

**To:** Scrutiny Committee  
**Date:** 2 February 2016  
**Report of:** Head of Community Services  
**Title of Report:** Hackney Carriage & Private Hire Licensing

## Summary

**Purpose of report:** To inform Committee of the remit and policies of and to provide an insight into the functions of the Hackney Carriage & Private Hire Licensing Service.

**Executive lead member:** Councillor Dee Sinclair

**Report author:** Julian Alison, Licensing Manager

### **Recommendations:**

The Committee is recommended to:

- i) note the content of this report;
- ii) make any recommendations that it sees fit to do so; and
- iii) consider when it may wish to receive any future update in relation to the Hackney Carriage & Private Hire Licensing Service.

### ***Appendices to report (web links are provided where possible):***

**Appendix One:** **General Information: Hackney Carriage & Private Hire**  
<http://www.oxford.gov.uk/PageRender/decB/TaxiLicensingGeneralInformation.htm>

**Appendix Two:** **General Purposes Licensing Committee: Taxi Licensing Function Activity Report: Council Year 2014-2015 (19 May 2015)**  
<http://mycouncil.oxford.gov.uk/documents/g3271/Public%20reports%20pack%20Tuesday%2019-May-2015%2017.15%20General%20Purposes%20Licensing%20Committee.pdf?T=10>

**Appendix Three:** **Hackney Carriage & Private Hire Driver Licence Application Pack**  
<http://www.oxford.gov.uk/Library/Documents/Licensing/DRIVER%20APPLICATION%20PACK.pdf>

- Appendix Four:** *Hackney Carriage & Private Hire Vehicle Licence Application Pack*  
<http://www.oxford.gov.uk/Library/Documents/Licensing/VEHICLE%20APPLICATION%20PACK.pdf>
- Appendix Five:** *Private Hire Operator Licence Application Pack*  
<http://www.oxford.gov.uk/Library/Documents/Licensing/OPERATOR%20APPLICATION%20PACK.pdf>
- Appendix Six:** *Policy on the Relevance of Warnings, Offences, Cautions & Convictions*  
<http://www.oxford.gov.uk/Library/Documents/Licensing/Taxi%20Licensing%20%20Policy%20on%20Relevance%20of%20Offences%202.pdf>
- Appendix Seven:** *Taxi Licensing Fees & Charges 2015 – 2016*
- Appendix Eight:** *Full Council Report: Policy on Hackney Carriage Quantity Control (30 September 2013)*  
<http://mycouncil.oxford.gov.uk/documents/s14903/Policy%20on%20Hackney%20carriage%20Quantity%20Control%20-%20Report.pdf>
- Appendix Nine:** *Safeguarding (online material accessed via weblink and offline material appended)*  
<http://www.oxford.gov.uk/PageRender/decB/TaxiandPrivateHireSafeguarding.htm>
- Appendix Ten:** *Member Training Presentation on Licensing Functions*

## **Background**

The Scrutiny Committee requested a report to update them on the general functions of the Hackney Carriage & Private Hire Licensing Service, allowing the Committee to gain a wider understanding of:

- The types of licences issued and the volume of licenses issued;
- The policies that are in place that govern the Hackney Carriage & Private Hire Trades;
- How these policies were / are formulated in relation to the Hackney Carriage & Private Hire Licensing Service and the rationale behind such policies; and the role of Elected Members and the licensed Trade in the formulation and progress of such policies;
- What issues and challenges are faced by the Hackney Carriage & Private Hire Trade; and

- What issues and challenges are faced by the Hackney Carriage & Private Hire Licensing Service.
- Safeguarding Strategies within the Taxi Licensing Function
- What issues and challenges are faced by the City Council caused by drivers and vehicles operating in the City not licensed by Oxford City Council.

