

**GENERAL PURPOSES LICENSING
COMMITTEE**

**Wednesday 12th September 2007
at 9.30am in the Town Hall, St Aldate's, Oxford.**

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A G E N D A

PUBLIC BUSINESS

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

Guidance note (circulated, page C).

3. MINUTES

Minutes of the following meeting is attached at page 4.1:-

(1) General Purposes Licensing Committee held on 17th July 2007.

4. APPLICATION FOR INCREASE IN FEES CHARGED FOR PRIVATE HIRE OPERATOR, HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE AND DRIVING LICENCES

Report of the Transport and Parking Business Manager attached at page 4.1

The Committee is recommended to approve the increase in licence fees, commencing on 1st November 2007.

5. CRITERIA AND CONDITIONS OF FITNESS FOR HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES – WHEELS AND TYRES

Report of the Transport and Parking Business Manager attached at page 5.1

The Committee is recommended to approve the amendment to the Criteria and Conditions of fitness for Hackney carriages and Private Hire Vehicles.

6. CRITERIA FOR NEW APPLICANTS FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVING LICENCES

Report of the Transport and Parking Business Manager attached at page 6.1

Attached (for information) at page 6.12 is a copy of the previous report that was presented at General Purposes Licensing Committee on 17th June 2005.

The Committee is recommended to: -

- (1) Consider the letters from Oxford Private Hire Association (001 Cars)
- (2) Make no changes to the current requirements for new applicants for a hackney carriage or private hire driving licence.

7. DATE OF NEXT MEETINGS

24th October 2007

16th January 2008

8th May 2008

Any enquiries on this agenda should be addressed to: -

Lois Stock
Legal and Democratic Services Business Unit
PO Box 1191
Town Hall
OXFORD OX1 4EY

DECLARING INTERESTS

What is a personal interest?

You have a personal interest in a matter if that matter affects the well-being or financial position of you, your relatives or people with whom you have a close association more than it would affect the majority of other people in the ward(s) to which the matter relates.

A personal interest can affect you, your relatives or people with whom you have a close personal association positively or negatively. If you or they would stand to gain or lose by the decision, you should also declare it.

You also have a personal interest in a matter if it relates to any interest, which you must register.

What do I need to do if I have a personal interest?

You must declare it when you get to the item on the agenda headed "Declarations of Interest" or as soon as it becomes apparent to you. You may still speak and vote unless it is a prejudicial interest.

If a matter affects a body to which you have been appointed by the authority, or a body exercising functions of a public nature, you only need declare the interest if you are going to speak on the matter.

What is a prejudicial interest?

You have a prejudicial interest in a matter if;

- a) a member of the public, who knows the relevant facts, would reasonably think your personal interest is so significant that it is likely to prejudice your judgment of the public interest; and
- b) the matter affects your financial interests or relates to a licensing or regulatory matter; and
- c) the interest does not fall within one of the exempt categories at paragraph 10(2)(c) of the Code of Conduct.

What do I need to do if I have a prejudicial interest?

You must withdraw from the meeting. However, under paragraph 12(2) of the Code of Conduct, if members of the public are allowed to make representations, give evidence or answer questions about that matter, you may also make representations as if you were a member of the public. However, you must withdraw from the meeting once you have made your representations and before any debate starts.

GENERAL PURPOSES LICENSING COMMITTEE

Tuesday 17th July 2007

COUNCILLORS PRESENT: The Chair (Councillor Turner), The Vice-Chair (Councillor Sareva), Councillors Brundin, Cook, Goddard and Keen.

OFFICERS PRESENT:- Tony Payne and Kevin Keating (Environmental Protection), Lois Stock and Daniel Smith (Legal and Democratic Services).

ALSO IN ATTENDANCE:- Inspector Richard Brown (Thames Valley Police), Mr Mayson Shanti (Chase Law).

8. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Royce and Williams

9. DECLARATIONS OF INTEREST

Councillors Cook and Turner declared a personal interest in agenda item 4 – Street Trading, Extension of Hours (minute 11 refers) as occasional patrons of kebab vans in Oxford.

10 MINUTES

Resolved to confirm as a correct record the following minutes:-

- (1) General Purposes Licensing Committee held on 29th March 2007;
- (2) General Purposes Licensing Committee held on 10th May 2007.

11. STREET TRADING - EXTENSION OF HOURS

The Environmental Health Business Manager submitted a report (previously circulated, now appended) concerning a proposal to extend the hours of street trading. Kevin Keating (Street Trading Enforcement Officer) presented the report to the Committee.

He reminded the Committee that it had previously resolved to retain the termination hour for street trading of 3am. The traders felt disadvantaged by the fact that they had to cease trading when other premises around them might be able to trade beyond 3am. They had encountered difficulties in ceasing activities at 3am when their customers were seeking late night refreshment from them. The street traders would like the flexibility to trade up to 4am for at least some part of the week. Several had continued to trade after the official closing hour of 3am, but no

enforcement action had yet been taken against them as the situation was still being monitored.

Mr Mayson Shanti (Chase Law) spoke on behalf of the street traders. He re-iterated that the traders had suffered from being unable to trade after 3am, but that they were willing to make an extra contribution towards the licence fee should an extension of hours be granted to them.

Inspector Brown indicated that the Police had no objection to a six-month trial period of extended street trading hours.

Councillor Cook suggested that any change to the existing hours should be made following consultation with Central, South and West Area Committee.

Resolved that:-

- (1) Following consultation with the Central, South and West Area Committee, the hours for street trading would be extended to end at 4am on Friday and Saturday nights for a six-month trial period. Comments made by CSW Area Committee shall be dealt with by officers in consultation with the Chair and Vice Chair of the General Purposes Licensing Committee;
- (2) That the cost of a street trading licence would increase by £300 per annum (£150 for the 6 month trial period) to reflect the increased cost of the monitoring and enforcement of this initiative.

