

To: General Purposes Licensing Committee

Date: 17 October 2012 **Item No:**

Report of: Head of Environmental Development

Title of Report: Update on Taxi Licensing Activity
April 2012 – August 2012

Summary and Recommendations

Purpose of report: To inform Committee of the progress made by the Taxi Licensing Function between April 2012 and August 2012.

Report Approved by:

Finance: Paul Swaffield
Legal: Daniel Smith

Policy Framework: Vibrant Sustainable Economy

Recommendation(s):

The Committee is recommended to:

- (i) note the contents of the report; and**
- (ii) make any 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 April 2012 and August 2012.
2. 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.
3. The tables below provide data on licence applications received and processed during the period for April 2012 and August 2012.

Licences Issued	Total April 2012 – August 2012
Hackney Carriage Driver	121
Private Hire Driver	291
Hackney Carriage Vehicle	63
Private Hire Vehicle	265
Private Hire Operator	8

Actions Undertaken	Total April 2012 – August 2012
Licensing Hearings	9
Enforcement Actions Commenced	155
Number of Prosecution Cases Started	16
Complaints about Drivers / Vehicles	99

Applications Granted by the Licensing Authority

- 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 409 driver, 264 vehicle, and 8 Operator licenses issued by the Head of Environmental Development under delegated authority during the period April 2012 to August 2012.

Hackney Carriage & Private Hire Licensing Sub-Committee Hearings

- 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.
- During April 2012 to August 2012, 9 Hearings were to determine the fitness of new applicants and existing applicants (including those who whilst in possession of a licence had been deemed to not be considered a “fit and proper” as detailed in the Policy on the Relevance of Warnings, Offences, Cautions and Convictions). The results of the Hearings are shown in the table below:

	Granted	Refused	Suspended	Revoked
New Driver	2	1		
Existing Driver	0	0	2	3
New Vehicle Owner	1	0		

Appeals

7. The Licensing Authority received 2 applications for appeal during the period covered in this report. One appeal relates to the refusal of a new applicant, and the other to the revocation of a licence following a successful plying for hire prosecution. Dates for the appeals have yet to be set by the Magistrates Court.

Prosecutions

8. During the period April 2012 to August 2012, 16 cases were forwarded to Law & Governance for prosecution. All of these cases related to Private Hire Drivers who failed the “plying for hire” Test Purchase Operations, and are detailed at Paragraphs 19 and 20 of this report.

Enforcement Activity

9. Between April 2012 and August 2012, the Licensing Team has issued (in accordance with the Policy on the Relevance of Warnings, Offences, Cautions and Convictions):
 - 72 Advisory Warnings
 - 33 First Level Warnings
 - 24 Second Level Warnings
 - 25 Final Warnings
 - 11 Requests to vehicles to undergo an additional Certificate of Compliance Test
 - 16 Notifications of referral to Sub-Committee
 - 2 Suspension Notices (driver)
 - 1 Suspension Notice (vehicle)
 - 12 Notifications of non-payment letters
10. The majority of Advisory Warnings were issued due to minor breaches of driver / vehicle licence conditions i.e. failure to display Operator stickers, failure to have badge on display, minor cosmetic defects to vehicles, illegal parking.
11. Other issues found that resulted in higher levels of warnings were non-declaration of convictions on applications, excessive penalty points on DVLA driving licences, aggressive behaviour, poor driving standards, failures to comply with reasonable requests from the Licensing Officers, failures to adequately maintain a licensed vehicle.
12. Repetitive failures to adhere to standard driver and vehicle conditions called in to question the licence holders suitability in line with this Authority’s standard of a Fit and Proper person. Whilst there is no legal definition the criteria the Authority consider relevant are set out in the Policy on the Relevance of Warnings, Offences, Cautions and Convictions states:

Fit and Proper Person: A person who poses no threat to the general public, has a good knowledge of the City, is healthy, and is of a good character (including driving record) will be deemed fit and able to hold a licence.

13. In accordance with the Policy on the Relevance of Warnings, Offences, Cautions & Convictions two drivers were suspended following intelligence provided by Medical Practitioners informing the Licensing Authority of the drivers health concerns.
14. One Hackney Carriage Vehicle Licence was suspended by Officers owing to the vehicle being found to be in an unfit condition in relation to its appearance which had not been visible when the vehicle had been wrapped in full external advertising livery. The matter was rectified by the owner purchasing a new vehicle.
15. An “Advisory Warning” is specifically issued to help educate drivers who are new to the responsibilities of being a licensed driver, or when there is some element of reasonable doubt between the version of events reported by the complainant and the licensed driver.
16. A First Level, Second Level or Final warning is issued when the complaint has been substantiated beyond reasonable doubt or the alleged offence has been proven against the licensee, and is deemed to either be serious enough to warrant enforcement action of a higher level than an “Advisory Warning”.
17. In cases where the pattern of conduct by the licence holder over any period of time has resulted in a “Warning” being the next procedural level of action required. Such “Warnings” rise in severity, and their definitions can be found in the Policy on the Relevance of Warnings, Offences, Cautions and Convictions (as adopted by Council).
18. Members will note that since the Council’s adoption of the Policy on the Relevance of Warnings, Offences, Cautions and Convictions, there has been a significant increase in the number of cases referred to the Hackney Carriage and Private Hire Licensing Sub-Committee.
19. Between April 2012 to August 2012, 16 interviews (under the Police & Criminal Evidence Act) were carried out by the Licensing Officers when investigating suspected offences of plying for hire and driving without the correct insurance (a Private Hire Vehicle is not insured for public hire, whereas a Hackney Carriage Vehicle is).
20. Resulting from the above PACE interviews were:
 - 15 cases were forwarded to Law & Governance for consideration to prosecute drivers for the offence of plying for hire, all of which have been approved for Court proceedings.
 - 1 case is being investigated further due to irregularities being found with the identity of the person claiming to be the driver of the

vehicle at the time of the offence.

NightSafe Partnership

21. 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.
22. This benefits the regulation 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.

Future Work

23. On 4th September 2012 the Council responded to the Law Commission consultation regarding the Reform of Taxi and Private Hire Services. It is expected that the Law Commission will report back on the consultation responses received in the Spring of 2013. A copy of the Council's response can be found attached as **Appendix One**.
24. Consultations are due to commence in relation to the decisions of this Committee on 28th May 2012 regarding the proposals for Audio & Visual Recording Equipment in licensed vehicles, and the proposals for vehicle age limits in line with Euro Emission Standards. The results of both consultations will be reported back to the Committee at its meeting on 19th February 2012.

Legal Implications

25. There are no legal implications contained within this report.

Financial Implications

26. Any financial implications contained within this report will be met within existing budgets.

Recommendations

27. The Committee is recommended to:
 - (i) note the content of the report; and
 - (ii) make any comments and recommendations regarding the future work of the Taxi Licensing function.

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Appendix One: Oxford City Council response to the Law Commission

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