

Minutes of a meeting of the GENERAL PURPOSES LICENSING COMMITTEE on Monday 23 January 2017

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Committee members:

Councillor Clarkson (Chair)

Councillor Cook (Vice-Chair)

Councillor Anwar

Councillor Brandt

Councillor Coulter

Councillor Wade

Officers:

Richard Adams, Community Safety & Resilience Manager

Jill Cramer, Licensing Officer

Lesley Rennie, Business Regulation Team Manager

Daniel Smith, Lawyer

Jennifer Thompson, Committee and Members Services Officer

Apologies:

Councillor Azad arrived at the end of the meeting due to transport problems.

14. Declarations of Interest

None.

15. Licence Fees and Charges for the 2017/18 financial year: Commercial Events, Hackney Carriage and Private Hire, Road Closure Orders, Scrap Metal Dealers, Sex Establishments and Street Parties

The Committee considered the report of the Head of Community Services seeking agreement of the licence fees for commercial events, hackney carriage and private hire, road closure orders, scrap metal dealers, sex establishments and street parties for 2017/18 where the Council has discretion over the level of fee charged.

The Community Safety & Resilience Manager confirmed that where there were fee increases these were in line with inflation.

The Committee resolved to:

1. agree the licence fees and charges for 2017/18 as set out in the Appendix; and
2. recommend them to Council.

16. Licence Fees and Charges for 2017/18: Miscellaneous activities

The Committee considered the report of the Head of Planning and Regulatory Services seeking agreement of the licence fees for miscellaneous activities for 2017/18 where the Council has discretion over the level of fee charged.

The Committee resolved to:

1. agree the licence fees and charges for 2017/18 as set out in the Appendix; and
2. recommend them to Council.

17. Update on Taxi Licensing Activity: August - December 2016

The Committee considered the report of the Head of Community Services setting out the progress made by the Taxi Licensing Function during August to December 2016.

The Licensing Officer said the time period and all figures in the report covered August to December. A corrected version of the report is published with these minutes.

In answer to questions, officers reported that there were discussions with neighbouring authorities as to how best to use the powers available to control the number of vehicles working primarily in the city while holding licences from other authorities.

Councillor Clarkson asked if officers could carry out more test purchase operations on vehicles plying for hire.

The Committee noted the report and the work carried out by officers.

18. Minutes

The Committee resolved to approve the minutes of the meeting held on 20 September 2016 as a true and accurate record.

19. Dates of Future Meetings

The Committee noted that meetings are scheduled at 5.15pm on:

16 May 2017
20 September 2017
24 January 2017
16 May 2018

The meeting started at 5.15 pm and ended at 5.25 pm

To: General Purposes Licensing Committee

Date: 23 January 2017

Report of: Head of Community Services

Title of Report: Update on Taxi Licensing Activity: August – December 2016

Summary and Recommendations

Purpose of report: To inform Committee of the progress made by the Taxi Licensing Function during the current Council year (August – December 2016).

Report Approved by:

Finance: Paul Swaffield – approved

Legal: Daniel Smith - approved

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

Recommendation: That the General Purposes Licensing Committee is recommended to:

- a) note the contents of the report; and
- b) 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 during the current Council Year (August - December 2016).
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.

Licences Issued	Total September – December 2016
Hackney Carriage Driver	110
Private Hire Driver	160
Hackney Carriage Vehicle	41
Private Hire Vehicle	223
Private Hire Operator	11

Actions Undertaken	Total September– December 2016
Licensing Hearings	5
Enforcement Actions Commenced	199
Prosecution Cases Started	0
Complaints about Drivers / Vehicles / Operators	105

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 270 driver, 264 vehicle, and 11 Operator licenses issued by the Head of Community Services under delegated authority during the reported period. 4 applications to grant licences were determined by the Hackney Carriage and Private Hire Licensing Sub-Committee (as well as 1 case where relevant information had a bearing on the individual’s suitability to continue to hold a licence).