12. DAWSON STREET – RECLASSIFICATION AS A CONSENT STREET.

The Environmental Health Business Manager submitted a report (previously circulated, now appended) concerning the reclassification of Dawson Street as a consent street.

Councillor Sareva informed the Committee that a great deal of consultation had been carried out via the East Area Parliament, which in its turn had organised public meetings and meetings of concerned parties.

Resolved that Dawson Street should be reclassified as a consent street.

13. DATE OF NEXT MEETINGS

Resolved to note the following dates:-

- 12th September 2007 (if sufficient business to warrant holding a meeting)
- 24th October 2007
- 16th January 2008
- 8th May 2008

The meeting started at 10.40am and ended at 11.10am.

ITEM 4

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Report of: Transport & Parking Business Manager

To: General Purposes Licensing Committee

Date: 13th September 2007 **Item No:** 4

Title of Report : Applications for an Increase in The Fees Charged for Private Hire Operators Hackney Carriage and Private Hire Vehicle and Driving Licences.

Summary and Recommendations

Purpose of report: To seek approval for an increase in the fees charged for Private Hire operators, Hackney Carriage and Private Hire vehicles and driving licences.

Key decision: No

Portfolio Holder: N/A

Scrutiny Responsibility:

Ward(s) affected: All

Report Approved by:

Graham Smith. Transport and Parking Business Manager
Daniel Smith Legal & Democratic Services
Chris Kaye Financial Management

Policy Framework: None

Recommendation(s):

The Committee is RECOMMENDED to:-

approve the increase in the licence fees to commence on 1st November 2007

Background

1. The Taxi Licensing Office is self-funding through the fees paid by the licence holders. This includes the cost of all staff and accommodation, enforcement, prosecution, and internal support charges. Legislation provides that a district council may recover the costs of issue and administration of a licence.
2. Committee agreed the last increase in licence fees in October 2005, the previous increase having been agreed in 1996.
3. Currently, the Taxi Licensing Office has a staff of one part time and three full time officers.
4. The numbers of licences issued when the calculations were made were 10 operators' licences, 107 hackney carriages, 353 private hire vehicles, 315 hackney carriage driving licences and 414 private hire driving licences.
5. There is a large turnover of drivers with approximately 100 new applicants processed in a year (not all of whom will be licensed) with almost 300 checks made with the Criminal Records Bureau, all charged for outside the licence fees.

Financial implications

6. The table below sets out the actual budget for 2006 2007 and estimated budget for 2008 - 2009.

	2006 – 07 (actual) £	2008 – 09 (estimated) £
Employees	117,060	124,507
Transport	16,713	17,731
Supplies & services	17,245	18,207
Internal support services	52,287	55,471
TOTAL EXPENDITURE	203,305	215,916

7. Expenditure is fully funded from fees paid to the licensing office with no income from the Council and thus is completely dependant upon the numbers of licences issued. Included in the expenditure are internal central support costs. These are reviewed annually and any changes may impact on the Taxi Licensing service.
8. The total income for the year 2006 – 2007 was £185,851 which with an expenditure of £203,305 resulted an overspend of £17,453
9. The taxi licensing account contains a small reserve fund that includes £10,000 to cover the cost of work currently being carried out on behalf of the Licensing Office by the County Council. The total annual income for 2007 – 2008 is estimated as £198,555, the expenditure will be £200,273. If the increased fee is approved, there will still be an overspend of £1,718. After funding the above costs, at the end of the financial year 2007 – 2008, a reserve of £16,605 will remain available for the year 2008 – 2009. It must be taken into account that the accuracy of the budget predictions is, as stated above, dependant upon the numbers of licences being maintained..

Proposed Licence Fees

10. Detailed below are the proposed operator fees and driver and vehicle licence fees. It is intended that the new fees be effective from November 2007 and then reviewed (but not necessarily increased) on an annual basis in line with the Council's budget setting process.

Operator fee

11. The current fee for an Operator is **£700**. The number of vehicles working through each operator varies greatly from 180 vehicles with one operator, to two with another. In order to go some way towards reflecting in the fee the proportion of work, it is proposed that a smaller fee be charged to operators with three vehicles or less. The proposed fee from November 2007 is £980 and £490 for three vehicles or less.

Driver and Vehicle Licences

12. Record has been made of the percentage of time spent in dealing with each category of licence holder and these percentages have been used to apportion the running costs of the service between these licences. There are additional costs associated with hackney licences, legislation, the provision of ranks, setting of tariffs.

13. The current Licence fees are

Hackney Carriage	£309
Private Hire Vehicle	£227
Hackney Carriage Driver	£99
Private Hire Driver	£84

14. The proposed fees are

Hackney Carriage	£351
Private Hire Vehicle	£262
Hackney Carriage Driver	£115
Private Hire Driver	£101

15. The proposed fees represent an annual increase of approximately 8% on existing fees, this is only the second increase in fees since 1996 and unlike the previous increase, the costs of the Taxis Licensing Office will be totally funded from licence fees, the previous increase having partly been funded from reserves.

Procedure+

16. If the committee are minded to increase the fees then the procedure to be followed is set out in **Appendix...1.....**

Letter of objection

17. An E mail has been received from the City of Oxford Licensed Taxicab Association. (**Appendix 2**)
18. As agreed, an additional staff member has been employed for three days to carry out enforcement. Within the constraints of the law and local policies, enforcement has been carried out with a great deal of success, a number of offences having been reported with two court cases pending. The Operator of the rickshaws has been made aware of the legal position and any breaches of legislation will be dealt with. The post holder is currently employed on a temporary contract, which since the post is funded from licence fees it is hoped will be made permanent.
19. It is regarded as essential that the Taxi Licensing Office ensures that licensed vehicles are currently insured and that only original documents are inspected. The frequency of production is largely dictated by the fact that a number of proprietors have only short-term insurance.
20. Agreement has been reached with the County Council and Orders are being prepared to enable vehicles other than hackney carriages waiting on ranks to be dealt with by way of fixed penalty

Appendices

Appendix 1 Procedure

Appendix 2 Letter from COLTA

Name and contact details of author:
Philip Pirouet
Taxi Licensing Officer
Transport and Parking Business Unit
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Appendix 1

Procedure for Variation of License Fees

1)

a) If a district council determine that a variation in fees is required they shall publish in at least one local newspaper circulating in the district a notice setting out the variations proposed. Drawing attention to the provisions of paragraph (b) of this subsection and specifying the period, which shall not be less than twenty-eight days from the date of the first publication of the notice, within which and the manner of objections to the increase can be made.

b) A copy of the notice referred to in paragraph (a) of this subsection shall for the period of twenty-eight days from the date of the first publication thereof be deposited at the offices of the council which published the notice and shall at all reasonable hours be open to public inspection without payment.

