

**Manchester City Council
Report for Information**

Report to: Licensing and Appeals Committee – Monday 16 June 2014

Subject: Compliance Quarterly Report:
1 January 2014 – 31 March 2014

Report of: Head of Planning, Building Control & Licensing
Deputy Chief Executive (Neighbourhoods)

Purpose of Report

To inform the committee of the work undertaken by the Licensing Compliance Team between the 1 January 2014 and 31 March 2014

Recommendations

That members note the report

Wards Affected: All

Community Strategy Spine	Summary of the contribution to the strategy
Performance of the economy of the region and sub region	Demands and encourages compliance with legal requirements, therefore raises standards and public confidence in licensed vehicles with the potential to increase the public use of these services which benefits the local economy
Reaching full potential in education and employment	Not applicable to the content of this report
Individual and collective self esteem – mutual respect	Not applicable to the content of this report
Neighbourhoods of Choice	Organised Multi Agency operations are designed to provide a visible and re assuring presence to the public. It also serves to deter bogus taxi activity. The operations focus on driver eligibility and vehicle standards and seek to identify defective/illegal vehicles and illegal/non conforming drivers. All these factors have the potential to affect public safety

Full details are in the body of the report, along with any implications for:

- Equal Opportunities Policy
 - Risk Management
 - Legal Considerations
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Financial Consequences – Revenue

Operation Aviano that has been the subject of a previous report to the committee is wholly funded by the Licensing Unit

Financial Consequences – Capital

None

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1 Introduction

- 1.1 This report provides the committee with information in respect of work that has been undertaken by the Compliance Team during the fourth quarter of the financial year 2013/2014 covering the dates 1 January 2014 through to 31 March 2014.
- 1.2 The team's primary work is associated with taxi licensing compliance activity but also includes compliance work in respect of street trading, gambling activities, and sex establishments. Compliance work associated with premises licensed under the Licensing Act is led by Neighbourhood Delivery Teams.

2 Report

2.1 Complaints

- 2.1.1 The Licensing Team receives complaints against both Hackney Carriage and Private Hire licence holders on a regular basis. These are logged and allocated a unique reference number in chronological order.
- 2.1.2 All complaints are investigated, although the majority are dealt with on an informal basis which means that they do not result in criminal proceedings. A key factor is often the difficulty of securing the necessary evidence and/or co-operation of witnesses.
- 2.1.3 Licence holders have the opportunity to respond to any allegations made against them and all complaints are recorded against licence holders, with both the allegation and drivers response, where we are satisfied that drivers have been correctly identified.
- 2.1.4 The investigation of complaints is generally an effective compliance tool, that prevents repeat patterns of behaviour by individual drivers. However, it is also resource intensive and the number of complaints in this area received remains consistently high; The 2014 complaints database started on 1st January 2014 and any complaints received after that date were logged onto this new database. Complaints from the 2013 database continued to be worked upon during this quarter.

Table 1 – Complaints received January - March 2014

	Complaints Received	HC	PH	Unknown
Behaviour/Conduct	47	27	17	3
Overcharge/Conduct	2	1	0	1
Overcharge	29	25	2	2
Route Dispute/Conduct	18	1	17	0
Route Dispute	1	1	2	0
Refuse To Hire/Conduct	1	1	0	0
Dangerous driving/Conduct	26	14	10	2
Other	54	19	24	11
Totals	178	89	70	19

2.1.5 During this quarter a total number of **135** complaints were closed down as dealt with.

2.2 Prosecutions

2.2.1 A number of prosecutions were successfully concluded during this quarter and these are listed below. In addition a number of other cases are still awaiting court hearings or are under consideration in terms of legal proceedings. These will be the subject of future reports.

2.2.2 Private Hire:

- (1) **Abdul QAYUM** – Rochdale licensed driver – Mr Qayum successfully applied to the court to have the matter re-opened as he was convicted in his absence in April 2013. He elected to go to trial and the case was found to be proved. He was convicted of plying for hire and the associated no insurance offence – Fined £540 and driving licence endorsed with 6 penalty points. He was ordered to pay prosecution costs of £604
- (2) **Christopher SWINDELLS** – Rochdale Private Hire Driver – Mr Swindells successfully applied to the court to have the matter re-opened as he had previously been convicted in his absence. He was convicted of smoking in a prohibited place – a licenced private hire vehicle- and was fined £35. He was ordered to pay prosecution costs of £170. The case arose because Mr Swindells did not pay a fixed Penalty Charge Notice issued to him by officers