## Introduction

1. The Hackney Carriage & Private Hire Licensing Service (Taxi Licensing Function) is part of the General Licensing Team, that also covers the facilitation of applications and the regulation and enforcement of the following licensing functions:

**Licensing Act 2003:** Alcohol / Regulated Entertainment / Late Night Refreshment

**Gambling Act 2005:** Betting and Gaming

**Local Government (Miscellaneous Provisions) Act 1982:** Sex Establishments

**Local Government (Miscellaneous Provisions) Act 1976 & Town Police Clauses Act 1847:** Hackney Carriage & Private Hire

**Scrap Metal Dealers Act 2013:** Motor Salvage Operators and Scrap Metal Collectors / Sites

**Town Police Clauses Act 1847:** Temporary Road Closures for Events and Street Parties

2. The vast majority of the work carried out by the General Licensing Team relates to the Licensing Act 2003 and the Hackney Carriage & Private Hire Functions.
3. The Team consists of 6 full time members of staff administering applications made by and regulating / enforcing approximately 4000 licence holders annually, of which approximately 2000 make up those within the Hackney Carriage & Private Hire Trades.
4. The Administration Hub supplements the Team with 2 additional Licensing Assistants (funded by the General Licensing Team) who carry out face-to-face taxi licence application appointments with new applicants and those seeking to renew their licence
5. The Team reports to the General Purposes Licensing Committee, who in turn report any recommended policy decisions to Full Council for adoption. Policy related matters are entered onto the Forward Plan.

6. On 2<sup>nd</sup> November 2009 the position of Licensing Manager was filled, leading to a significant modernisation of all of the Licensing Functions, but the most notable changes occurred within the Taxi Licensing Function.
7. The modernisation ensured that the Licensing Authority worked to modern, transparent and engaging policies and procedures, designed to provide a wealth of information to licence holders and the public, and promote consistency of procedures and decision making processes.

### **Types of licences issued and the volume of licenses issued**

8. Oxford City Council has statutory powers to licence vehicles, drivers, and operators (booking companies) who wish to become members of the Hackney Carriage and Private Hire trade within Oxford.
9. These powers are granted under two Acts:
  - **Town Police Clauses Act 1847**
  - **Local Government (Miscellaneous Provisions) Act 1976**

And allow the Licensing Authority to issue the following types of licences, and impose criteria and conditions applicable to such licences:

- **Hackney Carriage and Private Hire Drivers**
  - **Hackney Carriage and Private Hire Vehicles**
  - **Private Hire Operators**
10. The Committee is informed that there are significant legal differences between Hackney Carriage and Private Hire. Hackney Carriage Vehicles may wait on Taxi Ranks, be hailed or be pre-booked. Private Hire Vehicles must be pre-booked through a Private Hire Operator, and cannot wait on Taxi Ranks or be hailed.
  11. The laws currently in place do not require the operators of Hackney Carriage companies to require a licence. As such these companies exist outside of the licensing remit.
  12. Guidance from the Department for Transport makes clear that the objective of the Licensing regime is to protect the public and ensure those that obtain a licence, either as an individual or company, are 'fit and proper', and that licenced vehicles are 'suitable' in both type and condition.
  13. To assist this Committee, attached at **Appendix One** is a "General Information" Sheet that details the differences between Hackney Carriage and Private Hire.
  14. Regular "Taxi Licensing Activity" reports are provided to the General Purposes Licensing Committee that detail the types and volumes of licences

issued. A copy of the Taxi Licensing Activity report detailing the 2014/15 Council Year is attached at **Appendix Two**.

15. The Committee will note from that report, that the following number of licences were issued within the Taxi Licensing Function during the 2014/15 Council Year:

<b><i>Hackney Carriage Driver</i></b>	<b>331</b>
<b><i>Private Hire Driver</i></b>	<b>644</b>
<b><i>Hackney Carriage Vehicle</i></b>	<b>142</b>
<b><i>Private Hire Vehicle</i></b>	<b>697</b>
<b><i>Private Hire Operator</i></b>	<b>30</b>

16. The Committee is also advised that the Taxi Licensing Function is not merely an administrative function, but also an enforcement function. The Taxi Licensing Activity reports provide the General Purposes Licensing Committee with a wealth of information as to the enforcement actions undertaken by Officers.

17. The Committee will note from that report, that the following number of enforcement actions were undertaken within the Taxi Licensing Function during the 2014/15 Council Year:

<b>The Policies that are</b>	<b><i>Licensing Hearings</i></b>	<b>22</b>
	<b><i>Enforcement Actions Commenced</i></b>	<b>397</b>
	<b><i>Prosecution Cases Started</i></b>	<b>7</b>
	<b><i>Complaints about License Holders</i></b>	<b>250</b>

**in place that govern the Hackney Carriage & Private Hire Trades**

18. Council has adopted the following two policies in relation to the Taxi Licensing Function:

- **Policy on the Relevance of Warnings, Offences, Cautions and Convictions;**
- **Policy on Hackney Carriage Quantity Control**

19. The Policy on the Relevance of Warnings etc. is intended to inform applicants and guide the authority's decisions in order to ensure that decisions taken in relation to the determination of a persons status as "fit and proper" to hold or continue to hold a licence are consistent. The Policy on Hackney Carriage Quantity Control explains and supports the limit placed on the number of Hackney Carriage Vehicle licences issued by the Council.