2) If no objection to a variation is duly made within the period specified in the notice referred to in section (1), or if all objections so made are withdrawn, the variation shall come into operation on the date agreed by the district council.

3) If objection is duly made as aforesaid and is not withdrawn, the district council can set a further date on which the variation shall come into force with or without modification as decided by the district council after consideration of the objection.

4) A district council may remit the whole or part of any fee chargeable in pursuance of this section for the grant of a licence under Section 48 or 55 of this Act in any case, in which they think it appropriate to do so.

Appendix 2

I am sure that you are aware of the trades feelings with regard to another increase in license fees.

During discussions leading up to the 2005 License Fee increase a particular level of enforcement activity was included in the equation, I am of the opinion that such activity has yet to meet with an acceptable level to have warranted those substantial increases, yet we now face additional fees without having met the goals promised at that round of discussion.

It has to be said that previous promises made to the trade by taxi licensing since the 1980's with regard to charges for additional enforcement have seldom, if ever been met, I fear this may again have been the case.

The perception following the 2005 increases was that two, possibly three days per week was to be set aside for an additional enforcement officer to primarily undertake enforcement duties, I remain to be convinced that these targets have been met over the past two years.

In addition to other incurred costs upon the licensing budget, I have previously voiced my concerns that council employees at reception to Ramsay House are unnecessarily being paid from license fees to inspect & stamp insurance documents from up to 500 licensed vehicles up to four times each per year, those members of staff all too often fail to forward proof of such documentation to yourselves, however, my recent option of emailing and or faxing such documents directly from the authorised insurance representatives to your office has been refused, such initiative would not only reduce the cost incurred through your budget, it could substantially reduce the 2000 or so vehicular visits to St Ebbes Street each and every year?

Legislation requires that my members return to a cab rank upon completing a hiring, increasingly, they watch as private cars are allowed to park on cab ranks, private hire vehicles are permitted to sit next to or near bus stops etc & now rickshaws are permitted to sit outside shopping centres, Hotels & Colleges openly plying for hire & or touting, far from what may be perceived by some as a sign of unmet demand for hackney carriage services, they are proof that effective enforcement is not being carried out & that hackney carriage regulations place operators at a distinct disadvantage over those prepared to openly ignore legislation, the situation is highlighted by the recent situation where an unlicensed & illegally plated vehicle has been allowed to drive around Oxford for five weeks without any fear of enforcement action.

My committee is of the opinion that value for money from the 2005 increases must be realised before further increases are applied.

It has also been stated that prior to any hackney carriage fare review being implemented, supportive evidence has to be provided to the city council, my committee are of the opinion that trade representatives should have the right to inspect similar documentation in the event of license fee increases from the city council.

My committee look forward to your comments.

Regards
Alan Woodward
General Secretary
COLTA

Licence fees 2007
Date 24 August 2007

4-7

Report of: Transport & Parking Business Manager

To: General Purposes Licensing Committee

Date: 13th September 2007 **Item No:** 5

Title of Report : Criteria and Conditions of Fitness for Hackney Carriages
& Private Hire Vehicles – Wheels and Tyres.

Summary and Recommendations

Purpose of report: To update the Criteria and Conditions of Fitness for licensed vehicles to take account of changes and developments in motor vehicle technology.

Key decision: No

Portfolio Holder: N/A

Scrutiny Responsibility:

Ward(s) affected: All

Report Approved by:

Graham Smith. Transport and Parking Business Manager
Daniel Smith Legal & Democratic Services

Policy Framework: None

Recommendation(s):

The Committee is RECOMMENDED to:-

To approve the amendment to the Criteria and Conditions of Fitness for Hackney Carriages and Private Hire Vehicles

Background

1. By condition of licence, all licensed vehicles are currently required to carry a spare wheel and tyre of the same type as those fitted to the vehicle, together with tools sufficient to change the wheel.
2. A number of vehicles are now supplied from new with either a spacesaver tyre or are fitted with run-flat tyres, there is no provision for a full sized wheel and tyre to be carried.
3. Spacesaver or compact spare wheels are used as a temporary replacement and are normally limited to being used at a maximum speed of 50 mph.
4. With run-flat tyres, no spare wheel is supplied, as the vehicle is able to continue at a speed that would not be possible with a normal tyre. A warning system is provided to inform the driver of the loss of pressure. The vehicle can be used for between 50 and 100 miles.
5. Whilst it would be preferable for a full sized wheel and tyre to be carried to enable a journey to be completed at normal speed following a puncture this now not proving to be possible in all vehicles. This has posed problems for some proprietors who have either been unable to licence a vehicle or have had to purchase an additional wheel and tyre to be carried in the luggage area which restricts the carrying capacity.

Amended Condition

6. If an amendment to conditions to permit run-flat and spacesaver tyres is approved, the fact they are only a temporary solution to the problem of a puncture must be mentioned and that they are acceptable only to enable a journey already commenced to be completed.

Wheels and Tyres

7. Below is recommended change in condition for both hackney carriages and private hire vehicles.

All wheels and the tyres fitted must be of the correct type, size and the correct pressure for the vehicle. Unless the vehicle is supplied by the manufacturer with approved run-flat tyres or a spare wheel and tyre of a compact design as original equipment, a spare wheel and tyre of the same type as that fitted to the vehicle and at the correct pressure must be carried.

