

To: General Purposes Licensing Committee

Date: 15 June 2010 **Item No:**

Report of: Head of Environmental Development

Title of Report: Update on Taxi Licensing Activity
January 2011 – March 2010

Summary and Recommendations

Purpose of report: To inform Committee of the progress made by the Taxi Licensing Function between January 2011 and March 2011, and the 2010/11 Council year.

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

Policy Framework: A vibrant and sustainable economy

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 January 2011 – March 2011.
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 January 2011 to March 2011 and the 2010/11 Council year.

Licences Issued	Total Jan 11 – Mar 11	Year
Hackney Carriage Driver	68	333
Private Hire Driver	150	631
Hackney Carriage Vehicle	25	101
Private Hire Vehicle	148	524
Private Hire Operator	8	20

Actions Undertaken	Total Jan 11 – Mar 11	Year
Licensing Hearings	16	30
Enforcement Actions	85	281
Number of Prosecutions	3	6
Complaints about Drivers / Vehicles	43	133

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 1017 driver, 680 vehicle, and 22 Operator licenses issued by the Head of Environmental Development under delegated authority during the period April 2010 – March 2011.

Hackney Carriage & Private Hire Licensing Sub-Committee Hearings

5. 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.
6. During January 2011 – March 2011, 16 Hearings were held to determine the fitness of 12 new driver applicants and 4 driver renewal applications. 2 new applicants were refused a license, 10 new applicants were granted a license. 4 renewal applications were granted, 1 with a 1 month suspension.

Appeals

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

Prosecutions

9. During the period January 2011 – March 2011, there were 3 Cautions for plying for hire and driving without the correct insurance in place. 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 January 2011 and March 2011, the Licensing Team has issued:
 - 19 Verbal Warnings
 - 8 Written Warning
 - 4 Final Warnings
 - 9 (7 driver, 2 vehicle) Suspensions
 - 0 Cautions
 - 57 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 followed, new procedures are now in place following Council’s adoption of the Policy on the Relevance of Offences, Cautions and Convictions, and 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 January 2011 and March 2011, 9 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:
 - 4 prosecutions are pending for; driving a private hire vehicle without a licence, providing a false statement to an Authorised Officer, driving whilst uninsured, and driving without a valid Certificate of Compliance (these relate to one individual)
 - 5 formal cautions issued for plying for hire,
 - 5 formal cautions issued for driving whilst uninsured
17. Due to the overhaul of the Taxi Licensing function and the introduction of new policies and procedures, and the increased enforcement activities, no test purchase operations were carried out between January 2011 and March 2011.

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. Further to the meeting of the General Purposes Licensing Committee on 1st March 2011, the overhaul of the Taxi Licensing function has now been completed and resulted in:
 - An appointment system put in place to deal with all new applicants and existing applicants
 - A “one-stop-shop” facility for all licensing enquiries
 - An “in-house” payments made through the Paris system
 - An electronic method of storing and uploading applications to the LALPAC system

- A full overhaul and vast reduction in the number of paper files maintained, with the aim of being virtually “paper-free” by February 2012
 - A comprehensive set of procedures for dealing with all complaints and enforcement actions following Council’s adoption of the Policy on the Relevance of Offences, Cautions and Convictions.
 - A comprehensive set of procedures for carrying out all work related to the Taxi Licensing function have been created and will meet all of the criteria expected should they be audited.
 - A “bespoke” Excel programme for detailing all enforcement actions and service requests has been designed internally, linking LALPAC directly to the electronically stored individual records.
21. A report will be provided to the General Purposes Licensing Committee in January 2012 seeking approval to initiate 3 year drivers licences, and it is proposed to allow for a period of 36 months phasing this initiative in, prior to it becoming compulsory.
 22. Minor revisions are planned to the Policy on the Relevance of Offences, Cautions and Convictions, and amendments to the conditions and regulations and criteria applicable to drivers will be put forward; and the conditions relating to CCTV in licensed vehicles will require approval. All of these changes will be brought to the Committee for approval in January 2012, in order to be able to proceed as expected from 1st April 2012. Members continued involvement in this process is welcomed.
 23. The Taxi Licensing website has been fully overhauled and is now seen as an example of best practice by Local Authorities. The website will continue to evolve as and when new matters arise.
 24. In addressing the current and future needs of residents, visitors and businesses in Oxford, the relationship between Members, the Trade, and the Licensing Team has been very successful, and will be further promoted over the coming months, with assistance from the Institute of Licensing.
 25. 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 has begun to carry out a benchmarking exercise with other Licensing Authorities to acquire knowledge of and better understand future initiatives that can be adopted in Oxford. Early comparisons show that Oxford is a leading licensing authority.
 26. 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, with a report to be presented to the Committee in January 2012, ready for implementing on 1st April 2012. The fee to be charge for the FPN's was agreed at the Committee meeting on 1st March 2011.

27. The draft Taxi Licensing Policy is still under construction, and it has been considered prudent to allow some time for the new procedures within the function to bed in before producing the Policy itself, in order to address any issues that arise from the modernisation of the function, and allow scope to put measures in place within a “catch all” framework.
28. The Licensing Team Leader, with the support of the Head of Environmental Development, and the Chair and Vice-Chair of the General Purposes Licensing Committee has taken a highly proactive approach to the modern and efficient ways of Licensing through engagement with the Institute of Licensing. Oxford will be playing host to a number of one day training courses, aimed at assisting staff, Members, other Licensing Authorities, licence holders, and external agencies aimed at promoting Licensing and best practice. This will result in a significant rise in the profile of Oxford City Council, and provide a network of specialist contacts within this field. The next training session planned will be on Taxi Licensing scheduled for Autumn 2011.
29. Members are to receive “bespoke” training in licensing matters from Ely Place Chambers. This follows on from the Licensing Team’s tie in with the Institute of Licensing. It should be noted that such training is in keeping with the City Council’s vision of being an efficient and modern service provider, and shows initiative in investing in its Members. The training includes Taxi Licensing, Street Trading, Street Cafes, Sex Establishments, Sexual Entertainment Venues, Charitable and House-to-House Collections, as well as Sub-Committee training.
30. The Team Leaders for both Licensing and Miscellaneous Licensing are proposing to provide the Committee with an Update Report for all other areas of Licensing at future Committee meetings, if Members so wish. Members will be aware that both of the Team Leaders actively seek their views and guidance in ways to develop the Licensing functions, and the intention is to commence joint initiatives with Members involvement, in order to best serve those who live in, work in and visit the City.

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Background papers:

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