20. Following the commencement on 1<sup>st</sup> October 2015 of the Deregulation Act 2015 that impacts upon all Councils Taxi Licensing functions and some recent amendments adopted by Council on 23<sup>rd</sup> September 2015, an overarching Taxi Licensing Policy will be drafted that will bring all of the criteria, conditions

and regulations relating to drivers, vehicles, and operators, as well as the above policies within one single Policy.

21. All of the procedures, criteria, conditions and fees and charges relating to the Taxi Licensing Function are published with “Application Packs”, obtained from our offices and also available on the Council website.
22. To assist this Committee (links to online content are provided at the start of this report), a copy of the Driver Application Pack is attached at **Appendix Three**, a copy of the Vehicle Application Pack is attached at **Appendix Four**, a copy of the Operator Application Pack is attached at **Appendix Five**, a copy of the Policy on the Relevance of Warnings, Offences, Cautions and Convictions is attached at **Appendix Six**, a copy of the Taxi Licensing Fees & Charges is attached at **Appendix Seven**, and a copy of the Policy on Hackney Carriage Quantity Control report approved by Council on 20<sup>th</sup> September 2013 is attached at **Appendix Eight**.

### **How the Hackney Carriage & Private Hire Licensing Functions policies were / are formulated**

23. A full review of the Taxi Licensing Function was carried out during 2010 to ensure a modern, transparent, consistent approach was in place. It took 15 months and included benchmarking with other Authorities in relation to procedural and policy matters, criteria and conditions, as well as ensuring that all information was publically available online.
24. Many meetings were held with the Hackney Carriage and Private Hire Trade including key figures from the Trade (the Secretary of the City of Oxford Licensed Taxicab Association, and the Directors of the larger Private Hire Operators, as well as allowing individual drivers to have a voice).
25. The enforcement arm of the Licensing Authority was strengthened to promote the safety of the public, which is our primary objective, and this was welcomed by the Trade as it assisted their desire to be rid of drivers who caused reputational damage to their companies.
26. The Licensing Officers were also tasked with carrying out regular daytime, night time and weekend enforcement operations, which has resulted in a much higher standard of vehicle maintenance, and making drivers accountable for their actions and behaviours
27. A tiered level of Warnings was adopted, to be issued to those found to be non-compliant with the conditions of their licence, empowering the Hackney Carriage and Private Hire Licensing Sub-Committee to revoke the licence of those the Sub-Committee believed had failed to promote Oxford as a world-class city by ignoring the core values of good customer service and public safety.
28. General Purposes Licensing Committee welcomed the modernisation of the Taxi Licensing Function, and the new policies, procedures, conditions and

criteria, as they understood the positive impact they would have, and were keen to adopt the robust vetting procedures and more challenging criteria applicable to all new applicants, and those seeking to renew an existing licence.

29. The Scrutiny Committee may be interested to note that the Application Packs, Policy on the Relevance of Warnings, Offences, Cautions and Convictions, and our administrative and enforcement procedures have been adopted by a number of other Councils, and we regularly host other Licensing Teams seeking to implement our ways of working.
30. The Policy on Hackney Carriage Quantity Control is the only policy that now exists that predates the modernisation of the Taxi Licensing Function. It is a Council policy designed to ensure an appropriate number of Hackney Carriages are obtainable by the public, whilst seeking not to over populate the number of licensed vehicles on the city's restrictive road network.
31. The Policy on Hackney Carriage Quantity Control requires reviewing every 3 years by way of an independent "Unmet Demand" survey being carried out to justify whether such a limit should be retained, amended or the policy abandoned.
32. Members of the Licensing Committees are required to attend Member Training annually. The aim of this training is to promote their understanding of "licensing", and to assist them with their decision making when reviewing licence cases and policy matters. A copy of the Member Training Presentation is attached at **Appendix Nine**.

