



REGENERATION AND ENVIRONMENT SCRUTINY COMMITTEE – 31ST MARCH 2015

SUBJECT: TAXI TRADE LICENSING REQUIREMENTS AND COMPLIANCE

REPORT BY: CORPORATE DIRECTOR SOCIAL SERVICES

1. PURPOSE OF REPORT

- 1.1 To inform Members of licensing requirements for the “taxi” trade, contractual requirements for school contracts and general enforcement and monitoring carried out by Licensing, Education Transport and Trading Standards.

2. SUMMARY

- 2.1 This report on the monitoring of the taxi trade has been prepared following a request by a Member at a previous Regeneration and Environment Scrutiny meeting.
- 2.2 The report outlines the licensing requirements for the trade, contractual requirements for school contracts and general controls and monitoring of the trade.

3. LINKS TO STRATEGY

- 3.1 Licensing the “Taxi” trade and protecting public safety contributes to the Prosperous Caerphilly, and Safer Caerphilly priorities within the Caerphilly Local Service Board single integrated plan, Caerphilly Delivers, and Objective 1 of the Council’s Strategic Equality Plan 2012.

4. THE REPORT

4.1 Licensing - the legislative framework

While vehicles are described as “taxis” there are two distinct types of vehicle, Hackney Carriages and Private Hire Vehicles. Hackney Carriages bear illuminated roof signs, determine fares by means of a meter, display a tariff, and can be stopped by a customer or stand at a rank (plying for hire). Hackney Carriages display a white taxi licensing plate. Private Hire Vehicles must be booked through an Operator at an agreed rate of fare; they must not ply for hire. Private Hire Vehicles display a yellow taxi licensing plate.

The Local Government (Miscellaneous Provisions) Act 1976 requires that both types of vehicles must be licensed by the local authority and driven by licensed drivers. Prior to plating checks are made to ensure the vehicle is roadworthy, and are also made on renewal and through periodic spot checks. Taxi Operators are also licensed and are required to check both vehicles and drivers and to keep records containing details of journeys booked through the operator’s business. Drivers must be considered fit and proper persons before becoming licensed and must wear a badge at all times when driving a licensed vehicle.

Drivers and operators are required to declare any previous convictions on application and renewal and are subject to Disclosure and Barring Service (DBS) and Police National Computer (PNC) checks respectively. The authority recently enhanced controls by adopting a new policy on Previous Convictions and new Vehicle Standards. The Town Police Clauses Act 1847 contains offences for plying for hire without a licence to do so, and acting as a Hackney Carriage driver without the required licence.

Section 68 of the Town Police Clauses Act 1847, along with Section 171 of the Public Health Act 1875, allows the Licensing Authority to make bye-laws which concern the use of taxi meters, the display of plates, the comfort of passengers, display of signs, the conduct of drivers, the wearing of taxi badges, fares to be charged, and the display of tariffs.

4.2 Licensing Enforcement and Compliance

4.2.1 Actions taken by Licensing officers under delegated powers and by Members of Licensing Sub Committees

Licensing Officers are predominantly responsible for the administration and compliance with legislation. This includes the checking, processing and issuing of licences, development of policy and guidance for all stakeholders and liaison with Trading Standards enforcement officers in respect of complaint resolution or prosecution for illegal activities. Licensing officers have the ability to suspend licences where there has been non-compliance with certain licence obligations (such as not producing vehicles for spot checks etc), in more serious circumstances the Officers will report the matters to the Licensing sub-committee for their determination. At the time of writing the report the Authority licensed three hundred and eighteen Hackney Carriages, one hundred and sixteen Private Hire Vehicles, five hundred and ninety eight Drivers and twenty six Operators.

Vehicle Spot Checks

Hackney carriages and private hire vehicles may be subject to spot checks as a result of information or complaints received where there are concerns about a vehicle's condition. The spot check consists of a thorough mechanical and appearance check carried out at the Council's facilities.

Twenty-five such checks were conducted last year, which resulted in the suspension of three vehicles for mechanical failures allowing the proprietor time to correct the failure, and four vehicles were not presented for testing. Of the four that failed to attend three have subsequently been checked and are satisfactory and one remained suspended due to non-presentation of vehicle for checking. The suspended vehicle has been referred to Licensing Sub Committee for revocation of its licence as a result of failing to present it for testing.

Other licence suspensions

During 2014 the following numbers of licences were also suspended:

- (a) Non Production of satisfactory vehicle Insurance – forty five
- (b) Stop Notice issued for vehicles, which fail to meet the necessary standards set out by the Council – eleven
- (c) Licence invalidated due to non payment of licence fee as cheques returned to drawer – three
- (d) Licence suspended following notification of an accident – one.

Licensing Sub Committees

In 2014 Licensing Sub Committees

- (a) Refused three applications for driver's licences as the applicants were not considered to be fit and proper persons to hold such licences.

- (b) Revoked one driver's licence because of a conviction for a violent offence.
- (c) Revoked five vehicle licences.

Complaints

Two complaints were dealt with directly by licensing officers during 2014. One related to manner of driving but there was no further action as the complaint could not be substantiated and the second related to a driver's medical condition and is currently subject to further enquiries.

4.2.2 Taxi Licensing enforcement to ensure compliance

Enforcement activity is carried out by officers within the Trading Standards Service and consists of a mixture of proactive checks of vehicles, drivers and operators, and reactive response to complaints.