It is essential that vehicles with run flat tyres be fitted with a working tyre pressure monitoring system.

Where a wheel and tyre of compact design (space saver) is carried, tools sufficient to allow the spare wheel to be fitted during a journey will be carried in the vehicle in a safe and secure position.

The vehicle must only be used with a space saver tyre or when normal pressure has been lost from a run flat tyre to enable a hiring to be completed and then must only be used in accordance with the parameters prescribed by the manufacturer. The vehicle may not be used for any further hirings until the wheel and tyre has been replaced by a wheel and tyre of the correct type for the vehicle or the run-flat tyre has been replaced.

Human Rights

8. Although a licence is deemed to be a possession covered by Article 1, of the first Protocol of the European Convention on Human Rights, no licence has yet been granted to a new applicant by this Authority, thus

any decision made by the committee to change the criteria of new applicants will not be subject to Article 1.

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Report of: Transport & Parking Business Manager

To: General Purposes Licensing Committee

Date: 13th September 2007 **Item No:** 6

Title of Report : Criteria for New applicants for Hackney Carriage and
Private Hire Driving Licences

Summary and Recommendations

Purpose of report: Following a written request from the Operator of private hire vehicles, to review the Council's requirements for drivers holding a driving licence issued by an EEA country.

Key decision: No

Portfolio Holder: N/A

Scrutiny Responsibility: Environment Scrutiny Committee

Ward(s) affected: All

Report Approved by:

Graham Smith. Transport and Parking Business Manager
Daniel Smith Legal & Democratic Services

Policy Framework: None

Recommendation(s):

The Committee is RECOMMENDED to:-

1. To consider the letters from Oxford Private Hire Association (001 Cars)
2. To make no changes to the current requirements for new applicants for a hackney carriage or private hire driving licence.

Background

1. In June 2005 the Licensing Committee approved an amended criteria in respect of new applicants for a hackney carriage and private hire driving licence. **Appendix 1**
2. Two letters have been received from 001 Cars, an Operator of private hire vehicles requesting that the rules be changed. **Appendix 2 & 3**
3. Two matters brought about the need for the change in criteria.
4. Having perceived a problem with the safety record of newly qualified drivers, the Government introduced new legislation. The Road Traffic (New Drivers) Act 1995 affects drivers who first passed a driving test on or after 1 June, 1997. If a driver reaches six or more penalty points within two years of passing the driving test (ie during the probationary period) the Driver and Vehicle Licensing Agency (DVLA) will automatically revoke the driving licence. The licensing office remained unaware of the revocation unless informed by the driver concerned
5. The Driving Licences (Community Driving Licence) Regulations 1996 states that the EEA driving licence is acceptable to fulfil the conditions of sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 and this Authority will accept a driver with an EEA driving licence.
6. Driving licence checks with DVLA are carried out in respect of new applicants and annually for all drivers on renewal of licences. Although legislation permits the use of an EEA licence, there is no practical possibility of accurately checking a drivers previous driving record unless the licence is either exchanged for a UK licence or the applicant, whilst retaining his EEA licence, acquires a D9 counterpart form from the DVLA, (this is the form which carries any endorsements accompanying the new 'picture' driving licence).. A letter from Oxford Magistrates Court

confirms this fact. **(Appendix 4)**. The DVLA will not release details of a driver's record to the Taxi Licensing Office without full and complete details of the driver on a signed mandate from the driver concerned which must include driver number and bearing the same address as that appearing on the driving licence.

7. The report of June 2005 informed the Committee that in the opinion of the officers, it would neither be safe for the public, which must be the Council's main concern, or fair to other applicants, if a driver who has passed a driving test, possibly in a country where requirements are less than the UK, whose experience of driving in the UK may be limited or even none, can be granted a licence to immediately drive a vehicle carrying up to eight passengers for hire or reward when there is no possibility of checking his driving record, whereas the holder of a DVLA licence for whom there is a record may have been refused.
8. To be issued a temporary permit to drive private hire vehicles in London, an applicant must satisfy the following minimum criteria which is described in The Private Hire Vehicles (London) Act 1998: Must be 21 years or over, hold a full DVLA, Northern Ireland, or other EEA state driver licence, have held one of the above licences for at least 3 years. Amongst the documentation required is a counterpart licence showing current address.
9. Unlike London and many other licensing authorities, which have set a minimum age limit of 21 and/or require that applicants hold a DVLA driving licence for up to three years, Oxford City Council has no requirement.
10. Legislation requires that an applicant has held a full driving licence for 12 months, the introduction by this Authority of the requirement that a driver hold a full licence for two years attempted to address the problem of inexperienced drivers and the fact that they are responsible for the safety of up to eight paying passengers.

11. The requirement that all EEA drivers must have held the driving licence counterpart for 12 months was to deal both with the fact no comparable driving record is likely to be obtained from other countries and that there is no other practical method of recording convictions obtained in the UK once a driver is licensed. As an additional benefit, the 12 month requirement has also made it more likely that an applicant has at least some experience of driving on the roads of this country and on the left.
12. The safety of passengers must at all times be of paramount importance and the ability to check a driver's previous and ongoing driving record is an essential part in attempting to ensure this safety.
13. When dealing with applications, the Council must determine whether the applicants are fit and proper persons to be private hire or hackney carriage drivers. Section 57 of the Local Government (Miscellaneous Provisions) Act 1976, allows the Council to require such information from an applicant as it considers reasonably necessary to make that determination. As holding the counterpart licence is the best practical means of checking the applicant's driving record it is, in the opinion of officers a reasonably necessary requirement.
14. The numbers of applications is comparable to the numbers of previous years and it is the opinion of the Licensing Officers that any reduction in numbers is more likely to be due to the introduction of the English language test.
15. No reports of a shortage of drivers have been received from any other source and in fact the total number of vehicles and drivers licensed has increased. The number of private hire driving licences has increased from 367 in the year to April 2004 to 408 in the year to April 2007 and hackney drivers from 285 to 300.