#### **Issues and challenges faced by the Hackney Carriage & Private Hire Trade.**

33. Both the Hackney Carriage and Private Hire Trade are private sector entities, and the single biggest challenge faced by the Trade relates to supply and demand.
34. The volume of licences applied for and granted in the last 10 years has led to increased competition. Whilst the demand for services has increased somewhat, the available supply has increased sharply, causing drivers to earn less than previously as work gets shared around.
35. Furthermore, the relaxation of the laws relating to where a driver and vehicle may work has led to many non-Oxford licensed drivers and vehicles working predominantly in the city, further reducing the income of Oxford licence holders.

#### **What issues and challenges are faced by the Hackney Carriage & Private Hire Licensing Service.**

36. Our overall objectives are to promote the local Trade, whilst ensuring that the public are safe at all times, and to ensure that when carrying out both the

administrative and enforcement functions that we do so in a manner that also promotes the Councils core objectives.

37. The Taxi Licensing Function faces two distinct challenges, namely:
- Public safety (including vehicle safety and the safeguarding of children and vulnerable persons); and
  - Drivers and vehicles licensed by other Authorities being able to regularly work outside their own borders – known commonly as “cross-border hiring”.

**Safeguarding the public (including children and vulnerable persons)**

38. We are proud that the robust vetting procedures we have in place (and have had since March 2011) meet with the requirements coming out of the Serious Case Reviews into Child Sexual Exploitation, and so our challenge is to educate the Trade as to how to spot and report concerns they may have in relation to persons at risk.
39. The council is working closely with other Licensing Authorities and the County Council and the Oxfordshire Safeguarding Children Board on a countywide “Joint Operating Framework”, led by the Taxi Licensing Function and the Community Safety Team.
40. Contained within the Joint Operating Framework are the following matters, and when implemented will ensure a countywide single approach is carried out to promote public safety and reduce inconsistent practices across the county:
- **Safeguarding: Vetting of applicants and existing licence holders / Training for all new applicants and existing licence holders / Awareness Raising for all new applicants and existing licence holders;**
  - **Information Sharing: District Councils / County Council / Thames Valley Police (Protocol drafted by Oxford City Council);**
  - **Policy Alignment: Standardising driver and vehicle criteria applicable to all applicants and licence holders, and ensuring consistency when dealing with intelligence, cautions and convictions when assessing applicants and licence holder suitability; and**
  - **Enforcement: Implementing a countywide enforcement schedule and developing delegated powers to Officers who deal with a multitude of drivers and vehicles licensed by other Authorities yet predominantly working in other districts.**
41. A significant amount of work has been undertaken to raise awareness and understanding of “Safeguarding” and how drivers may report any concerns held in relation to persons who may be vulnerable or being exploited.



42. Attached at **Appendix Ten** the Committee will find copies of the Safeguarding page contained within the Driver and Operator Packs, the designated taxi web content, the presentation provided to all new applicants within the Disability Awareness Course, the National Working Group online Safeguarding presentation (that forms part of a new applicants Local Knowledge and Safeguarding Test) and the Community Safety Safeguarding Leaflet.
43. Our response to putting Safeguarding at the top of our priorities has led to our neighbouring Councils to adopt a similar approach. It is anticipated that the County Council will roll out specialist Safeguarding Training to the drivers they contract to transport children and vulnerable adults, and all licensed drivers will be required to undertake such Training in order to retain their licence.
44. Furthermore, our Safeguarding practices have been deemed by The National Working Group on Child Sexual Exploitation (that advises Government on Safeguarding) as being “best practice” for other Authorities to adopt.
45. The Deregulation Act 2015 impacts upon all Authorities safeguarding strategies, by requiring Councils to issue driver licences for a maximum period of 3 years (and only less than 3 years, if justified on a case-by-case basis).
46. This requirement is not something that we are comfortable with. 3 year licences conflict with the findings of the Serious Case Reviews which clearly direct Authorities to ensure robust and regular vetting processes are in place, and that such vetting is carried out “face-to-face” with all applicants.
47. In order to find ways to ensure the public are suitably protected, and that licence holders are regularly vetted, we have made it a requirement on any person who seeks to hold a 3 year licence, to attend an annual “declaration” appointment with an Officer, in order to check that the licence holder remains “fit and proper” to continue to be licensed.
48. The Committee are asked to note that the Licensing Manager is to take a position within the Institute of Licensing “Safeguarding Working Group”. This Group intends to develop a national Taxi Licensing Safeguarding model, sharing best practices in order that a single approach is taken nationally on this issue.