- (3) **Khalid MAHMOOD** – Oldham Private Hire driver – He was convicted of plying for hire and fined £400. He was ordered to pay prosecution costs of £640
- (4) **Ariko AGHO-JONES** – Stockport Private Hire Driver – After a trial he was convicted of plying for hire and the associated no insurance offence – Fined £137.50 and driving licence endorsed with 6 penalty points. He was ordered to pay prosecution costs of £674.17. Appeal against conviction and sentenced lodged with Crown Court
- (5) **Mohammed FIAZ** – Manchester Private Hire Driver – Pleaded guilty to an offence of having no vehicle insurance. He was fined £140 and his driving licence endorsed with 7 penalty points. He was ordered to pay prosecution costs of £220

2.2.3 Street Trading:

- (1) **Mbengue IBRAHIM** - convicted of street trading on a prohibited street [city centre]. Fined £37 and ordered to pay prosecution costs of £170. Application for Forfeiture of seized goods used as evidence refused by the court.
- (2) **Tamsin SARR** - convicted of street trading on a prohibited street [city centre]. The Court imposed a 12 month conditional discharge and ordered to pay prosecution costs of £300. Application for Forfeiture of seized goods used as evidence granted by the court.
- (3) **Russell FLYNN** - convicted of street trading on a prohibited street [city centre]. The Court gave an Absolute Discharge and made no order to pay prosecution costs. Application for Forfeiture of seized goods used as evidence refused by the court.
- (4) **David SCHOFIELD** - convicted of street trading on a prohibited street [city centre]. The Court gave an Absolute Discharge and made no order to pay prosecution costs. Application for Forfeiture of seized goods used as evidence refused by the court.
- (5) **Simone STOREY** - convicted of street trading on a prohibited street [city centre]. Fined £35 and ordered to pay prosecution costs of £371.74. Application for Forfeiture of seized goods used as evidence granted by the court.
- (6) **Su DIHONG** - convicted of street trading on a prohibited street [city centre]. The Court imposed a 6 month conditional discharge and ordered to pay prosecution costs of £240.98. Application for Forfeiture of seized goods used as evidence refused by the court.

2.3 Routine Hackney Carriage and Private Hire Inspections

2.3.1 Table 1 shows the number of routine day to day vehicle/driver inspections carried out at various locations across the city, including railway stations, airport, hospitals and supermarkets.

Key within the following tables:

HCV: Hackney Carriage Vehicle

PHV: Private Hire Vehicle

Sus: Suspension Notice – suspends vehicle licence until defects rectified

Ins: Insurance Notice – requires production of insurance certificate

OVC: Operational Vehicle check – requires vehicle to be produced with defects rectified

Other: Action not specified in other categories – e.g. smoking.

Every vehicle interaction shown in the attached tables also includes a driver check.

Table 1- Routine Inspections Various locations

Authority	Type of Vehicle	No. checked	Breakdown of Actions				
			Sus	Ins	OVC	Other	No Action
Manchester							
	HCV	104	1		1		
	PHV	34	3		1	2	
*Others:							
	HCV	7					
	PHV	8					
Totals		153	4		2	2	

**Stockport, Trafford, Rossendale, West Lindsey, Tameside, Bolton, Rochdale, Newcastle -u- Lyme*

2.3.2 4 fixed penalty notices were served on drivers observed smoking in their vehicles which is a prohibited place for the purposes of the Health Act 2006

2.4 Operations

2.4.1 The Compliance Team participate in a number of joint agency operations targeting both the day and night time Hackney Carriage and Private Hire trades. The committee will already be aware of Operation Aviano which runs 12 times a year with dedicated GMP [Greater Manchester Police] Traffic Officers working alongside Compliance Officers. Vehicle Examiners from the

DVSA [Driver & Vehicle Standards Agency] – formerly known as VOSA (Vehicle Operator and Services Agency) also regularly attend these nighttime operations. Operation Aviano continues to be funded through the Licensing Unit budget.

- 2.4.2 Compliance Officers are invited to attend other formal operations that are instigated by GMP and also mutually organise other small scale *ad hoc* operations from time to time with GMP and other agencies. The majority of these operations involve the Hackney Carriage and Private Hire trades but some are organised for other work areas.

Hackney Carriage and Private Hire Operations.

