 During April 2013, the Licensing Enforcement Officer undertook 23 civic licensing compliance checks/enquiries.

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

- Houses in Multiple Occupation (HMO's) – three enquiries carried out.
- Street Trader – two checks carried out.
- Second Hand Dealers – nine checks carried out.
- Late Hours Catering – four checks carried out.
- Skin Piercing – three checks carried out.
- Market Operator – one enquiry carried out.
- Metal Dealer – one check carried out.

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 All of these checks were in order with the exception of the following matters:-

- Unlicensed late hours catering premises at Main Street, Bainsford. The owner of the business did not renew the late hours catering licence. The premises were subsequently visited to and it was established that the owner had forgotten to renew his licence. The owner was given appropriate advice and thereafter written to confirming that the premises should close at 11pm until such times as a late hours catering licence has been granted. A new application has since been received.
- A busker performing in the High Street, Falkirk was found to be selling CD's of his music. He was advised that such an activity required a street trader licence and to cease trading. A letter and application form was subsequently posted out to him.

3.5 In addition to the above, the Licensing Enforcement Officer carried out 3 taxi Knowledge tests involving 11 candidates. 14 site notice checks were also carried out.

4. CIVIC LICENSING COMPLAINTS

4.1 No complaints were received during April 2013.

4.2 One complaint carried over from March 2013, was dealt with as follows:-

- A female motorist complained about a taxi driver allegedly pulling away into the path of her vehicle causing her to stop abruptly. The taxi driver allegedly left his taxi and was verbally abusive to the complainer. The taxi driver was interviewed and claimed that he had stopped and left his taxi when the complainer had allegedly sounded her horn in a continuous manner. He was quite adamant that he had not been verbally abusive to the complainer. A warning letter reminding the taxi driver to conduct himself in a civil and proper manner at all times was issued and his file updated. A letter advising of the course of action undertaken was sent to the complainer.

5. RECOMMENDATION

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

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Chief Governance Officer

Date: 30 April 2013

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

LIST OF BACKGROUND PAPERS

None