

To: General Purposes Licensing Committee

Date: 01 March 2010 **Item No:**

Report of: Head of Environmental Development

**Title of Report: Update on Taxi Licensing Activity
September 2010 – December 2010**

Summary and Recommendations

Purpose of report: To inform Committee of the progress made by the Taxi Licensing Function between September 2010 and December 2010.

Report Approved by:
Finance: Paul Swaffield
Legal: Daniel Smith

Policy Framework: Improve the local environment, economy and quality of life

Recommendation(s):
The Committee is recommended to:
(i) note the contents of the report, and
(ii) make comments and recommendations regarding the future work of the Taxi Licensing Function.

Introduction

1. This report informs Committee of progress made by the Taxi Licensing Function under the duties of the Town & Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 between September 2010 – December 2010.
2. There are no financial requirements for consideration contained within this report.
3. The report covers data on service volumes; details of Taxi Licensing hearing decisions; decisions made under delegated powers; information on volumes of drivers and vehicles and enforcement activity.

4. The tables below provide data on licence applications received and processed during the period for September 2010 to December 2010.

Licences Issued	Total
Hackney Carriage Driver	142
Private Hire Driver	218
Hackney Carriage Vehicle	72
Private Hire Vehicle	225
Private Hire Operator	9

Actions Undertaken	Total
Licensing Hearings	6
Enforcement Actions	110
Number of Prosecutions	2
Complaints about Drivers / Vehicles	44

Applications Granted by the Licensing Authority

5. A hearing is not required where an application has been lawfully made and no adverse information pertaining to the “fitness” of a person or vehicle to be licensed by this Authority has been found. There have been 360 driver, 297 vehicle, and 9 Operator licenses issued by the Head of Environmental Development under delegated authority during the period September 2010 – December 2010.

Hackney Carriage & Private Hire Licensing Sub-Committee Hearings

6. When adverse information pertaining to the “fitness” of a person or vehicle to be licensed by this Authority has been found then the application is determined at a Sub-Committee Hearing.
7. During September 2010 – December 2010, 6 Hearings were held to determine the fitness of 3 new driver applicants and 3 driver renewal applications. 2 new applicants were refused a licence, 1 new applicant was granted a licence. 2 renewal applications were refused, and the other was granted.

Appeals

8. The Taxi Licensing Authority did not receive any applications for appeal regarding decisions made by the Committee.

Prosecutions

9. During the period September 2010 – December 2010, one prosecution took place at the Oxford Magistrates Court for the offences of plying for hire, and driving without the correct insurance. The prosecution was successful and resulted in the offender receiving a fine of £300 (and costs of £215 awarded against him) and his driving licence was endorsed with 6 penalty points.

Enforcement Activity

10. Between September 2010 and December 2010, the Licensing Team has issued:
 - 24 Verbal Warnings
 - 14 Written Warning
 - 1 Final Warnings
 - 2 Cautions
 - 56 Advisory letters / Advice on the spot

The majority of warnings were issued due to breaches of driver / vehicle licence conditions. Other issues found were non-declaration of convictions, excessive penalty points on DVLA driving licences, use of mobile telephone whilst driving.

11. An “advisory” letter is to help educate licensed drivers who are new to the responsibilities of being a member of the taxi fraternity, or when there is some element of reasonable doubt between the version of events reported by the complainant and the licensed driver.
12. Due to the increased enforcement activities, and the need to find a quicker solution to remedying minor issues found during compliance checks, on the spot advice was given to drivers, and recorded on the drivers record at the office. Such advice related mostly to drivers not having their drivers badge on display, not having their record book in the vehicle, and minor matters relating to the condition of the vehicle.
13. A “warning” is given when the complaint and / or offence has been proved against the licensee, and is deemed to either be serious enough to warrant enforcement action of a higher level than an “advisory” letter, or the pattern of conduct by the licensee over any period of time has resulted in a “warning” being the next procedural level of action required.
14. Members should note that whilst the above may illustrate the procedures that the Taxi Licensing Team follow, should a matter come to light that gives rise to a higher level of concern to Officers, then the issue can be presented to the Licensing Sub-Committee for determination, that may result in the suspension or revocation of the licence.

15. Between September 2010 and December 2010, 13 taped interviews under Police & Criminal Evidence Act were carried out, either for the suspected offence of plying for hire, or other suspected criminal offences following information supplied by Thames Valley Police.
16. Resulting from the above PACE interviews were:
 - 5 prosecutions pending for plying for hire
 - 2 written warning for plying for hire
 - 4 cautions issued for plying for hire
 - 2 cases being submitted to the Hackney Carriage & Private Hire Licensing Sub-Committee to determine whether the drivers are deemed to be considered “fit and proper”
17. Two test purchase operations were carried out between September 2010 and December 2010, which has resulted in 7 drivers being investigated for plying for hire, and prosecutions are pending in each case (see figures above) and 2 received written warnings (see figures above)..

