

Minutes of a meeting of the General Purposes Licensing Committee on Thursday 2 December 2021

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Committee members present:

Councillor Clarkson (Chair)	Councillor Cook
Councillor Corais	Councillor Coyne
Councillor Dunne	Councillor Jarvis
Councillor Mundy	Councillor Rehman
Councillor Thomas	Councillor Upton
Councillor Wade	

Officers present for all or part of the meeting:

Ian Wright, Head of Regulatory Services and Community Safety
Joshua Curnow, Senior Licensing Compliance Officer
Katie Thorp, Licensing Compliance Officer
John Mitchell, Committee and Member Services Officer

Apologies:

Councillors Humberstone, Gant and Miles sent apologies.

7. Declarations of interest

None.

8. Review of the Policy on The Relevance of Warnings, Offences, Cautions and Conviction

The Senior Licensing Compliance Officer introduced the report. The Purpose of the report was to agree the revised Draft Policy on the Relevance of Warnings, Offences, Cautions and Convictions for public consultation.

The policy contained information about legal requirements, government guidance, council policy, procedures and standards.

The overriding aim of local authority licensing of the Hackney Carriage and Private hire trade was to protect the public and this had to central to the determination of whether an individual was considered a 'fit and proper' person to hold a licence.

In July 2020 the Department for Transport published new Statutory Taxi and Private Hire Standards. The draft Policy included these recommendations and had been updated with corrections to guidance, policies and processes. The following matters were particularly noteworthy

- The warning system had not changed but had been re-written for clarity and transparency.
- All licence holders must report all new convictions, cautions, warnings, reprimands, anti-social behaviour injunctions, community protection notices, criminal behaviour notices, community service orders, restraining orders, fixed penalties (including traffic offences), court orders, or other notices associated with child or adult safeguarding concerns, driver education courses and any disqualifications from driving, or another notice or legal matter pertaining to a criminal or anti-social behaviour incident, in writing within 48 hours from the date of formal notification. This has been updated from the 7 days previously required.
- The Council criteria and description of a 'fit and proper' person has been revised as recommended by the statutory standards.
- The authority would be introducing the use of a national register, to share information and mitigate the risk of non-disclosure of relevant information by applicants.
- Safeguarding within the Hackney Carriage and Private hire trade has been revised, with a main message that safeguarding is everyone's responsibility.
- The assessment of previous convictions has been completely revised, aligning with the statutory standards.

After the public consultation, in February 2022 the Committee would be presented with final versions for consideration, updated in the light of any consultation responses.

The Committee raised a number of detailed matters to which the Senior Licensing Officer responded.

The requirement for a prospective Private Hire or Hackney Carriage driver to demonstrate adequate knowledge of both written and spoken English was universally applied to all applicants, irrespective of their prior circumstances. For this purpose anything deemed to be the equivalent of or better than ESOL English: entry level 2 was sufficient.

The seriousness of the offence of plying for hire recognised, in the first place, the significant difference of the higher standards and professional expectations placed on Hackney Carriage drivers to ensure the safety of passengers. There were other, consequential, concerns: that it is a criminal offence; the insurance of a Private Hire vehicle would be invalid; and the additional safety measures in place when booking through a Licensed Operator would not be engaged.

The Committee welcomed the overarching focus on safeguarding.

The use of the UBER application to book a Private Hire Vehicle in Oxford is currently under investigation and upon conclusion of that investigation the Licensing Authority will ensure the Committee is provided with a copy of the findings.

The Committee resolved to:

1. **Agree** the revised Policy on The Relevance Of Warnings, Offences, Cautions And Convictions for public consultation; and
2. **Agree** the consultation schedule as included in the report.

9. Minutes of the previous meeting

The Committee agreed to approve the minutes of the meeting held on 20 May 2021 as a true and accurate record.

10. Dates and times of meetings

The Committee noted the dates and times of future meetings.

The meeting started at 6.00 pm and ended at 6.40 pm

Chair

Date: Monday 7 February 2022