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 reporting period, 5 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:

	Granted	Councillor Warning	Refused	Suspended	Revoked
New Driver	3	0	1		
Existing Driver	0	0	0	0	1

**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. Should a Councillor Warning be issued, attached to the Councillor Warning are additional conditions applied to the licence, including:
- 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. No Sub-Committee decisions made during the reporting period have been appealed at the Oxford Magistrates Court.
11. One appeal made during the previous reporting period was heard by the Oxford Magistrates who upheld the appeal in light of the drivers previous good character. The appeal related to a driver whose licence had been revoked following him being convicted of plying for hire and driving without insurance when caught during a Test Purchase Operation.

Enforcement Activity

12. Whilst engaged on Enforcement Operations throughout the reporting period, the Licensing Team has carried out 187 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:

- 18 Cases still pending (awaiting further intelligence reports)
 - 67 No further action taken due to credible driver explanations / immediate rectification of minor infringement
 - 17 Written Advice Letters
 - 35 Advisory Warnings
 - 7 First Level Warnings
 - 5 Second Level Warnings
 - 4 Final Warnings
 - 15 Permits issued to vehicles with minor damage to remain in service for a maximum period of 28 days
 - 4 Notifications of referral to the Sub-Committee
 - 3 Suspension Notices (4 x driver, and 2 x vehicle)
 - 0 Revocation Notice (1 x driver)
 - 7 Inspections of Operator Premises
 - 3 Notifications of non-payment letters
 - 2 Requests for Operator Records following vehicles to be found without valid Certificates of Compliance (neither vehicle was working during the period with a valid Certificate)
 - 0 PACE (Police and Criminal Evidence Act) interviews following Test Purchase Operations
13. 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.
14. Verbal Advice (supported by a letter of Written 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.
15. 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.
16. As well as the disciplinary measures taken during the enforcement operations, 108 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:

- 16 Cases currently still active (at the time of compiling this report)
- 40 Cases where no further action was or could be taken*
- 13 Written Advice Letters
- 11 Advisory Warnings
- 1 First Level Warnings
- 6 Second Level Warnings
- 3 Final Warnings
- 0 Notification of referral to the Sub-Committee
- 24 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.*

17. During the period of this report the Weekend Night-time Operation implemented by the Environmental Protection Service has been in place and proactively checked for non-compliance by both the Hackney Carriage and Private Hire trades.
18. This further increases our 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

19. During the reporting period, no Test Purchase Operations were carried out owing to a decision by Senior Management to review the funding of night time enforcement operations, and only Multi-Agency Operations being permitted to be carried out, pending the funding review.

Prosecutions

20. During the reporting period, no 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). However 1 outstanding case is awaiting a court date.

Future Work

21. Our requirements for all drivers to attend the Oxfordshire County Council Safeguarding Awareness Training and to sign up to the DBS Update Service commences from April 2017, fulfilling our duties to uphold the objectives of the Joint Operating Framework across Oxfordshire that has been put in place following the Bullfinch Serious Case Review.

22. Further reviews are required with the assistance of Elected Members in order to address the continuing reduction of Private Hire Drivers and Vehicles that are being lost to other Authorities. The Licensing team is working on ways to improve this situation and are working with the licensed Private Hire Operators and other County Districts for a solution.
23. Such a review requires the adoption of a neutral stance, in order to gauge how restrictions that are currently in place in relation to any vehicle age limits and the limited number of Hackney Carriage Vehicle licences issued annually may lead to a situation whereby the majority of licensed drivers and vehicles working in the City are not licensed by this Council, and in turn reflects poorly on our stated aims of upholding public safety and safeguarding.
24. The exodus of Private Hire Drivers and Vehicles to other Authorities has implications to the Licensing Team, and the reduction of income caused by the loss of such licences has led to a significant reduction in non-standard hours enforcement operations.
25. We will also look to liaise with other council's to ensure that ideas and solutions are shared.

Legal Implications

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

Financial Implications

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

Recommendations

28. The General Purposes Licensing 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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