

To: General Purposes Licensing Committee

Date: 22 February 2012 **Item No:**

Report of: Head of Environmental Development

Title of Report: Update on Taxi Licensing Activity
September 2011 – December 2011

Summary and Recommendations

Purpose of report: To inform Committee of the progress made by the Taxi Licensing Function between September 2011 and December 2011.

Report Approved by:

Finance: Emma Burson

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 September 2011 – December 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 September 2011 to December 2011.

Licences Issued	Total Sept 2011 – Dec 2011
Hackney Carriage Driver	141
Private Hire Driver	215
Hackney Carriage Vehicle	43
Private Hire Vehicle	249
Private Hire Operator	5

Actions Undertaken	Total Sept 2011 – Dec 2011
Licensing Hearings	5
Enforcement Actions	105
Number of Prosecutions	0
Complaints about Drivers / Vehicles	54

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 312 driver, 231 vehicle, and 5 Operator licenses issued by the Head of Environmental Development under delegated authority during the period September 2011 – December 2011.

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 2011 – December 2011, 5 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 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	1	1	0	0
New Operator	0	0		

Appeals

7. The Licensing Authority did not receive any application for appeal during the period covered in this report.

Prosecutions

8. During the period **September 2011 – December 2011**, no prosecutions were undertaken, 1 Formal Caution was issued for the offences of plying for hire, however as Licensing Officers prevented the journey from commencing no actions were required to be taken with regard to the licence holder driving without the correct insurance in place.

Enforcement Activity

9. Between **September 2011 – December 2011**, the Licensing Team has issued:
 - 66 Advisory Warnings
 - 14 Verbal Warnings
 - 19 Written Warning
 - 8 Final Warnings
 - 1 Suspension (driver)
 - 1 Formal Caution
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.
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 criteria of a Fit and Proper person. This is defined in the Policy on the Relevance of Offences, Cautions and Convictions which states:

Fit and Proper Person: A person who is of no threat to the general public, has a good City knowledge, is healthy, is of a good character (including driving record) and is therefore deemed fit and able to hold a licence.
13. A driver was suspended when intelligence was provided by the Police recommending such action. The arresting officer had concerns that the individual may pose a threat to public safety, following the individual being arrested for the act of committing an alleged sexual offence.

14. 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.
15. 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 is also given to drivers, and recorded on the drivers record as an “advisory warning” at the office.
16. Such advice related mostly to drivers not having their driver’s badge on display, not having their record book in the vehicle, and minor matters relating to the cosmetic condition of the vehicle.
17. With proposed changes to the legislation governing Hackney Carriage and Private Hire Licensing, fixed penalty notices may be implemented at a future date to deter licence holders from failing to uphold the conditions of their licence and to promote “best practice”.
18. The role of the Licensing Authority is to ensure the licensed trade is “fit and proper” to service the general public.
19. A “Verbal, Written 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” letter.
20. In cases where 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. Such “warnings” rise in level, and their definitions can be found in the Policy on the Relevance of Offences, Cautions and Convictions (as adopted by Council).
21. Members should note that since the Council’s adoption of the Policy on the Relevance of Offences, Cautions and Convictions a significant increase of cases have been referred to the Hackney Carriage and Private Hire Licensing Sub-Committee.
22. This change in enforcement emphasis has provided Members of the Sub-Committee a greater say regarding the suitability of any licence holder who displays a propensity to fail to uphold the conditions and regulations pertaining to his or her licence.
- 23.. Between **September 2011 – December 2011**, 1 interview (under the Police & Criminal Evidence Act) was carried out, for the suspected offence of plying for hire.
24. Resulting from the above PACE interviews were:
 - 1 formal caution issued for plying for hire

Nightsafe

25. 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.
26. 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

27. The Licensing Team will be relocating to St. Aldate's Chambers in March 2012, and has been very active in the Offices For The Future Programme. The Taxi Licensing function has now become almost totally electronic and virtually paperless, thus significantly reducing the volume of low-level service requests and creating efficiency savings – which have enabled the service to be improved.
28. Minor revisions are planned to the Policy on the Relevance of Offences, Cautions and Convictions; and amendments to and updating of the conditions and regulations applicable to drivers, vehicles and operators will be drafted.
29. Members of the General Purposes Licensing Committee have provided assistance with this matter, and details of these amendments can be found in other reports to be heard at this Committee meeting.
30. The Local Government Association is working with the coalition Government and the Institute of Licensing to modernise the legislation regarding the licensing of Hackney Carriage and Private Hire drivers, vehicles and operators.
31. It is expected that should such modernisation take place and be approved, that Oxford City Council will be able to implement the previously reported "Fixed Penalty Notices" as an addition to our current enforcement actions.
32. During December 2011, the Licensing Authority implemented Taxi Marshals at the Gloucester Green and Carfax Taxi Ranks.
33. The Service Level Agreement between the Licensing Authority and the Taxi Marshals is attached as **Appendix One**, and provides Members with details of the roles of the Marshals.
34. Many Hackney Carriage drivers and Thames Valley Police voiced their support for the scheme, and consideration is being given to the scheme being rolled out for the whole of the 2012 – 2013 year.

35. Following the success of the scheme, the role of the Taxi Marshals was extended throughout January and February 2012.
36. It is hoped to continue the Taxi Marshalling Scheme throughout 2012 / 2013, and work will shortly be carried out regarding the tendering for this service.

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Background papers:

Appendix One: Service Level Agreement: Taxi Marshalling Scheme

Version: 1.0