

**To:** General Purposes Licensing Committee

**Date:** 19 May 2015

**Report of:** Head of Environmental Development

**Title of Report:** Update on Taxi Licensing Activity:  
2014/15 Council Year

### **Summary and Recommendations**

**Purpose of report:** To inform Committee of the progress made by the Taxi Licensing Function during the 2014/15 Council year.

**Report Approved by:**

**Finance:** Paul Swaffield

**Legal:** Daniel Smith

**Policy Framework:** Vibrant Sustainable Economy  
Policy on the Relevance of Warnings, Offences,  
Cautions and Convictions

**Recommendations:** That the Committee note the contents of the report and make any comments or 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 during the 2014/15 Council Year.
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 that this report covers.

<b>Licences Issued</b>	<b>Total 2014/15 Council Year</b>
Hackney Carriage Driver	331
Private Hire Driver	644
Hackney Carriage Vehicle	142
Private Hire Vehicle	697
Private Hire Operator	30

<b>Actions Undertaken</b>	<b>Total 2014/15 Council Year</b>
Licensing Hearings	22
Enforcement Actions Commenced	397
Prosecution Cases Started	7
Complaints about Drivers / Vehicles / Operators	250

### **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 971 driver, 839 vehicle, and 30 Operator licenses issued by the Head of Environmental Development under delegated authority during the reported period. Fourteen applications to grant or renew driver licences were determined by the Hackney Carriage and Private Hire Licensing Sub-Committee.

### **Hackney Carriage & 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 drivers 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. During the 2014/15 Council year, 30 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 (please note 2 drivers surrendered their licences ahead of the Hearings taking place resulting in no further action being required by the Sub-Committee, and 1 driver appeared three times owing to additional information being required twice from Thames Valley Police to help determine his case) :

	Granted	Councillor Warning	Refused	Suspended	Revoked
<b>New Driver</b>	1	1*	4		
<b>Existing Driver</b>	2	8*	2	0	9

*\*In some instances where a Councillor Warning was issued this also related to an application for a new licence, or an application to renew a licence (not just cases where the level of Warnings available to Officers had been exceeded), and the requirements of the Councillor Warning were made additional conditions to the grant / renewal of the licence.*

9. Of those issued with a Councillor Warning, attached to the Councillor Warning in some cases were additional conditions applied to the licence, including:
- Requirements for existing drivers (first licensed prior to the modernisation of the function on 1<sup>st</sup> March 2011) to meet with the current criteria of a new applicant;
  - Requirements for drivers to attend an Anger Management Course; and
  - Requirements made on all drivers receiving a Councillor Warning that any future issues of non-compliance / complaints are to be brought before the Sub-Committee.

### **Appeals**

10. Six Sub-Committee decisions were appealed to the Magistrates' Court during the period covered by this report (note: not all of the six appeals relate to those decisions shown in the above table, but also to matters determined in the 2013/14 Council year).
11. These appeals concerned the Sub-Committee decisions to revoke Private Hire Driver Licences following 2 drivers being convicted for Plying for Hire and driving without insurance, 2 drivers exceeding the levels of Warnings able to be issued by the Licensing Officers, 1 driver having been issued with a Police Caution and failing to declare the matter to the Authority, and 1 driver who had been convicted and imprisoned for offences relating to fraud.

12. The Court dismissed the two appeals relating to the revocations for Plying for Hire and driving without insurance, dismissed the appeal relating to the refusal to grant a licence to the driver convicted of fraud offences, and dismissed one of the appeals relating to the accumulation of Warnings (the other is due to be heard later this year).
13. The case relating to the driver who had received a Police Caution and failed to declare the matter to the Authority was resolved following information being provided by Thames Valley Police that clearly highlighted that the Police Officer who issued the Caution may have misinformed the driver as to the need to declare the matter or the impact the matter may have on his suitability to hold a position as a licensed driver.
14. This case was therefore referred back to the Hackney Carriage & Private Hire Licensing Sub-Committee to reconsider its original decision (which in turn approved the renewal of the drivers licence), and as such the appeal was not pursued.

### **Enforcement Activity**

15. Whilst engaged on Enforcement Operations throughout the 2014/15 Council year, the Licensing Team has carried out 397 enforcement interventions, issuing the following sanctions (in accordance with the Policy on the Relevance of Warnings, Offences, Cautions and Convictions). Such matters were witnessed by the Officers, or by other Authorised Personnel of other agencies:
  - 2 Cases still pending (awaiting further intelligence reports)
  - 49 No further action taken due to credible driver explanations / immediate rectification of minor infringement
  - 37 Failures to submit DBS or Medical Disclosure
  - 1 Licences surrendered
  - 1 Recommendation to undertake English Language course
  - 1 Responses to queries relating to Enforcement Procedures
  - 27 Verbal Advice given at scene of an incident
  - 93 Advisory Warnings
  - 45 First Level Warnings
  - 35 Second Level Warnings
  - 31 Final Warnings
  - 25 Permits issued to vehicles with minor damage to remain in service for a maximum period of 28 days
  - 29 Notifications of referral to the Sub-Committee
  - 3 Suspension Notices (driver)
  - 8 Suspension Notice (vehicle)
  - 1 Notifications of non-payment letters
  - 7 PACE interviews following Test Purchase Operations
  - 1 Simple Caution
  - 1 Freedom of Information Request made to our neighbouring Authorities

