

To: General Purposes Licensing Committee

Date: 28 May 2012 **Item No:**

Report of: Head of Environmental Development

Title of Report: Update on Taxi Licensing Activity
January 2012 – March 2012

Summary and Recommendations

Purpose of report: To inform Committee of the progress made by the Taxi Licensing Function between January 2012 and March 2012.

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 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 January 2012 and March 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 January 2012 and March 2012.

Licences Issued	Total January 2012 – March 2012
Hackney Carriage Driver	80
Private Hire Driver	144
Hackney Carriage Vehicle	32
Private Hire Vehicle	192
Private Hire Operator	9

Actions Undertaken	Total January 2012 – March 2012
Licensing Hearings	9
Enforcement Actions	73
Number of Prosecution Cases Started	11
Complaints about Drivers / Vehicles	36

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 220 driver, 224 vehicle, and 9 Operator licenses issued by the Head of Environmental Development under delegated authority during the period January 2012 to March 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 January 2012 to March 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:

	Granted	Refused	Suspended	Revoked
New Driver	1	1		
Existing Driver	3	0	3	1
New Operator	0	0		

Appeals

7. The Licensing Authority received one application for appeal during the period covered in this report. The Sub-Committee had originally revoked a Private Hire Driver licence, however, upon a correction of the information supplied by Thames Valley Police, the matter was reheard and the licence granted.

Prosecutions

8. During the period January 2012 to March 2012, 11 cases were forwarded to Law & Governance for prosecution. All of these cases related to Private Hire Drivers who failed the “plying for hire” Test Purchase Operations, and are detailed at Paragraphs 24 and 25 of this report.
9. No Formal Cautions were issued for the offence of plying for hire, as the new Test Purchase Operations have replaced the previous enforcement exercise. The evidence obtained during a Test Purchase Operation is stronger than the evidence gained through observational enforcement.
10. Members will already be aware that the Licensing Authority has liaised with the National Private Hire Association to ensure an accurate description of the offence of plying for hire is provided within the Application Packs and Policy. This has led to the change in emphasis being put on the Test Purchase Operations.

Enforcement Activity

11. Between January 2012 and March 2012, the Licensing Team has issued (in accordance with the Policy on the Relevance of Warnings, Offences, Cautions and Convictions):
 - 42 Advisory Warnings
 - 12 Verbal Warnings
 - 16 Written Warning
 - 5 Final Warnings
 - 2 Suspension Notices (driver)
 - 1 Suspension Notice (vehicle)
12. Members may wish to note that during the 2011/12 Council year a total of 139 service requests were received from the general public in relation to alleged offences committed by licensees. Officers initiated a further 254 enforcement actions against licence holders in accordance with the Policy on the Relevance of Warnings, Offences, Cautions and Convictions.
13. 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.

14. 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.
15. 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.

16. In accordance with the Policy on the Relevance of Warnings, Offences, Cautions & Convictions two drivers were suspended following intelligence provided by the Police recommending such action. The arresting officers had concerns that the individual may pose a threat to public safety, following both individuals being arrested for allegedly committing an sexual offence (separate offences). The Police investigations are still ongoing.
17. One Hackney Carriage Vehicle Licence was suspended by Officers owing to vehicle being in a wholly unfit condition to be on the road. The matter was rectified by the owner purchasing a new vehicle.
18. 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.
19. Due to the increased enforcement activity of the Licensing Officers, and the need to find a quicker solution to remedying minor issues found during compliance checks, on the spot warnings are also given to drivers. Upon the officer returning to the office, the relevant warning for the offence witnessed is delivered by way of letter.
20. Such offences found whilst carrying out routine late night enforcement operations 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.
21. A "Verbal, Written or Final" (replaced on 1st April 2012 with "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”.

22. 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 levels, and their definitions can be found in the Policy on the Relevance of Warnings, Offences, Cautions and Convictions (as adopted by Council).
23. 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.
24. Between January 2012 to March 2012, 11 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).
25. Resulting from the above PACE interviews were:
 - all 11 cases were forwarded to Law & Governance for consideration to prosecute drivers for the offence of plying for hire, all of which have been approved for Court proceedings.

NightSafe Partnership

26. 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.
27. 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.
28. At the Committee meeting held on 22nd February 2012, Members requested that the Thames Valley City Centre Inspector provide direction to Police Officers in the reporting of all matters relating to Hackney Carriage and Private Hire drivers to the Licensing Authority.
29. Members will be pleased to note that such incidents are now being reported with greater frequency.

Future Work

30. On 22nd February 2012 the General Licensing Purposes Committee approved the final major modernisation of the Taxi Licensing function through the approval of wide ranging conditions applicable to the licensing of drivers, proprietors and operators.

31. The effect of these changes has led to a streamlined process for enforcement actions. This in turn has increased the rate at which the suitability of those who continue to not comply with the rules and regulations is determined by the Hackney Carriage and Private Hire Licensing Sub-Committee.
32. Minor reviews of the current rules and regulations will take place periodically in consultation with the Chair and Vice-Chair.
33. The Taxi Marshalling Scheme trialled between December 2011 and March 2012 received very positive feedback from the licensed trade, the public and Thames Valley Police. A contract has been awarded to Scope Security Limited to continue to provide a Taxi Marshalling Scheme to the Authority for the 2012/13 financial year.
34. The Institute of Licensing has been asked to hold a Taxi Licensing Conference at the Town Hall (date yet to be agreed) aimed at the drivers, proprietors and operators, in order to assist their understanding of their responsibilities when carrying out their work.
35. The Institute of Licensing will be providing this years Bespoke Member Training which will include Hackney Carriage and Private Hire Licensing. The training day has been scheduled for 18th July 2012, and further details of the days programme will be provided shortly.
36. Mrs Donna Short, Secretary of The National Private Hire Association will be attending one of our Taxi Trade Meetings at a future date. Mrs Short has expressed her support for the manner in which this Authority carries out its Taxi Licensing duties and has made very positive comments about how the Application Packs and Policy meet with the requirements of "Better Regulation".

Legal Implications

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

Financial Implications

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

Recommendations

39. 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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