

Report from the Director – Environment, Transport and Planning

Enforcement Action Update report

Summary

1. This report is to inform Members of the enforcement activity undertaken by the Licensing Enforcement Officers in 2023-24. There are no recommendations as there is no decision to be taken.

Background

2. The Council's Licensing Enforcement Officers sit within the Public Protection service and undertake a range of activities to ensure compliance with licences granted to traders under various Acts and Regulations. However, the officers' time is predominantly spent regulating the taxi trade, and ensuring premises licensed for alcohol and other age restricted products (such as vapes) are meeting their obligations.
3. The enforcement activity consists of proactive and reactive activity. Proactive work – aimed at ensuring businesses get things right - include advice to businesses and routine inspections in accordance with the risk of a breach. There is also a significant amount of reactive work such as following up complaints and other information/intelligence about problems which have arisen. This also includes arranging 'test purchasing' to help identify illegal activity.
4. All enforcement action is undertaken in accordance with the 'Public Protection, Housing and Community Safety Enforcement Policy'. This ensures we are compliant with the Regulators' Code amongst other things. NB. A new enforcement policy – covering all the council's enforcement activity – is being considered by the Executive on 12 September 2024. Over the past year, the Public Protection Management team, including the Taxi licensing Manager have made a significant contribution to the new draft policy which will be considered by Executive members.
5. A summary of the enforcement activity is as follows:-

Taxis

6. The proactive activity by Licensing Enforcement Officers included conducting routine checks on 187 taxis at the roadside. These predominantly occur at the weekend (into the early hours of the morning), and involve officers checking that the taxi drivers are licensed and some basic vehicle checks on tyres, lights, wipers and signage. As a result of joint enforcement powers with the West Yorkshire taxi licensing authorities, it also includes drivers and vehicles licensed by them. There have been no instances of unlicensed drivers.
7. Working with North Yorkshire Police, the Driving & Vehicle Standards Authority (DVSA) and other partners – including enforcement officers from City of Wolverhampton Council from time to time – officers also undertake more detailed checks on taxis. These checks involve the vehicles attending Hazel Court for a thorough examination of their condition (including items such as brakes, suspension, steering) by DVSA officers. In total, there were 13 vehicles suspended, and 79 drivers were issued with advice/rectification notices as a result of this more detailed checking.
8. It is important to stress that this report only covers work by Licensing Enforcement Officers. All City of York licensed taxis are of course checked annually by City of York Council's mechanics. Furthermore, hackney carriages over one year of age and private hire vehicles over three years old are also required to supply an MOT certificate to Licensing Officers to help satisfy that all vehicles remain safe. In 2023-24, the Licensing team also introduced checks to ensure that vehicles have not previously been insurance write-offs.
9. In 2023-24 there were 182 complaints and other information under the category of 'taxis'. Please note, that this is a total of all complaints received whether or not they were 'accepted complaints' (i.e more likely than not to be substantiated). Most complaints are however 'accepted' or referred to the drivers local licensing authority to deal with. The reactive work resulted in 13 revocations of driver licences, and there were a further 18 such licences suspended (mainly for failing to complete administrative requirements such as medical checks). Details of the revocations are included in the more detailed summary of enforcement activity in Appendix 1.
10. Officers have also conducted covert 'test purchasing' of private hire journeys without a prior booking i.e plying for hire. Two vehicles agreed

to take officers on a journey from York Racecourse 'there and then' into the city centre for cash. The two drivers were successfully prosecuted, again there are more details of the results of the convictions in the summary in Appendix 1.

11. In 2022-23 Licensing Enforcement Officers also obtained powers to issue penalty notices for vehicles parking on taxi ranks. Officers do not routinely patrol for such offences, however whilst working on other things, officers have issued 13 tickets to vehicles illegally parked on ranks. Officers also advise motorists seen idling to switch off their engines. It is an offence to fail to continue idling if asked to stop. There have been no offences for continued idling. Finally, Licensing Enforcement Officers have issued fixed penalty tickets to taxi drivers smoking in their vehicles as part of the legislation prohibiting smoking in public places.

Alcohol (tobacco and vaping)

12. Licensing Enforcement Officers were part of the high visibility enforcement presence (organised by York BID) during the Ebor Race festival to help deter the anti-social behaviour in the city centre. Working with the Police, BID Rangers and the Council's Neighbourhood Enforcement Officers, the team conducted routine inspections on licensed premises to help ensure compliance with conditions relating to the supply of alcohol. NB Similar activity took place this year.
13. Licensing Enforcement Officers also organised a series of 'test purchases' using volunteers under the age of 18 to attempt to purchase alcohol, and because of the concerns about youth vaping, e-cigarettes. In total, eight premises were visited, resulting in one sale of a vape to a 14 year old (from a pedlar, not a licensed premises). The subsequent prosecution was however unsuccessful.
14. Licensing Enforcement Officers are planning to include spray paints in this year's activity due to complaints about vandalism and graffiti in some areas. We typically receive very few complaints about illegal sales of spray paints, so historically the focus has been on other age restricted products (alcohol, tobacco, vapes and knives). It is however illegal to sell spray paint to anybody under 18 and including it in this year's programme will enable officers to see if it is an issue that has emerged.
15. Licensing Enforcement Officers have assisted Trading Standards Officers on a visit in which resulted in 174 packets of alleged cheap illegal cigarettes, 58 pouches of illicit hand rolling tobacco and 147 illegal/oversized vapes being seized. Officers used a detection (sniffer)

dog, supplied by funding from National Trading Standards to undertake this work. This will be the subject of a premises licence review on 5th September. Furthermore, Licensing Enforcement have assisted Trading Standards to seize 1100 illegal vapes from a further three premises in the city.

Other activity

16. In addition to the above, other work includes checking street traders are compliant with their street trading consent, and that others trading in the city are doing so legally, for example they have a pedlar's certificate enabling them to do so. Checks on those buying and selling tickets at York Racecourse last year, identified that they held pedlars' certificates enabling them to do so legally.
17. Finally, one of the Licensing Enforcement Officers has carried out the majority of the animal licensing inspections at breeders, kennels and catteries whilst Licensing Officers have been obtaining the necessary qualification. This is a growing area of work for the licensing team.

Consultation

18. As this is an update report there has been no consultation in relation to it.

Analysis

19. As this is an update report there is no analysis of recommendations.

Council Plan

20. The updates support the Council Plan priorities for:
 - A fair, thriving, green economy for all
 - Sustainable accessible transport for all

Implications

21. The implications arising directly from this report are:

- **Financial** – There are no direct financial implications.
- **Human Resources (HR)** – There are no HR implications.
- **Equalities** – There are no equalities considerations in respect of the matters in this report.
- **Legal** – As noted above, all formal enforcement action is undertaken in accordance with the Public Protection, Housing and Community Safety enforcement policy.
- **Crime and Disorder** – The report identifies action taken in respect of criminal activity.
- **Information Technology (IT)** – There are no IT implications.
- **Property** – There are no property implications.
- **Other** – There are no other implications.

Risk Management

14. There are no known risks involved with this update report.

Contact Details.

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**Report
Approved**



Date 22.8.24

Wards Affected: All.

Background Papers

City of York Council Public Protection, Housing and Community Safety
Enforcement Policy

<https://www.york.gov.uk/EnforcementPolicy>

Appendix 1

Detailed enforcement action