

To: General Purposes Licensing Committee

Date: 21 January 2014

Report of: Head of Environmental Development

Title of Report: Update on Taxi Licensing Activity
1 April 2014 – 31 December 2014

Summary and Recommendations

Purpose of report: To inform Committee of the progress made by the Taxi Licensing Function between 1 April 2104 and 31 December 2014

Report Approved by:

Finance: Paul Swaffield

Legal: Daniel Smith

Policy Framework: Vibrant Sustainable Economy

Recommendation: That the Committee note the contents of the report; and 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 and Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 between 1 April 2014 and 31 December 2014.
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 reporting period of 1st April 2014 to 31st December 2014.

Licences Issued	Total 1 April 2014 – 31 December 2014
Hackney Carriage Driver	211
Private Hire Driver	420
Hackney Carriage Vehicle	94
Private Hire Vehicle	418
Private Hire Operator	18

Actions Undertaken	Total 1 April 2014 – 31 December 2014
Licensing Sub-Committee Hearings	18
Enforcement Actions Commenced	279
Prosecution Cases Started	6
Complaints about Licence Holders	202

Applications Granted by the Licensing Authority

4. 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 631 driver, 512 vehicle, and 18 Operator licenses issued by the Head of Environmental Development under delegated authority during the reported period. One driver licence was granted following the application being determined by the Hackney Carriage and Private Hire Licensing Sub-Committee.

Hackney Carriage and Private Hire Licensing Sub-Committee Hearings

5. When adverse information pertaining to the “fitness” of a person or vehicle to be licensed or to continue to be licensed by this Authority has been found then the matter is determined at a Sub-Committee Hearing.
6. Such adverse information may be derived from information relating to an application such as health concerns, relevant cautions or convictions, or from the enforcement records held by the Licensing Authority in relation to serious incidents, or repetitive failures to adhere to standard driver and vehicle conditions will call in to question a licence holders suitability to meet with this Authority’s description of a Fit and Proper person.
7. 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.*

8. From 1 April 2014 until 31 December 2014, 17 Hearings were held to determine the fitness of new applicants and existing licence holders. The results of the Hearings are shown in the table below:

	Granted	Councillor Warning	Refused	Suspended	Revoked
New Driver	1	0	4		
Existing Driver	2	2	3	0	5

Appeals

9. Three Sub-Committee decisions were appealed to the Magistrates' Court during the period covered by this report. These appeals concerned the Sub-Committee decision to revoke Private Hire Driver Licences following 2 drivers being convicted for Plying for Hire and driving without insurance and 1 Hackney Carriage and Private Hire Driver having failed to declare or accept knowledge of a Caution that was revealed on an Enhanced Disclosure and Barring Services Disclosure.
10. Two of the above three appeals that were lodged were heard at the Magistrates' Court during the reporting period. The Court dismissed both of the appeals relating to the revocations for Plying for Hire and driving without insurance, stating that the Council acted within its Policy on the Relevance of Warnings, Offences, Cautions and Convictions.
11. The third appeal is yet to be heard, and the decision of the Court will be reported at the next meeting of the General Purposes Licensing Committee.

Enforcement Activity

12. During the reporting period, the Licensing Team has initiated 279 enforcement interventions, issuing the following sanctions (in accordance with the Policy on the Relevance of Warnings, Offences, Cautions and Convictions):
- 10 Cases still pending (awaiting further intelligence reports)
 - 34 No further action taken due to credible driver explanations
 - 27 Failures to submit DBS or Medical Disclosure
 - 19 Verbal Advice given at scene of an incident
 - 66 Advisory Warnings
 - 29 First Level Warnings
 - 22 Second Level Warnings
 - 24 Final Warnings
 - 15 Permits issued to vehicles with minor damage to remain in service for a maximum period of 28 days
 - 2 Request for a vehicle to undergo an additional COC Test
 - 17 Referrals to the Hackney carriage & Private Hire Licencing Sub-Committee
 - 3 Suspension Notices (driver)
 - 4 Suspension Notice (vehicle)
 - 1 Notifications of non-payment letters
 - 6 PACE interviews following Test Purchase Operations

