

**To:** General Purposes Licensing Committee

**Date:** 19 February 2013 **Item No:**

**Report of:** Head of Environmental Development

**Title of Report:** Update on Taxi Licensing Activity  
September 2012 – December 2012

## Summary and Recommendations

**Purpose of report:** To inform Committee of the progress made by the Taxi Licensing Function between September 2012 and December 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 September 2012 and December 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 September 2012 and December 2012.

<b>Licences Issued</b>	<b>Total Sept 2012 – Dec 2012</b>
Hackney Carriage Driver	134
Private Hire Driver	193
Hackney Carriage Vehicle	47
Private Hire Vehicle	254
Private Hire Operator	9

<b>Actions Undertaken</b>	<b>Total Sept 2012 – Dec 2012</b>
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 327 driver, 351 vehicle, and 9 Operator licenses issued by the Head of Environmental Development under delegated authority during the period September 2012 to December 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 September 2012 to December 2012, 9 Hearings were held 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:

	<b>Granted</b>	<b>Councillor Warning</b>	<b>Refused</b>	<b>Suspended</b>	<b>Revoked</b>
<b>New Driver</b>	1	0	1		
<b>Existing Driver</b>	3	1	0	1	6
<b>New Vehicle Owner</b>	0	0	0		

## **Appeals**

7. The Licensing Authority received 3 applications for appeal during the period covered in this report. Two of the appeals related to the revocation of a licence following a successful plying for hire prosecution. Both appeals were unsuccessful. The third appeal related to the revocation of a licence following a history of Warnings and Suspensions being issued to the licence holder. This appeal was also unsuccessful. On all 3 occasions the Magistrate's Court acknowledged that the Sub-Committee had adhered to the Council's Policy on the Relevance of Warnings, Offences, Cautions and Convictions.

## **Prosecutions**

8. During the period September 2012 to December 2012, 2 cases were forwarded to Law & Governance for prosecution (a further 3 will be forwarded during early 2013). 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. This represents a decrease in the number of Private Hire Drivers failing the Test Purchase Operations, which highlights the need to continue with the Operations in order to ensure that licence holders understand that to commit such an offence may result in the loss of their licence.

## **Enforcement Activity**

9. Between September 2012 and December 2012, the Licensing Team has carried out 135 enforcement interventions, issuing the following sanctions (in accordance with the Policy on the Relevance of Warnings, Offences, Cautions and Convictions):
  - 23 Advice given at scene of an incident
  - 45 Advisory Warnings
  - 22 First Level Warnings
  - 10 Second Level Warnings
  - 13 Final Warnings
  - 8 Requests to vehicles to undergo an additional Certificate of Compliance Test
  - 6 Notifications of referral to Sub-Committee
  - 3 Suspension Notices (driver)
  - 0 Suspension Notice (vehicle)
  - 4 Notifications of non-payment letters
10. Verbal advice was given at the scene of a number of incidents relating to Private Hire Vehicles being parked at night along St Aldate's whilst waiting to enter 001 Cars Operator base, and to Hackney Carriages carrying out a U-turn at the junction of High Street and Queen Street which caused an obstruction to other motorists.

11. 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.
12. 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.
13. 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.
14. In accordance with the Policy on the Relevance of Warnings, Offences, Cautions & Convictions one driver was suspended following intelligence provided by Medical Practitioners informing the Licensing Authority of the drivers health concerns, and two further drivers were suspended following intelligence received from Thames Valley Police in relation to alleged violent offences that are currently under investigation.
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 September 2012 to December 2012, 2 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:
  - 2 cases were forwarded to Law & Governance for consideration to prosecute drivers for the offence of plying for hire and driving without the correct insurance, both of which were approved for Court proceedings, and the licence holders were found guilty on both counts. The matter will be subsequently referred to the Hackney Carriage and Private Hire Licensing Sub-Committee for further determination in due course.

### **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. Consultations are due to commence in relation to the decisions of this Committee on 17<sup>th</sup> October 2012 regarding the proposals for vehicle age limits. The result of this consultation will be reported back to the Committee at a future meeting.
24. The Taxi Marshalling Scheme is due to commence its second year of operation following a very successful debut during 2012/13. The current contractor has carried out its duties without any concerns, and feedback from the public, licence holders and Thames Valley Police Officers has been very encouraging.

### **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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