Nightsafe

18. The NightSafe initiative contributes to the taxi licensing objectives. This includes intelligence sharing and has led to the Taxi Licensing Enforcement Officers being able to view late night taxi activity in a number of locations by arrangement with the CCTV Manager. This benefits the enforcement of licensed drivers and vehicles as it can reveal unprofessional conduct by the licensed trade in the City at night, and can act as a check or deterrent.
19. Meetings with the CCTV Manager have taken place, and dates have been set for the Taxi Enforcement Officer to attend their premises. CCTV footage of suspected drivers plying for hire has been passed over to the Enforcement Officers to investigate.

Future Work

20. The previously reported changes to the procedures in Taxi Licensing are about to be phased in, and further details of these changes can be found in the report entitled “**Amendments to Taxi Licensing Regulations and Guidelines**” to be considered at this meeting. These changes are vital to the Licensing Authority being able to meet the demands of our customers, and will drive the Authority forward in providing an effective, structured, and robust approach, and a fully accountable and audited process of administration and enforcement.
21. A full review of the current Policy on the relevance of Cautions and Convictions has been carried out and consulted on with City of Oxford Licensed Taxi Association (COLTA) and the Private Hire Trade Association, and a revised Policy will be put forward to Members at this meeting for their approval. The amendments aim to an up to date framework for robust decision making by the Hackney Carriage and

Private Hire Licensing Sub-Committee when dealing with drivers, proprietors and operators put before it.

22. An inspection sheet has been devised and passed on to the Enforcement Officers who will be able to check on the visual condition and general safety of any vehicle that they see at taxi ranks or when they are carrying out general compliance checks. They will also be able to ensure that any driver seen is adhering to the conditions of his drivers licence, and be provided as evidence at any Licensing Sub-Committee Hearing, or prosecution.
23. Night-time enforcement duties have become more accountable, and approval for each targeted area is sought from either the Licensing Team Leader or the Licensing and Development Service Manager to ensure consistency in our approach and recording of incidents.
24. In addressing the current and future needs of residents, visitors and businesses in Oxford, the previous relationship with the Taxi Trade has been further developed, to better regulate the Trade, and be able to look forward. The Licensing Team Leader has to this extent had lengthy discussions with COLTA and the Private Hire Trade Association in order to explain a “vision for Oxford” that will be mutually beneficial. COLTA and the Private Hire Trade Association have been extremely supportive of the proposals, and are committed to making this vision a reality.
25. The use of CCTV in licensed vehicles has been examined and agreement with the Trade has been reached with regard to:
 - Minimum standard specifications
 - Maximum cost per unit
 - Potential suppliers
 - Eligibility
 - Implementation date
 - Reimbursement for fitting costs
 - Date for mandatory adherence to CCTV criteria and fitting

A report updating Members on the status of the CCTV initiative entitled “Taxi CCTV” is being provided at this Committee meeting.

26. The Licensing Team Leader has been very proactive with the Trade to ensure that it is kept abreast of all developments, involved in all new initiatives, work with the Licensing Team in developing future plans, and also to ensure the Trade has a better understanding as to how the Taxi Licensing function is being developed.
27. The Licensing Team Leader will be implementing Trade Meetings every 2 months in order to propel current and future initiatives forward at greater pace, for the benefit of the public, the Trade, and Oxford as a wider community.

28. In order to ensure that the Licensing Authority has as much information available to it, in order to drive the service forward and help build a world class city, the Licensing Team will be carrying out a benchmarking exercise with other Licensing Authorities and acquire knowledge of and better understand future initiatives that can be adopted in Oxford.
29. An initiative that is already at an advanced stage is for High Visibility Roof Numbers for all vehicles licensed by this Authority. The Licensing Team and Thames Valley Police believe this will promote Oxford as a safe city, and will assist the Police when a licensed vehicle has been alleged to have been involved in any incident. As well as making the vehicles clearly identifiable on City CCTV systems this move should help protect the drivers and operators. If adopted, this will be another “first” for Oxford.
30. At a meeting with the Taxi Trade that took place on 26th January 2011 with regard to all of the above matters, all issues received the full support of the Trade.
31. Officers, in discussion with other Licensing Authorities, have given consideration to the implementation of a “Fixed Penalty Notice” to be issued by the Licensing Enforcement Officers when carrying out their duties, to drivers and proprietors found to be in breach of any of the conditions or regulations of their respective licence. Such “Fixed Penalty Notices” may be seen as a strong deterrent to drivers and proprietors who fail to adhere to the conditions and regulations by which the licence was originally granted, and would hopefully lead to licence holders following best practice more consistently. Further research is being carried out regarding this matter.

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Background papers:
Version: 1.0