16. The vast majority of private hire drivers prefer to drive their own vehicle and in fact some come from other towns to be able to do so, thus are not available to drive for other proprietors. This is evidenced by the fact that the number of private hire vehicles licensed in the year to April 2004 was 300 and in the year to April 2007 this had increased to 371.

Consultation

17. A consultation letter giving details of the proposed amendment of 2005 was sent to licensed operators (including 001 Cars), hackney carriage and private hire driver associations. No letters of objection were received but a letter of support was received from COLTA.

Legal Considerations

18. Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 provides that a district council shall not grant a licence to drive private hire vehicles:
 - (a) unless it is satisfied that the applicant is a fit and proper person to hold a driver's licence; or
 - (b) to any person who has not for at least 12 months been authorised to drive a motor car, or is not at the date of the application for a driver's licence so authorised.Section 59 of the Act makes similar requirements for applicants for a hackney carriage driver's licence.

19. The Driving Licences (Community Driving Licence) Regulations 1996 states that the EEA driving licence is acceptable to fulfil the conditions of sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976.

20. Section 57 Local Government (Miscellaneous Provisions) Act 1976 provides that a District Council may require any applicant for a licence to submit such information as it may reasonably consider necessary to enable it to determine whether a licence should be granted.

Human Rights

21. Although a licence is deemed to be a possession covered by Article 1, of the first Protocol of the European Convention on Human Rights, no licence has yet been granted to a new applicant by this Authority, thus any decision made by the committee to change the criteria of new applicants will not be subject to Article 1.

- | | |
|---------------------------|---|
| Appendix 1 | Original report of 2005 |
| Appendix 2 & 3 | Letters from 001 Cars |
| Appendix 4 | Letter from Oxford Magistrates Court |

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Criteria for Applicants for a Hackney Carriage and Private Hire Driving Licence

1. A Hackney Carriage or Private Hire Drivers Licence will not be issued to any new applicant who has not held a full United Kingdom driving licence granted under Part III of the Road Traffic Act 1972 for a minimum of 24 months, or held a licence from another EEA state for a minimum of 24 months together with a counterpart to the licence, which must have been held for a minimum of 12 months and show the applicants current address.
2. If the DVLA driving licence of an applicant is revoked following the acquisition of six or more points during the first two years since passing the driving test, then a period of 24 months following the restoration of the licence must have elapsed before a hackney carriage or private hire driving licence can be granted.
3. Applicants who have been resident in the UK for less than five years from the date of application are required to provide a Certificate of Good Conduct or an equivalent document from any country in which they have lived within the previous five years, this is to be in English, at their own expense and in addition the CRB check.
4. Prior to taking the written Local Knowledge test, each new applicant for a Hackney Carriage or Private Hire Drivers Licence is required to attend an interview where there will be an appraisal of his spoken English, English comprehension, a test of reading, basic written English, and basic mathematics. Drivers not reaching a satisfactory level will be refused a licence
5. A driving licence must be taken up within six months of a candidate being informed that he has successfully passed the Local Knowledge test.

**OXFORD PRIVATE HIRE ASSOCIATION
NEW INN YARD 108 ST ALDATES OXFORD OX1 1BU
TEL: 01865 24 00 00 FAX: 08700 71 71 71**

Taxi Licensing Officer
Ramsay House
10 St Ebbes Street
Oxford OX1 3HD

Ref: OPH 18

17 July 2007

Re: Private Hire Licences

We respectfully request that at the next General purposes Licensing Committee the following legislation be changed as follows.

- 1) Applicants holding a full United Kingdom driving licence for twelve months should be able to apply for an Oxford City drivers badge, revoking the 24 months in force since 17 June 2006. This will bring us in line with our neighbours South Oxford and the Vale. Why does Oxford have to be different from other Licence authorities?
- 2) The reason for change is because we are having extreme difficulty getting drivers to go for the test.
- 3) When any legislation is considered for change we would like to be advised so that we can make representation at that meeting.

Yours faithfully



A L Green
Chairman

Received 18/7/07

**OXFORD PRIVATE HIRE ASSOCIATION
NEW INN YARD 108 ST ALDATES OXFORD OX1 1BU
TEL: 01865 24 00 00 FAX: 08700 71 71 71**

Taxi Licensing Officer
Ramsay House
10 St Ebbes Street
Oxford OX1 3HD

Ref: OPH 18

19 July 2007

Dear Licensing Officer

Re: Private Hire Licences

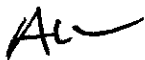
It is with regret we have to write to you concerning our situation regarding obtaining PH licences. I have been advised from National Private Hire (Brian Rowlands), the Department of Transport (David Farmer) and the EEA and now request Oxford City Council follow the Department of Transport ruling. (I cannot understand why Oxford are adopting having to hold a full UK licence for two years to apply for a PH licence) Unfortunately for us Oxford is one of four Councils adopting this.

Shortly we are submitting drivers with full EEA licences, who are leaving Universities. We cannot allow Oxford City Council to restrict our business practice any longer and I am wondering if the General Purpose Licensing Committee is fully aware. I have several vehicles parked up without drivers costing leases and insurances £100.00 per week. I have tried tirelessly to no avail.

Please find full copy of Councils who have adopted the Department of Transport ruling. Why is Oxford making life so difficult?

Can we have an early response as the National Private Hire is waiting to take legal action against our Council?

Yours faithfully



A L Green
Chairman

Enc: 1) Yes councils
2) Dept of Transport

cc Ed Turner Chairman

Received 19/7/07



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Your ref: JC

19 March 2007.

J Cramer
Authorised Office
Taxi Licensing
Oxford City Council
Ramsay House
10 St. Ebbes Street
Oxford
OX1 1PT

Dear Mr. Cramer,

TAXI LICENSING- EUROPEAN ECONOMIC AREA [EEA] DRIVING LICENCE HOLDERS

I refer to your letter dated 28 February 2007.