Table 2 – Compliance, GMP & DVSA – Friday 10 January – Night shift – Airport

Authority	Type of Vehicle	No. checked	Breakdown of Actions				
			Sus	Ins	OVC	Other	No Action
Manchester							
	HCV	23					
	PHV	21					
*Others:							
	HCV	1				1	
	PHV	6					
Totals		51				1	

**Bury, Cheshire East, Liverpool, Rochdale, Rossendale, Salford & Stockport*

Table 3 – Operation Aviano - Saturday 18 January – Night shift - City Centre

Authority	Type of Vehicle	No. checked	Breakdown of Actions				
			Sus	Ins	OVC	Other	No Action
Manchester							
	HCV	10				2	
	PHV	20	1			6	
*Others:							
	HCV	7				1	
	PHV	9				1	
Totals		46	1			10	

**Bolton, Bury, Newcastle-u-Lyme, Rochdale, Rossendale, Tameside, Trafford & West Lindsey*

Table 4 – Compliance, GMP & DVSA - Wednesday 29 January – Day shift - Airport

Authority	Type of Vehicle	No. checked	Breakdown of Actions				
			Sus	Ins	OVC	Other	No Action
Manchester							
	HCV	8	2		1		
	PHV	34	3		2		
*Others:							
	HCV	10				2	
	PHV	31					
Totals		83	5		3	2	

**Bury, East Riding, Liverpool, Sefton, Rossendale, Salford, Stockport, West Lancs, High Peak, Sheffield, Oldham, Trafford, Wigan, Stoke, Calderdale, Wirral, Bolton, Wyre, Warrington, Knowsley, Burnley & Cheshire East.*

Table 5 - Compliance, GMP & DVSA – Thursday 13 February – Day shift - Airport

Authority	Type of vehicle	No. checked	Breakdown of Actions				
			Sus	Ins	OVC	Other	No Action
Manchester							
	HCV	8					
	PHV	23			1	1	
*Others:							
	HCV	2					
	PHV	15				1	
Total		48			1	2	

**Bury, Cheshire East, Sefton, Bolton, Trafford, Stockport, Stoke, Chorley & Hyndburn*

Table 6 - Operation Aviano – Saturday 22 February – Night shift – City Centre

Authority	Type of vehicle	No. checked	Breakdown of Actions				
			Sus	Ins	OVC	Other	No Action
Manchester							
	HCV	72			2	1	
	PHV	71	1				
*Others							
	HCV	4					
	PHV	17				3	
Total		164	1		2	4	

**Rossendale, Oldham, Rochdale, Bury, Tameside, Trafford, Salford & Wigan*

Table 7 – Compliance, GMP & DVSA – Friday 28 February – Day shift – Airport

Authority	Type of vehicle	No. checked	Breakdown of Actions				
			Sus	Ins	OVC	Other	No Action
Manchester							
	HCV	8					
	PHV	20				2	
*Others							
	HCV	13				1	
	PHV	32				1	
Totals		73				4	

**Bury, Leeds, St Helens, Cheshire West, Rossendale, Salford, Stockport, Warrington, Rochdale, Gwynned, NE Derbyshire, Oldham, South Staffordshire, Cheshire East, Wrexham, Kirklees, Trafford, Bolton, Wyre, Chesterfield & Wigan*

Table 8 - Operation Aviano – Saturday 1 March – Night shift – City Centre

Authority	Type of vehicle	No. checked	Breakdown of Actions				
			Sus	Ins	OVC	Other	No Action
Manchester							
	HCV	29				3	
	PHV	37				2	
*Others							
	HCV	5					
	PHV	16				3	
Totals		87				8	

**Salford, West Lindsey, Stockport, Rochdale, Oldham, Rossendale & Tameside*

Table 9 - Compliance, GMP & DVSA – Friday 14 March – Day shift – Airport

Authority	Type of vehicle	No. checked	Breakdown of Actions				
			Sus	Ins	OVC	Other	No Action
Manchester							
	HCV	23				1	
	PHV	18				2	
*Others							
	HCV	3					
	PHV	9				2	
Totals		53				5	

**Trafford, Wigan, Stockport, Kirklees, Blackburn, Warrington, Tameside & Bolton*

Table 10 – Operation Aviano – Friday 14 March – Night shift – City Centre

Authority	Type of vehicle	No. checked	Breakdown of Actions				
			Sus	Ins	OVC	Other	No Action
Manchester							
	HCV	18			4		
	PHV	19		1	2	2	
*Others							
	HCV	4					
	PHV	8					
Totals		49		1	6	2	

**Stockport, Salford, Rossendale, Cheshire East, Trafford & Pendle*

Table 11 - Compliance, GMP & DVSA – Tuesday 18 March – Day shift – Airport

Authority	Type of vehicle	No. checked	Breakdown of Actions				
			Sus	Ins	OVC	Other	No Action
Manchester							
	HCV	0					
	PHV	3					
*Others:							
	HCV	3					
	PHV	8				1	
Totals		14				1	