16. 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.
17. 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.
18. 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, failures to provide satisfactory documents in relation to the licence renewal process, and 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.
19. As well as the disciplinary measures taken during the enforcement operations, 250 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:
- 2 Cases currently still active (at the time of compiling this report)
  - 5 Case of explaining the legislation to the public / MP
  - 33 Cases where no further action was or could be taken\*
  - 2 Vehicles sent to Cowley Marsh Depot to be fully tested
  - 67 Written Advice given
  - 61 Advisory Warnings
  - 23 First Level Warnings
  - 21 Second Level Warnings
  - 9 Final Warnings
  - 6 Requests made to Operators to refund customers for poor service
  - 7 Notifications of referral to the Sub-Committee
  - 14 Referred to other Local Authorities to investigate
- \* 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 asked to provide further information regarding the original allegation, no response has been received by the Licensing Officers.*
20. The Weekend Night-time Operation 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.

21. 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 undertaken.

### **Test Purchase Operations**

22. During the 2014/15 Council year, 10 Test Purchase Operations were carried out resulting in 7 drivers failing the Test Purchase. Resulting from the Operations 7 interviews (under the Police & 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).
23. Resulting from the above PACE interviews all of the cases were forwarded to Law & Governance for consideration to prosecute drivers for the offences of plying for hire and driving without the correct insurance.

### **Prosecutions**

23. During the 2014/15 Council year, 10 cases of plying for hire and driving without the correct insurance were due to be heard in the Magistrates Court (relating to Test Purchase Operations and PACE interviews carried out prior to this reporting period and during this reporting period).
24. Seven cases were heard at the Magistrates Court, and in all of these cases, the licence holders either pleaded or were found guilty of both offences, and issued with 6 penalty points to be endorsed on their DVLA Licence and a fine and ordered to pay costs.
25. The sentences handed out by the Court immediately gave rise to the licence holders having been found guilty of committing a “relevant offence” in relation to his or her status as a “fit and proper” person to continue to hold a licence, and all cases were / have been referred on to the Hackney Carriage and Private Hire Licensing Sub-Committee for determination in accordance with our Policy on the Relevance of Warnings, Offences, Cautions and Convictions, which states:

***The Licensing Authority regularly carries out what are known as “Test Purchase” Operations, where attempts are made to ascertain whether individual licence holders and Private Hire Operators knowingly ply for hire. If any licence holder is found to be non-compliant with regard to this matter during such an operation, they should expect the matter to result in a prosecution against them in the Courts. If convicted by the Court of a single offence of plying for hire, the licence holder will be required to appear before the Hackney Carriage and Private Hire Licensing Sub-Committee, where the licence holder should expect to receive a revocation of their licence.***

26. Should any such driver reapply for a licence with this Authority, then they will be referred to the Hackney Carriage and Private Hire Licensing Sub-Committee in order to determine the application. The Sub-Committee will be (unless there are valid reason to depart from it) be directed by our Policy on the Relevance of Warnings, Offences, Cautions and Convictions, which states:

***If a licence is revoked a period of twenty-four months should have elapsed before any application is considered.***

27. The remaining 3 cases were abandoned following the drivers surrendering their licences ahead of their Court appearance. A full record of the offences remains on their records should they ever reapply to this Authority for a licence.
28. The steps taken by the drivers in these 3 cases are clearly an unsatisfactory way for matters to conclude, and a procedure has now been established (and was undertaken on one of these cases) for a Simple Caution to be issued to a driver by Law & Governance in order to ensure that should he / she opt to surrender his / her licence in order to either avoid a conviction at Court or any subsequent appearance at the Sub-Committee, the matter has a clear outcome, not only for the benefit of the Authority, but for such information to be shared with any other Authority the driver may seek to obtain a licence from.

### **Future Work**

29. Following the success of our work with the Community Safety Team in the adoption of a Safeguarding strategy for the Hackney Carriage & Private Hire licensing function, this strategy has been benchmarked and is being / has been adopted by all of our neighbouring Authorities, and other from further afield.
30. Our enforcement programme will continue in its current guise, namely daytime inspections of vehicles at taxi ranks, inspections of Private Hire Operator records and facilities, late night enforcement operations throughout the city, and late night Test Purchase operations and if there is financial scope the number of Test Purchase operations and night time operations will be increased.
31. The Licensing Team has met with its counterparts at our neighbouring Authorities in an attempt to discuss the rise of out of district Hackney Carriages being used predominately in Oxford to carry out Private Hire work on behalf of some Oxford licensed Private Hire Operators.
32. Whilst the law does not make this practice illegal, it causes great concern to the Licensing Authority as the high standards and rigorous criteria imposed by ourselves is not applicable to those licensed by our neighbours, and in some cases leads to the public being serviced by drivers and vehicles that do not meet with the Council objective of Oxford being a world-class city.

33. A report offering this Committee various solutions as to how to combat / reverse the loss of control over these drivers and vehicles and the associated implications on our revenue caused by the current situation, will be put to Members at our next meeting.

### **Legal Implications**

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

### **Financial Implications**

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

### **Recommendations**

36. 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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