As per your request I detail below the procedure of the courts in the following circumstances:

1) A conviction that results in a disqualification.

If a driver is a holder of an EEA driving licence and is convicted of an offence which results in a disqualification under the Road Traffic Offences Act 1988 or Powers of Criminal Court (Sentencing) Act 2000, the court cannot order the defendant to surrender the EEA licence.

In such cases, the court pronounces the disqualification and issues the defendant with a disqualification notice, which is in triplicate [specimen attached herewith] including the defendant's 'Full Name' and 'Date of Birth'. The defendant in acknowledgment of such disqualification signs a copy of the disqualification notice.

Thereafter, court immediately issues a copy of the disqualification notice to the defendant. A copy is faxed to the local police station for updating of the Police National Computer and another copy is sent to the DVLA for their records.

2) A conviction that results in an endorsement.

If a driver is a holder of an EEA driving licence and is convicted of an offence that results in an endorsement of the licence, the court notifies the DVLA of such conviction and endorsement together with the defendant's 'Full Name' and 'Date of Birth'.

Upon receipt of such information it is expected that the DVLA will create a record in the name of such defendant in reference to the information provided by the court. It is also usual practice for such record to remain on the DVLA system in a manner similar to a defendant with a U.K driving licence. The only difference being the unavailability of the driving licence number as a reference.

3) If the person does not have his EEA driving licence in court.

If a driver is a holder of an EEA driving licence and does not produce such driving licence in court, upon conviction court has no power to order such defendant to produce such licence in court.

However, with regard to all road traffic related matters, an authorised officer of the court is able to obtain the driving record of the defendant(s) from the DVLA on the day of the hearing by providing to the DVLA the '**Full Name**' and '**Date of Birth**' of the defendant. This system enables the court to sentence a holder of an EEA driving licence who does not produce such driving licence in court, after taking into account such defendant's previous driving record.

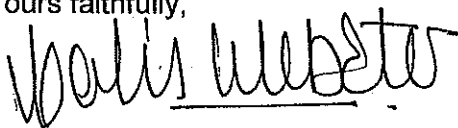
However, if for some reason court is not able to obtain the driving record of the defendant or the driving record available indicates 'No Trace', and if court has concerns, court can order such defendant to give information on oath regarding previous and relevant endorsements and/or disqualifications.

4) Follow up on an outstanding conviction and/or sentence on a EEA driving licence holder.

As stated in paragraph [3] above, an authorised officer of the court is able to obtain the driving record of the defendant from the DVLA on the day of the hearing by providing to the DVLA the '**Full Name**' and '**Date of Birth**' of the defendant. Therefore if a defendant's '**Full Name**' and '**Date of Birth**' is available, court is able to obtain the driving record of such defendant and consider any outstanding convictions and/or sentences.

I hope this clarifies matters. If you need further clarifications please feel free to contact me.

Yours faithfully,



Colin Webster
Deputy Justices' Clerk

OXFORD CITY COUNCIL**Licensing Committee****17th June 2005****Report of: Transport & Parking Business Manager****Title: Applications for Hackney Carriage and Private Hire Driving
Licences****Ward: All****Report author: Philip Pirouet, Taxi Licensing Officer****Contact Tel No: 01865 252115****E-mail address: ppirouet@oxford.gov.uk****Key Decision: No****Lead Member:****Scrutiny responsibility: Not applicable****RECOMMENDATIONS**

The Licensing Committee is recommended to agree to

- Approve the criteria for new applicants for a Hackney Carriage or Private Hire Drivers Licence shown at Appendix 1.
- Delegate the responsibility for formulating and revising the testing procedures when necessary, to the Transport and Parking Business Manager.
- Approve the charges associated with the grant of a driving licence and delegate responsibility to the Transport and Parking Business Manager to revise the fees when necessary. (Shown at Appendix 2).

SUMMARY

1. In order to be able to continue to ensure as well as possible that the persons granted hackney carriage and private hire driving licences are suitable and safe drivers, it has become necessary to make amendments to the present regulations in respect of Applicants for a Hackney Carriage and Private Hire Driving Licence.
2. This has come about because of changes in UK legislation in respect of new drivers and regulations entitling the holders of E.E.A. driving licences to drive in the UK until the age of 70 without obtaining a UK licence.
3. There has been a large increase in the number of drivers who are recent arrivals in this country. It is proving difficult to carry out criminal records checks to cover a sufficiently long period since the Criminal Records Bureau only have access to records within the UK and cannot check records prior to the applicants arrival in this country.
4. The Taxi Licensing Office is funded from the fees paid by the licence holders and although applicants are required to pay for Criminal and Driving Licences checks and the local knowledge test, the current licence holders fund all other costs including a driving test and administration costs

BACKGROUND

5. Oxford City Council currently requires that the driving licences of all applicants for a hackney carriage or private hire driving licences are checked with DVLA Swansea, to ascertain when they were first issued with a full DVLA driving licence, the types of vehicles for which they are qualified to drive and any endorsements or disqualifications. Driving records are subsequently checked annually through the DVLA. All applicants are also checked with the Criminal Records Bureau, must pass a local knowledge test, a driving test and provide a full medical report.

6. The Local Government (Miscellaneous Provisions) Act 1976 requires that all new applicants who apply for either a Hackney Carriage or Private Hire Drivers Licence must have held a full United Kingdom driving licence for 12 months.

CURRENT LEGISLATION AND LOCAL REGULATIONS

Driver Competence

7. Having perceived a problem with the safety record of newly qualified drivers, the Government introduced new legislation. The Road Traffic (New Drivers) Act 1995 affects drivers who first passed a driving test on or after 1 June, 1997. If a driver reaches six or more penalty points within two years of passing the driving test (ie during the probationary period) the Driver and Vehicle Licensing Agency (DVLA) will automatically revoke the driving licence.

To regain a full licence a driver must then:

- obtain a provisional licence
- drive as a learner
- pass the theory test (both elements) and practical test.