Proactive Work

In the calendar year 2014 Trading Standards carried out two hundred and two checks on vehicles and drivers. Vehicle checks include an examination of tariffs and meters (where applicable), the provision of first aid kits and fire extinguishers, and display of badges, plates and road fund licences. Lights, horn and tyres are checked as well as an examination of the vehicle for any obvious defects that may affect roadworthiness. Officers have the ability to prohibit vehicles that are defective such that they cannot be used for transporting passengers until repairs are affected and the prohibition is lifted. Any serious issues are referred to the Licensing Section and a request is made for the vehicle to undergo a full plating check at the transport depot at Tir-y-Berth.

Thirteen inspections were carried out at Private Hire Operators and Hackney Carriage Operator premises. Officers checked that drivers and vehicles were licensed and in the case of Private Hire Operators, whether records were being kept appropriately and in accordance with the byelaws.

The Trading Standards Service has fostered a working relationship with Gwent Police Traffic Section. Two joint operations were carried out in 2014 during periods of high night-time economy activity i.e. Friday and Saturday evenings. Joint patrols are conducted using marked traffic cars. Local Authority officers conduct checks against taxi legislation; Police officers check the vehicle and driver for valid insurance among other issues. Joint police checks are either conducted by stopping vehicles on the road or by approaching them while standing at the taxi ranks.

Reactive Work

An important element of taxi licensing enforcement is supporting reputable drivers and operators by reacting to complaints about unlicensed operators, drivers and vehicles or complaints concerning vehicles and drivers continuing to trade when their licences have been revoked, suspended or surrendered. Such complaints are received from members of the trade, the public or anonymously. The Trading Standards Service is able to respond to complaints where a phone number, vehicle details or information on locations and times of unlicensed pick-ups are provided. The response can include sending officers to pose as private customers to undertake a journey or carrying out surveillance on the activities of the perpetrator. Where evidence can be gathered the offender is brought to court and prosecuted.

Such actions in the calendar year 2014 resulted in the issue of two Simple cautions and one prosecution with four other cases pending. These relate to offences for unlicensed drivers, vehicles and lack of hire and reward insurance cover.

4.2.3 **Education and Social Services Transport Controls**

The Integrated Transport Unit (ITU) is responsible for the delivery of passenger transport services within the county borough. This includes home to school / college transport; transport for clients of Social Services attending day centres and respite and transport for looked after children, as well as support for uncommercial local bus services. For Education and Social Services transport, this includes the provision of taxis. In the interests of public safety the ITU only award contracts to taxi providers to transport children to and from school to licensed Private Hire Operators or proprietors of Licensed Hackney carriages, through an established procurement framework. All drivers and vehicles are required to be licensed by an authority and the latter must have appropriate insurance for the carriage of passengers for hire and reward. All licensed drivers are vetted to ensure that they are fit and proper to transport the public, through Disclosure & Barring Service (DBS) checks at least every 3 years. Similarly, passenger assistants (escorts) are subject to the same level of vetting / checking.

The Education Transport team routinely monitors contracts, whilst specific complaints are subject to reactive monitoring, depending on the nature of the complaint. In addition checks are made with Trading Standards and School Transport Officers jointly examining those vehicles involved in transporting children to schools. During 2014 nine joint checks were carried out. School Transport officers check compliance with contracts, that escorts are fully approved by the Authority and are displaying the requisite escort badge. Both service areas work together to share information and respond to any complaints about unlicensed vehicles or drivers carrying out school contracts.

Before the commencement of any contract, the service provider must evidence vehicle test certificates, appropriate licences (vehicles and drivers), insurance policies and any other relevant documentation. These are subject to ongoing checks and scrutiny, either on a regular basis, or depending on the expiry dates of the policy / licence etc.

5. EQUALITIES IMPLICATIONS

- 5.1 The Council ensures that it treats all individuals and organisations who are renewing or making new applications for licenses and school transport contracts with equal respect both when corresponding with those individuals and organisations, and during the licensing approval / tendering process.
- 5.2 Reactive Taxi Licensing enforcement work is driven by complaints and intelligence received. Preventative work is targeted towards those sectors of society most at risk, including vulnerable passengers, and late night revellers whose judgement may be impaired by intoxication.

6. FINANCIAL IMPLICATIONS

- 6.1 None.

7. PERSONNEL IMPLICATIONS

- 7.1 None.

8. CONSULTATIONS

- 8.1 This report has been sent to the Consultees listed below and all comments received are reflected in this report.

9. RECOMMENDATIONS

- 9.1 That members note the contents of the report and the measures in place to ensure compliance and public safety.

10. REASONS FOR THE RECOMMENDATIONS

- 10.1 To increase awareness of the controls on the “taxi” trade and work of the various services involved.

11. STATUTORY POWER

- 11.1 Local Government (Miscellaneous Provisions) Act 1976
Town Police Clauses Act 1874
Public Health Act 1875
Road Traffic Act 1988
Consumer Protection from Unfair Trading Regulations 2008

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Cllr Dave Poole, Cabinet Member for Community & Leisure Services
Dave Street, Corporate Director Social Services
Rob Hartshorn, Head of Public Protection
Gail Williams, Interim Head of Legal Services & Monitoring Officer
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