

To: General Purposes Licensing Committee

Date: 5 September 2013

Report of: Head of Environmental Development

Title of Report: Update on Taxi Licensing Activity
April 2013 – July 2013

Summary and Recommendations

Purpose of report: To inform Committee of the progress made by the Taxi Licensing Function between April 2013 and July 2013.

Report Approved by:

Finance: Paul Swaffield

Legal: Daniel Smith

Policy Framework: Vibrant Sustainable Economy

Recommendation(s): The Committee is recommended to note the contents of the report; and 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 April 2013 and July 2013.
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 April 2013 and July 2013.

Licences Issued	Total April 2013 – July 2013
Hackney Carriage Driver	89
Private Hire Driver	249
Hackney Carriage Vehicle	51
Private Hire Vehicle	243
Private Hire Operator	10

Actions Undertaken	Total April 2013 – July 2013
Licensing Hearings	15
Enforcement Actions Commenced	149
Number of Prosecution Cases Started	2
Complaints about Drivers / Vehicles	77

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 333 driver, 300 vehicle, and 10 Operator licenses issued by the Head of Environmental Development under delegated authority during the reported period. 5 driver licences were granted following the applications being determined by the Hackney Carriage and Private Hire Licensing Sub-Committee.

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 driver 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. From April 2013 to July 2013, 8 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	2	0	0	0	2

Appeals

9. The Licensing Authority received one application for appeal during the period covered in this report relating to the Sub-Committee decision to revoke a Private Hire Driver Licence following the driver being cautioned for an act of violence.
10. The Magistrate Court upheld the appeal following new information provided by the victim, and the driver was reissued with his licence.

Enforcement Activity

11. Between April 2013 and July 2013, the Licensing Team has carried out 149 enforcement interventions, issuing the following sanctions (in accordance with the Policy on the Relevance of Warnings, Offences, Cautions and Convictions):
 - 5 Cases still pending (awaiting further intelligence reports)
 - 2 No further action taken due to credible driver explanations
 - 21 Verbal Advice given at scene of an incident
 - 46 Advisory Warnings
 - 23 First Level Warnings
 - 14 Second Level Warnings
 - 7 Final Warnings
 - 8 Requests to vehicles to undergo an additional COC (MOT) Test
 - 9 Notifications of referral to Sub-Committee
 - 2 Suspension Notices (driver)
 - 3 Suspension Notice (vehicle)
 - 7 Notifications of non-payment letters
 - 2 PACE interviews
12. 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.

13. Verbal 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.
14. 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, illegal parking, failing to inform the Authority of vehicle damage, etc.
15. 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 (despite having been issued with a previous Warning).
16. As well as the disciplinary measures taken during the enforcement operations, 77 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:
 - 8 Cases are still active (at the time of writing this report)
 - 2 Referrals to neighbouring authorities
 - 41 No further action taken*
 - 12 Advisory Warnings
 - 5 First Level Warnings
 - 6 Second Level Warnings
 - 2 Final Warnings
 - 1 Referral to the Sub-Committee

** 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 challenged by the Licensing Officers, the complainant has not responded.*

Test Purchase Operations

17. Between April 2013 and July 2013, 4 Test Purchase Operations were carried out resulting in 2 drivers failing the Test Purchase. Resulting from the Operations 1 interview (under the Police & Criminal Evidence Act) was 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). The other driver was invited to a PACE interview but refused to attend each invitation.

18. Resulting from the above PACE interview and the failure of the other driver to attend a PACE interview both cases were forwarded to Law & Governance for consideration to prosecute drivers for the offence of plying for hire and driving without the correct insurance, and in the case of the driver who failed to attend the Licensing Officer has also sought to prosecute the driver for the offences of Obstructing an Authorised Officer and Attempting to Pervert the Course of Justice.

Prosecutions

19. During the period April 2013 to July 2013, 2 cases of plying for hire and driving without the correct insurance were heard in the Magistrates Court (relating to Test Purchase Operations and PACE interviews carried out prior to this reporting period).
20. In each case the licence holder was found guilty of both offences and issued with 6 penalty points to be endorsed on their DVLA Licence and a fine and ordered to pay costs.
21. All of these convictions have been / will be referred to the Hackney Carriage and Private Hire Licensing Sub-Committee in due course in order to determine what action should be taken in accordance with our Policy on the Relevance of Warnings, Offences, Cautions and Convictions in relation to the licence issued by the Authority.

Future Work

22. Consultation ended on 12th June 2013 in relation to the decision of this Committee on 17th October 2012 regarding the proposals for vehicle age limits. The result of this consultation will be reported back to the Committee later in this meeting for its recommendation to Council.

Legal Implications

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

Financial Implications

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

Recommendations

25. The Committee is recommended to note the contents of the report; and make any comments and recommendations regarding the future work of the Taxi Licensing Function.

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