8. Since the change in legislation the Licensing Office has found that the DVLA driving licences of a number of potential new drivers had been revoked by DVLA under this provision. In the last year, 14 new applicants had held their full DVLA driving licence for less than two years. They could potentially be granted a licence by this authority (after passing all the requirements), acquire 6 or more points on their DVLA licence during the probationary period of two years as new drivers and have their DVLA licence revoked.
9. On one occasion in the past year a driver informed the Taxi Licensing Office of such a revocation and returned his drivers badge. Unless a driver informs the Taxi Licensing Office of the revocation of the DVLA licence, the Oxford City Council remains unaware and the driver could carry on driving until the annual DVLA check was carried out. This has

already happened with a driver disqualified by the courts. Vehicle insurance may also be in question as most taxi insurance policies state that the person driving must hold a current DVLA licence.

10. Oxford City Council Guidelines currently require that once restored, any new DVLA licence must remain free of endorsement for 12 months before a licence to drive either Hackney Carriage or Private Hire Vehicles can be granted.

Drivers from outside the UK

11. The holder of a driving licence issued by countries within the European Economic Area (EEA) and some other countries may now drive motor vehicles, in the UK, using the licence of the issuing country until reaching the age of 70, without being required to exchange it for a UK driving licence.

12. Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 provides that a district council shall not grant a licence to drive private hire vehicles:

(a) unless it is satisfied that the applicant is a fit and proper person to hold a driver's licence; or

(b) to any person who has not for at least 12 months been authorised to drive a motor car, or is not at the date of the application for a driver's licence so authorised.

Section 59 of the Act makes similar requirements for applicants for a hackney carriage driver's licence.

13. The Driving Licences (Community Driving Licence) Regulations 1996 states that the EEA driving licence is acceptable to fulfil the conditions of sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976.

14. Although legislation permits the use of an EEA licence, there is no practical possibility of accurately checking a drivers previous record

unless the licence is either exchanged for a UK licence or the applicant, whilst retaining his EEA licence, acquires a D9 counterpart form from the DVLA, (this is the form accompanying the new 'picture' driving licence which carries any endorsements).

15. It would neither be safe for the public, which must be the Council's main concern, or fair to other applicants, if a driver who has passed a driving test, possibly in a country where requirements are less than the UK, whose experience of driving in the UK may be limited or even none, can be granted a licence to immediately drive a vehicle carrying up to eight passengers for hire or reward when there is no possibility of checking his driving record, whereas the holder of a DVLA licence for whom there is a record may have been refused.
16. To be issued a temporary permit to drive private hire vehicles in London, an applicant must satisfy the following minimum criteria which is described in The Private Hire Vehicles (London) Act 1998: Must be 21 years or over, hold a full DVLA, Northern Ireland, or other EEA state driver licence, have held one of the above licences for at least 3 years. Amongst the documentation required is a counterpart licence showing current address.
17. Unlike London and many other licensing authorities, which have set a minimum age limit of 21 and/or require that applicants hold a DVLA driving licence for up to three years, Oxford City Council has no requirement.
18. It is essential that new conditions are put in place in respect of the length of time driving licences must be held prior to the grant of a Hackney Carriage or Private Hire driving licence and for those applicants whose DVLA licence has been revoked during the first two years of issue.

PROPOSED ADDITIONAL CRITERIA

19. A Hackney Carriage or Private Hire Drivers Licence will not be issued to any new applicant who has not held a full United Kingdom driving licence granted under Part III of the Road Traffic Act 1972 for a minimum of 24 months, or held a licence from another EEA state for a minimum of 24 months together with a counterpart to the licence, which must have been held for a minimum of 12 months and show the applicants current address.
20. If the DVLA driving licence of an applicant was revoked following the acquisition of six or more points during the first two years since passing the driving test, then a period of 24 months following the restoration of the licence must have elapsed before a licence can be granted.
(The proposed additional criteria are also set out at Appendix 1)
21. The minimum age for drivers to obtain a licence with this authority would thus be 19 years.
22. The medical criteria will stay the same

CRIMINAL RECORDS CHECKING

22. The below paragraphs were added to the report as a result of recommendations, both verbal and written from the hackney carriage and private hire trade. **(Letter from COLTA at Appendix 3)**
23. This Authority requires drivers to have a satisfactory Criminal Records Bureau check at Enhanced level, before a licence is granted and every third year thereafter. The CRB requires that an applicant provides an address history for the previous five years but can only provide details of convictions within the United Kingdom, thus an applicant who has only been resident in the UK for a short period cannot be checked satisfactorily. However it is possible for an applicant to obtain a

Certificate of Good Conduct or an equivalent document from a number of countries, which coupled with the CRB check, may prove satisfactory.

24. For the safety of the public and in order that checking procedures be equitable a further condition is recommended.
25. Applicants who have been resident in the UK for less than five years from the date of application are required to provide a Certificate of Good Conduct or an equivalent document from any country in which they have lived within the previous five years, this is to be in English, at their own expense and in addition the CRB check. **(The proposed additional criteria are also set out at Appendix 1)**

LOCAL KNOWLEDGE TEST AND STANDARDS OF ENGLISH

Current Practice

26. As part of the requirements before being granted a hackney carriage or private drivers licence, an applicant must pass a Local Knowledge test that includes local rules and regulations. The test takes the form of a multiple-choice paper and involves no writing, but reading simply worded questions and marking the correctly chosen answer.
27. It has become apparent that the test is failing in that it contains no appraisal of the applicant's ability to communicate or understand English. This applies not only to those applicants who are fairly recent arrivals in this country but to some who have lived here for many years, whose understanding of the English language both written and verbal is minimal..
28. Although licence holders have successfully passed the present local knowledge tests their inadequate command of English has resulted in a number of complaints and incidents being reported to the Taxi Licensing Office. Many of these complaints have clearly either been caused by the drivers inadequate English or could have been diffused by a driver satisfactorily explaining a situation. Problems with money and

understanding the directions given in writing, or by passengers also with poor English have occurred

