

WELWYN HATFIELD BOROUGH COUNCIL
ENVIRONMENT OVERVIEW AND SCRUTINY COMMITTEE – 4 APRIL 2016
REPORT OF THE DIRECTOR (GOVERNANCE)

HACKNEY CARRIAGE OFFICE ENFORCEMENT REVIEW 2014-15

1 Executive Summary

- 1.1 This report provides members with a summary of the work undertaken by the Hackney Carriage team during the past year.

2 Recommendation(s)

- 2.1 For members to note the report and the work which has been carried out to keep the travelling public safe.

3 Explanation

- 3.1 The council is responsible for the administration and enforcement of hackney carriage law. This covers both hackney carriage (taxis) vehicles and drivers and also private hire vehicles, drivers and operators.

- 3.2 The hackney carriage team is part of the Public Health and Protection Service and comprises:

- Hackney Carriage Officer– James Vaughan
- Assistant Hackney Carriage Officer- David Conium
- Administration Assistant (18.5 hrs) – Beverley Higgins

- 3.3 This report provides examples of the kind of work that has taken place this year to keep the travelling public safe.

Joint Agency operations

- 3.4 There have been a total of 4 Joint Agency Operations involving the Police, Benefits Agency, HMRC, NHS, Hertfordshire County Council and the DWP.

- 3.5 The findings of these Operations in regard to the standards of vehicles have, in the whole been good and the standard of the vehicles has improved dramatically. This is largely down the continued work of the Assistant Hackney Carriage Officer, in liaison with Hertfordshire Roads Policing Unit and Community Safety Team. Further to this there have been a total of 88 damaged/unserviceable vehicles removed by way of Section 68 notices. These are mainly post accident damage reports. However many faults are discovered during random inspections by the hackney team whilst working on the district.

PREVENT work

- 3.6 There has also a significant increase in relation to the information supplied to the PREVENT Team. This has resulted in a number of 'persons of interest' being brought to the attention of the Authorities. The value of this information is never disclosed either good or bad. The PREVENT Team have asked us to continue to send information that is believed to be relevant.

Discovery and investigation of fraudulent activity

- 3.7 Significant fraudulent activity was discovered by the Hackney Carriage Office in regard to the NHS transport service. It was discovered, following an unrelated complaint from a member of the public that an unlicensed/unregulated company had tendered for an NHS transport contract and had been awarded it. Following up the complaint it transpired that the owner of the company was also claiming benefits he was not entitled to, using un-roadworthy vehicles and unsuitable drivers. The sums involved was in excess of £110k in an 8 month period.

General enforcement

- 3.8 Furthermore a number of charges were brought by the police in regard to the vehicles and their drivers such as driving without insurance. One of the drivers concerned was also an ex-taxi driver who had his licence revoked for sexual offences. He was caught driving a group of young teenage girls to a school prom in a stretch limousine as part of the un-regulated company that had been discovered.
- 3.9 A number of drivers have had their licences revoked for various offences. These include theft from passengers, driving without insurance, violent and abusive behaviour towards passengers, benefit fraud and driving vehicles without the necessary licence to do so. Where these decisions to revoke licences have been appealed to the Magistrates Court there has been a 100% success in defending the decision, often with full costs being awarded to the Council.
- 3.10 Out of area vehicles The Hackney Carriage Officer is of the opinion that overall there is an improvement in the vehicle fleet that is licensed by WHBC. However this is undermined by the influx of drivers and vehicles from out off area employed primarily by one company.
- 3.11 It has been found that these vehicles are generally a lot older and not was well maintained as our own fleet. Unfortunately as the law stands the hackney carriage Office cannot take action against these vehicles and drivers unless they commit an offence for which we can prosecute. This has happened, successfully where an out of area driver was caught by the Hackney Carriage Officer plying for hire.
- 3.12 Furthermore there is a concern that some of these out of area drivers fall well below the standards that have been set in WHBC. We are aware of a convicted drug dealer who has been licensed in another Borough who is allowed to work freely within WHBC.

Use of Simple Cautions as a means of disposal

A Further method of dealing with transgressors has also evolved. With a recent changes the Head of Public Health and Protection can issue a simple caution for

appropriate offences, if the offender admits their guilt. This has resulted in a reduction of the number of drivers that have been prosecuted in the courts. These cautions can be referred to if future wrong doing is discovered.

4 Legal Implication(s)

- 4.1 The council is responsible for the administration and enforcement of hackney carriage law. The general legal framework is provided by the Town Police Clauses Act 1847, Local Government (Miscellaneous Provisions) Act 1976, Road Traffic Act(s) and the Deregulation Act.

5 Financial Implication(s)

None directly arising from this report. There is a ring fenced budget in place for hackney carriage work. The fees raised by hackney carriage licensing should only be used for hackney carriage work and should not be taken into the general fund.

6 Risk Management Implications

- 6.1 The overall purpose of the hackney carriage team is to keep the travelling public safe. Failure to adequately resource and equip the team heightens this risk. As with any enforcement activity there is a risk of legal challenge, this can be minimised by internal procedures, and use of specialist legal advice as required.

7 Security & Terrorism Implication(s)

- 7.1 As noted above, the hackney carriage team have established good working relationships with the police and other enforcement agencies.

8 Procurement Implication(s)

- 8.1 None

9 Climate Change Implication(s)

- 9.1 Enforcement of the terms and conditions will result in older more polluting vehicles being withdrawn from the fleet. The hackney carriage team are also now seeing an increase in applications for hybrid vehicles

10 Link to Corporate Priorities

- 10.1 The subject of this report is linked to the Council's Corporate Priorities "maintain a safe and healthy community", "protect and enhance the environment"; "help build a strong local economy" and "engage with our communities and provide value for money" and is linked to a statutory provisions under hackney carriage/private hire legislation.

11 Equality and Diversity

- 11.1 An Equality Impact screening Assessment (EIA) has been carried out in connection with the work of the hackney carriage team.

Name of author
Title
Date

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