

**OXFORD CITY COUNCIL
EXECUTIVE BOARD
Date of Meeting 13th June 2005**

**Report of: The Interim Legal & Democratic Services Business Manager
& The Transport & Parking Business Manager**

**Title: Formal Cautions for Offences relating to Hackney Carriage &
Private hire vehicles**

Ward: All

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Key Decision: No

Lead Member: The Deputy Leader

Scrutiny responsibility: Environment Scrutiny Committee

RECOMMENDATIONS

That the Executive Board agrees to:

1. delegate authority to the Transport & Parking Business Manager, with immediate effect, to issue formal written cautions for offences relating to hackney carriage and private hire vehicles; and,
2. request Council to amend the Constitution accordingly.

1. This report explains the current arrangements for the formal cautioning of offenders in relation to offences arising out of taxi licensing legislation and recommends changes to the scheme of delegation to officers contained in the Council's Constitution.
2. The recommendations in this report support the Council's Vision by proposing changes to responsibilities to improve the Council's performance.
3. It is a key objective of the Legal & Democratic Services Business Unit's Business Plan is to review the services it offers to other business units. This exercise includes taking a critical look at the services currently provided and assessing whether the business unit responsible for the delivery of the service could equally well provide them. The issuing of

formal cautions for offences relating to hackney carriage and private hire vehicles has been looked at in this way.

4. A formal caution is usually offered to first time offenders as alternative to prosecution. A caution can only be offered where an offender admits to the offence alleged against him/her. A written record of the caution is kept and may influence a decision to prosecute if the offender commits further offences.
5. The Legal & Democratic Services Business Unit currently provides the following services to the Transport & Parking Business Unit in relation to the licensing of hackney carriage and private hire vehicles:
 - legal advice relating to hackney carriage and private hire vehicles
 - the prosecution of offences arising from the legislation relating to hackney carriage and private hire vehicles
 - legal advice regarding matters to be determined by the Hackney Carriage & Private Hire Licensing Sub-Committee
 - legal advice and representation where a decision of the Sub-Committee is appealed
 - the drafting and issuing of formal cautions for offences relating to hackney carriage and private hire vehicles
6. The service can be streamlined by staff from the Transport & Parking Business Unit being authorised to issue formal cautions for offences relating to hackney carriage and private hire vehicles. The Transport and Parking Business Manager has been approached and agrees to the proposal. The Legal & Democratic Services Business Unit will provide legal advice and training as and when it is needed. The Transport & Parking Business Unit can absorb the additional work within existing resources.
7. This report has no financial or staffing implications.

THIS REPORT HAS BEEN SEEN AND APPROVED BY Legal & Democratic Services (Jeremy Franklin) The Transport & Parking Business Manager Financial Management (Claire Reid) Councillor Bill Baker