29. The driver involved in one recent complaint dealt with by the Licensing Office could not be interviewed without the services of a trained interpreter. It was apparent that the complaint resulting from the drivers poor spoken English and he agreed to take English lessons as an alternative to an appearance before the Licensing Sub-Committee as 'not being suitable to hold a driver's licence', because of his poor spoken English.
30. The present style of test was formulated some years ago and is no longer adequate. This has been recognised by a number of Authorities who in addition to a Local Knowledge test, have introduced a test of English, both written and spoken together with basic numeracy.
31. As will be seen in following paragraphs, a number of applicants who have successfully passed the tests do not take up a licence. There is presently no time limit, this could mean that by the time the licence is taken up the knowledge has been lost.
32. It is recommended that a licence must be taken up within six months of a candidate being informed that he has successfully passed the Local Knowledge test.
(The proposed additional criteria are set out at Appendix 1)

Proposals for an Additional English Test

33. There shall be an initial personal interview of each new applicant with a basic mathematics test, basic test of written English and an assessment of spoken English. At the interview, application forms, particularly the CRB forms that have proved difficult for some applicants and the required proofs of identity will be checked.

34. The **Diversity** Officer has been contacted about the proposals. The Commission for Racial Equality has confirmed her opinion that there would not be a problem.

(The proposed additional criteria are set out at Appendix 1)

35. Additional testing will not be possible without additional staff hours. This is addressed in another report before the Committee today.

CHARGES

36. Apart from recouping, the basic charges made to the Council by the Criminal Records Bureau and the Driver and Vehicle Licensing Agency from the applicant, the only charge currently made is one of £10 for each Local Knowledge test taken. The introduction of the Criminal Records Bureau has greatly increased the workload, as has the checking of an applicant's entitlement to work (although the Council does not employ drivers it is an offence to employ a person who does not have work entitlement an employer would certainly assume that the holder of a licence granted by this Authority, would have this entitlement). Each application takes a great deal of time and no charge is made for the considerable administration work involved in the application process.

37. At present, the charge made for the driving test that is carried out by Transport Services at Marsh Road and billed to the Licensing Office (currently £16.11) is not passed on to the applicant.

38. In the last 12-month period there were 204 new applicants for a driving licence of whom 95 were licensed. In addition, 23 passed all the tests including the driving tests but did not take up a licence, thus a great deal of work has been carried out by the Taxi Licensing Office together with some financial outlay.
39. The 204 applicants took a total of 323 Local Knowledge tests; this included the 27 applicants for a hackney carriage driving licence, some of whom already held licences to drive private hire vehicles. It must be noted that some applicants withdraw or are refused a licence prior to taking the tests
40. No payment is obtained from the applicant until a licence is taken up, when the fee is the same as that paid by licensed drivers for the annual renewal of their licence.
41. Taxi Licensing is funded entirely through the licence fees and in order to ensure that applicants are suitable and that the existing licence holders are not paying the costs of new applicants, additional criteria to require payment and increase charges are necessary.
42. The charge for the initial personal interview of each new applicant shall be £10. This is calculated from 15 minutes of Taxi Licensing Office time and rounded down.
43. The charge for the multiple-choice Local Knowledge test will be increased from £10 to £15.
44. The charge for the driving test made by Transport Services to the Licensing Office will be recovered from the applicant, together with an administration fee of £5. This is calculated from 10 minutes of Taxi Licensing Office time and rounded down.

(The proposed additional criteria and Charges are set out at Appendix 2)

HUMAN RIGHTS

45. Although a licence is deemed to be a possession covered by Article 1, of the first Protocol of the European Convention on Human Rights, no licence has yet been granted to a new applicant by this Authority, thus any decision made by the committee to change the criteria of new applicants will not be subject to Article 1.

THIS REPORT HAS BEEN SEEN AND APPROVED BY

Legal & Democratic Services (Jeremy Franklin)

The Transport & Parking Business Manager

Financial Management (Claire Reid)

Additional Criteria for Applicants for a Hackney Carriage and Private Hire Driving Licence

1. A Hackney Carriage or Private Hire Drivers Licence will not be issued to any new applicant who has not held a full United Kingdom driving licence granted under Part III of the Road Traffic Act 1972 for a minimum of 24 months, or held a licence from another EEA state for a minimum of 24 months together with a counterpart to the licence, which must have been held for a minimum of 12 months and show the applicants current address.
2. If the DVLA driving licence of an applicant is revoked following the acquisition of six or more points during the first two years since passing the driving test, then a period of 24 months following the restoration of the licence must have elapsed before a hackney carriage or private hire driving licence can be granted.
3. Applicants who have been resident in the UK for less than five years from the date of application are required to provide a Certificate of Good Conduct or an equivalent document from any country in which they have lived within the previous five years, this is to be in English, at their own expense and in addition the CRB check.
4. Prior to taking the written Local Knowledge test, each new applicant for a Hackney Carriage or Private Hire Drivers Licence is required to attend an interview where there will be an appraisal of his spoken English, English comprehension, a test of reading, basic written English, and basic mathematics. Drivers not reaching a satisfactory level will be refused a licence
5. A driving licence must be taken up within six months of a candidate being informed that he has successfully passed the Local Knowledge test.

Essential requirements

Requirements	Achieved by	Present Charge	Proposed charge
Ability to converse in, write and comprehend English.	Interview by Officer, short written test, assistance with forms, checking identification etc.	Nil	£10
Basic numeracy			
Satisfactory previous criminal record	Criminal Records Bureau and/or Certificate of Good Conduct.	At cost (£34)	At cost
Satisfactory previous driving record	Driver and Vehicle Licensing Agency	At cost (£5)	At cost
Knowledge of Oxford City.	Local Knowledge test	£10	£15
Knowledge of rules, regulations and legislation			
Medical fitness	Medical certificate	By medical practitioner	
Driving Ability/safety	In house driving test.	Nil	At cost plus £5

Local Government (Miscellaneous Provisions) Act 1976 S. 53 (2) power to recover costs