### **Cross-border Hiring**

49. Our final challenge is to address the number of non-Oxford licensed drivers and vehicles working in the city. The significant increases many urban areas are experiencing relate to a relaxation of the laws applicable to Hackney Carriage and Private Hire, most specifically in relation to Hackney Carriage drivers and vehicles (licensed beyond the city border) provided with work by local Private Hire Operators.
50. The criteria applicable to drivers and vehicles varies greatly across the country, as Licensing Authorities have the power to set local standards. The

standards in place in Oxford are appropriate to an Authority that seeks to promote a world-class city, and promote a professional licensed Trade.

51. The criteria in Oxford is not necessarily followed by our neighbouring Authorities. As such, the cost of a licence and the criteria applicable to drivers and vehicles can be considerably lower than applicable in Oxford.
52. Understandably, if a driver and / or vehicle owner is able to acquire a licence for a lower fee and with less stringent criteria applied to the licence, then it makes economic sense for that person to seek such a licence, and the law does not prevent this.
53. However, the reality that this legal position presents, is one of vehicles that are subject to less regular and stringent safety tests, and drivers who may not have been vetted or trained to a standard this Council deems to be satisfactory in terms of customer awareness, safeguarding awareness, disability and equality awareness, communication skills, etc.
54. Furthermore, these vehicles and drivers then operate outside of the district with whom the licence was granted, and therefore beyond the control of the Licensing Officers of that Authority.
55. The only conditions and criteria that can be enforced on any driver / vehicle are those set by the Authority that issued the licence, not the Authority within which district it may then be carrying out work.
56. The resultant effect of this is that there are many vehicles and drivers actively working within the City (and cities nationally) that the Licensing Officers in those cities have no power to enforce against. The Authorities that licence these drivers and vehicles are unable to regulate their licence holders and regularly ensure that the vehicles are safe.
57. Licensing Authorities are not obliged to licence vehicles and drivers if they hold concerns that by issuing a licence that the licence holder would not be predominantly working within that district. The primary reason for licensing a vehicle as a Hackney Carriage is that it will be used to provide immediate local transport to those waiting at Taxi Ranks or seeking to flag it down whilst it is on the road.
58. In order to address this particular issue, one Council has sought to implement an "Intended Use" policy that requires an applicant seeking a Hackney Carriage Vehicle licence to declare that the vehicle will be predominantly used within the area of the Council.
59. By retrieving records from any Private Hire Operator of nearby districts, that Authority can then assess how much work the vehicle is undertaking within its own area, and if the licence has been obtained under false pretences, it can be revoked.

60. We are seeking to work with our neighbouring Authorities on the introduction of such a policy in Oxfordshire.
61. Joint enforcement initiatives are sought to try and ensure that some regulation of these cross-border drivers and vehicles can be carried out, but such enforcement activities are infrequent, owing to the lower levels of resource in place at rural Authorities.
62. Obtaining delegated powers to enforce such drivers and vehicles is possible, and the Licensing Manager is seeking to obtain delegated powers from our neighbouring Authorities.
63. In order to encourage drivers to remain licensed by Oxford City Council, measures were adopted by Council on 23<sup>rd</sup> September 2015. These measures include the removal of external livery from vehicles (to be replaced by a more discreet internal livery, a reduction in the cost of the licence fee for low emission vehicles, and the removal of any age restrictions applicable to vehicles renewing a licence.
64. These steps, coupled with our robust and frequent enforcement operations, we believe will entice those seeking a licence to apply to us for the licence, whilst ensuring that appropriate enforcement operations are in place to regulate licence holders.
65. Discussions held with the local Private Hire Operators who employ these “out of town” drivers and vehicles have been very positive, and the Operators have provided assurances to the Licensing Manager that they will encourage those seeking work with them to apply to this Council for a licence.
66. It is hoped that when considering the matters relating to both Safeguarding and Cross-border hiring, that our neighbouring Authorities implement the standards set by ourselves, in order to reduce the risks to public safety, increase the standards applicable to drivers and vehicles, and only licence those drivers and vehicles they are confident that they will be able to regulate.
67. Discussion continue to be held at Chief Executive Officer level countywide to ensure that the safeguarding strategies and driver and vehicle standards in place in Oxford are put in place throughout the county.

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**List of background papers:**

**General Purposes Licensing Committee: Taxi Licensing Function Activity  
Report: Council Year 2014-2015 (19 May 2015)**

**Network Working Group: Say Something If You See It**

**Version number: 1.0**