**Tameside, Trafford, Hyndburn, South Ribble, Stockport, St Helens, Fylde & Rossendale*

Table 12 – Operation Aviano – Saturday 22 March – Night shift – City Centre

Authority	Type of Vehicle	No. checked	Breakdown of Actions				
			Sus	Ins	OVC	Other	No Action
Manchester							
	HCV	26					
	PHV	11				1	
*Others							
	HCV	1					
	PHV	4					
Totals		42				1	

**Tameside, Salford, Stockport & Oldham*

Table 13– Compliance, GMP & DVSA – Monday 24 March – Day shift – Airport

Authority	Type of vehicle	No. checked	Breakdown of Actions				
			Sus	Ins	OVC	Other	No Action
Manchester							
	HCV	0					
	PHV	11				1	
Others							
	HCV	6					
	PHV	19				1	
Totals		36				2	

**Barnsley, Bury, Oldham, St Helens, Cheshire West, Rossendale, Salford, Stockport, Blackburn, Rochdale, Gwynned, High Peak, Bolton, Cheshire East, Sefton, Kirklees & Trafford*

Table 14 – Operation Aviano – Saturday 29 March – Night shift – City Centre

Authority	Type of vehicle	No. checked	Breakdown of Actions				
			Sus	Ins	OVC	Other	No Action
Manchester							
	HCV	1					
	PHV	17			2		
*Others							
	HCV	8					
	PHV	6					
Totals		32			2		

**Stockport, Rossendale, Rochdale, Oldham, West Lindsey, Bury & High Peak*

Combining figures for all operations and Routine Hackney Carriage and Private Hire work undertaken that are detailed in this report:

HCV and Drivers Licensed by Manchester inspected [Operations]:	226
PHV and Drivers Licensed by Manchester inspected [Operations]:	305
Licensed Vehicles and drivers from other Authorities Inspected [Operations]:	247
Total:	778
HCV and Drivers Licensed by Manchester inspected [Routine]:	104
PHV and Drivers Licensed by Manchester inspected [Routine]:	34
Licensed Vehicles and drivers from other Authorities Inspected [Routine]:	15
Total:	153
Combined Total:	931

3 Other Work

- 3.1** 2 licensed sexual entertainment venues [SEV] received routine night time visits/inspections whilst they were in operation.
- 3.2** 1 licensed sex shop received a routine day time visit/inspection
- 3.3** A visit to an unlicensed Sex Establishment visit took place on Thursday 13th March 2014. The unannounced visit was made to a premises located in the city centre. Officers from Compliance, Trading Standards and GMP took part. A significant number of R18 and unclassified DVD's were found to be on sale and in the absence of a sex establishment licence all such articles were

seized with a view to instigating proceedings under the Video Recordings Act. Enquiries will also be made in regard to taking proceedings for the premises operating without a sex establishment licence.

- 3.4 Report compiled and presented to the Licensing and Appeals sub-committee on 31 March 2014 in respect of the renewal of a Hackney Carriage Proprietors Licence. The decision of the sub-committee was to renew licence with an additional condition relating to monthly vehicle maintenance checks.
- 3.5 Objections were lodged to three street trading applications during the 28 day consultation period and an officer attended Licensing and Appeals sub-committee hearings to assist in determining two of those applications. The decision of the sub- committee was to refuse one of the applications and to grant the other after the applicant provided further clarification to his application which satisfied the objection that had been lodged.
- 3.6 3 Senior Licensing Officer Panels were chaired by an officer from Compliance during the 4th quarter. The outcomes of these hearings are reported to the committee in a separate report.

4 Other legal implications

- 4.1 There are no other legal implications to consider.

5 Contributing to the Community Strategy

5.1 (a) Performance of the economy of the region and sub region

Demands and encourages compliance with legal requirements, therefore raises standards and public confidence in licensed vehicles with the potential to increase the public use of these services which benefits the local economy

(d) Neighbourhoods of Choice

Organised Multi Agency operations are designed to provide a visible and reassuring presence to the public. It also serves to deter bogus taxi activity. The operations focus on driver eligibility and vehicle standards and seek to identify defective/illegal vehicles and illegal/non conforming drivers. All these factors have the potential to affect public safety

7 Conclusion

- 7.1 The report provides the Committee with statistical information regarding Compliance activity between 1 January and 31 March 2014. The information provides members with an update and overview of that activity.