13. The purpose of the “Warning” system is to educate licence holders as to their responsibilities and the need to uphold the Taxi Licensing objectives. Verbal advice and the four levels of “Warnings” may be issued by the Licensing Officers, and the level of “Warning” issued is dependent upon the nature of the incident, the severity of the matter, whether there have been any previous incidents of non-compliance, and how the matter sits in relation to the Taxi Licensing objectives.
14. Verbal advice was given at the scene of a number of incidents relating to drivers committing basic Road Traffic Act offences whilst the Licensing Officers were carrying out their night time enforcement duties.
15. Typically Warnings issued by the Licensing Officers related to failures and / or accumulated failures by licence holders to declare relevant motoring convictions, failures to adhere to the conditions attached to their driver / vehicle licence or failures to provide satisfactory documents in relation to the licence renewal process. In some cases Suspensions were issued due to concerns relating to the licence holder upholding the objectives of public safety following relevant information from Thames Valley Police.
16. As well as the disciplinary measures taken during the enforcement operations, 202 complaints were received from members of the public during this reporting period relating to poor customer service, rudeness, road traffic offences and plying for hire, and a breakdown of the actions taken by the Licensing Officers is detailed below:
 - 13 Cases are still active (at the time of writing this report)
 - 2 Information on laws applicable provided to complainants
 - 1 Advice provided to Operators re: parking to inform drivers
 - 5 Referrals to neighbouring authorities
 - 91 No further action taken*
 - 2 Vehicles inspected and sent for Certificate of Compliance Test
 - 56 Advisory Warnings
 - 13 First Level Warnings
 - 10 Second Level Warnings
 - 5 Final Warnings
 - 4 Referrals to the Hackney Carriage & Private Hire Licensing Sub-Committee

** due to the version of events stated by the complainant and the driver being too dissimilar and no independent witness to verify either account, a record is kept on the driver file should similar issues be reported. It should also be noted that some complaints have been maliciously made about drivers and when the complaint has been challenged by the Licensing Officers, the complainant has not responded.*
17. The Weekend Night-time Operation recently implemented by the Environmental Development Service operates between 11.00 p.m. and 4.00 a.m. on both Friday and Saturday nights and proactively checks for non-compliance by both the Hackney Carriage and Private Hire trades.
18. This further increases our robust enforcement presence throughout the city at weekends and the two Council Officers carrying out the Operation report any findings back to the Licensing Authority in order that the appropriate actions are undertaken¹⁰

Test Purchase Operations

19. During the reporting period, 6 Test Purchase Operations were carried out resulting in 6 drivers failing the Test Purchase. Resulting from the Operations, 6 interviews (under the Police and Criminal Evidence Act) have been carried out by the Licensing Officers 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 all of the six cases were forwarded to Law and Governance for consideration to prosecute drivers for the offences of plying for hire and driving without the correct insurance. Court dates have been arranged for the earlier cases that occurred during this reporting period, however for the most recent cases dates have yet to be arranged between Law and Governance and the Magistrates Court.

Prosecutions

21. During the reporting period, 4 cases of plying for hire and driving without the correct insurance were heard in the Magistrates Court (relating to Test Purchase Operations and PACE interviews carried out prior to this reporting period). A
22. In each case the licence holders were found guilty of both offences, the and were each issued with 6 penalty points to be endorsed on their DVLA Licence, a fine, and ordered to pay costs.
23. Three other prosecutions cases were withdrawn before being heard at Court as the licence holders opted to not renew their licences, however, should they ever reapply to this Authority for a licence, their applications will be determined by the Hackney Carriage and Private Hire Licensing Sub-Committee owing to them having failed Test Purchase Operations.

Future Work

24. The Licensing Authority in partnership with the Community Safety Team has produced an informative page within the Driver Application Pack and online with helping the Trade be aware of Child Sexual Exploitation.
25. The Environmental Development Out of Hours Service that is on duty between 11.00 p.m. and 4.00 a.m. over the weekends has been requested to monitor two on-going issues relating to Private Hire causing obstructions along St Aldate's, and Hackney Carriages endangering the public and other road users through illegal motor vehicle manoeuvres at the junction of High Street, Queen Street, Cornmarket and St Aldate's.
26. Despite various requests made to the Trade and on-going enforcement operations by Officers of the Licensing Authority, the above issues continue to arise, and it would appear that these bad habits exhibited by the Trade are not easily resolved through the issuing of advice.

27. As such, drivers of licensed vehicles noted to be in breach of the rules and regulations pertaining to both Trades will be the subject of enforcement actions and through the accumulation of Warnings their licences will be subjected to a review by the Hackney Carriage and Private Hire Licensing Sub-Committee, in order that the Trade conducts itself in a professional manner and respecting the relevant laws, thus helping promote Oxford as a world-class city.

Legal Implications

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

Financial Implications

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

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