

To: General Purposes Licensing Committee
Date: 20 September 2016

Report of: Head of Community Services

Title of Report: Update on Taxi Licensing Activity:
April 2016 – July 2016

Summary and Recommendations

Purpose of report: To inform Committee of the progress made by the Taxi Licensing function during the current Council year (April 2016 – July 2016).

Report Approved by:

Finance: Paul Swaffield

Legal: Daniel Smith

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 (April 2016 – July 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 figures below provide data on the number of licence applications received and processed, as well as the volumes of enforcement interactions undertaken within this reporting period.

- Hackney Carriage Driver Licences: 80
- Private Hire Driver Licences: 167
- Hackney Carriage Vehicle Licences: 37
- Private Hire Vehicle Licences: 154
- Private Hire Operator Licences: 10
- Sub-Committee Hearings: 5
- Enforcement Actions Commenced: 324
- Prosecution Cases Started: 1
- Complaints about Licence Holders: 89

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.
5. As a result all of the above applications were authorised by the Head of Community Services under delegated authority, save for 5 applications to grant or renew driver licences which were determined by the Hackney Carriage and Private Hire Licensing Sub-Committee.

Hackney Carriage & Private Hire Licensing Sub-Committee Hearings

6. 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.
7. 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 (as described in our Policy on the Relevance of Warnings, Offences, Cautions and Convictions).
8. During the reporting period, a total of 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	2	-	-		
Existing Driver	-	-	2	-	1

Appeals

9. An appeal against one Sub-Committee decision made during the reporting period has been lodged at the Oxford Magistrates Court, but the appeal has yet to be heard, and will be reported on in a future report.

Enforcement Activity

10. Whilst engaged on Enforcement Operations throughout the reporting period, the Licensing Team has carried out 324 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:
 - 8 Cases still pending (awaiting further intelligence reports)
 - 53 No further action taken due to credible driver explanations / immediate rectification of minor infringement
 - 38 Failures to submit DBS or Medical Disclosure
 - 43 Written Advice Letters
 - 31 Advisory Warnings
 - 25 First Level Warnings
 - 10 Second Level Warnings
 - 23 Final Warnings
 - 45 Permits issued to vehicles with minor damage to remain in service for a maximum period of 28 days
 - 7 Referrals to the Sub-Committee
 - 4 Suspension Notices (vehicles)
 - 7 Inspections of Operator Premises
 - 4 Notifications of non-payment letters
 - 23 Referrals to our neighbouring authorities
 - 1 Driver licence application refused (as did not meet with our new applicant criteria)
 - 1 PACE interviews following Test Purchase Operations
 - 1 Exemption Certificate issued (to not carry Assistance Dogs)
11. 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.
12. 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 or failing to have necessary documentation within the vehicle whilst the Licensing Officers were carrying out their night time enforcement duties.
13. 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.

14. As well as the disciplinary measures taken during the enforcement operations, 89 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:

- 1 Case currently still active (at the time of compiling this report)
- 40 Cases where no further action was or could be taken*
- 6 Written Advice Letters
- 3 Advisory Warnings
- 4 First Level Warnings
- 7 Second Level Warnings
- 7 Final Warnings
- 1 Permit issued to vehicles with minor damage to remain in service for a maximum period of 28 days
- 3 Requests made for vehicles to undertake a further Certificate of Compliance Test owing to visible pollutants
- 4 Referrals to the Sub-Committee
- 13 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.*

15. The Weekend Night-time Operation implemented by the Community Safety Service Area operates between 11.00 p.m. and 4.00 a.m. on both Friday and Saturday nights and proactively checks for non-compliance by both the Hackney Carriage and Private Hire trades.
16. This further increases our robust 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

17. During the reporting period, 2 Test Purchase Operations were carried out resulting in 4 drivers failing the Test Purchase. Resulting from the Operations 1 interview (under the Police & Criminal Evidence Act) has been carried out by the Licensing Officers 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).

18. Resulting from the above PACE interviews the case was forwarded to Law & Governance for consideration to prosecute drivers for the offences of plying for hire and driving without the correct insurance.
19. The other 3 cases related to “Out of District” Hackney Carriages plying for hire with the Oxford boundary. At the request of both South Oxfordshire District Council and Vale of White Horse District Council, rather than this Authority prosecute the drivers, the matters were handed over to our neighbouring authorities to take robust action.
20. The 3 cases were dealt with by way of the issue of penalty points (our neighbours equivalent of our Warnings procedure), rather than the matters being placed before their respective Sub-Committees as we had been advised, and so these drivers are still licensed by our neighbouring authorities and continuing to receive bookings within our district.

Prosecutions

21. During the reporting period, 2 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).
22. Both cases have been heard and resulted in conviction and financial penalty. Following conviction the licence holders have been referred to the Hackney Carriage and Private Hire Licensing Sub-Committee.

Notable and Future Work

23. Whilst our current approach to Safeguarding is widely acclaimed as one of setting high standards, we continue to work with our neighbouring Oxfordshire Authorities and Oxfordshire County Council to ensure that they adopt the practices we have in place in Oxford in relation to:
 - **A single high quality standard of vetting applicants;**
 - **Information Sharing Protocol between Districts and County Councils; and**
 - **Safeguarding Awareness and Training for all licensed drivers**
 - **Alignment of conditions and standards for all drivers, vehicles, and operators.**
24. Our approach has led to the Licensing Manager being asked to assist the Home Office (who see our approach as being of a “Gold Standard”) with the formulation of National Guidance on Safeguarding within Licensing Functions, to be implemented by all councils.

Legal Implications

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

Financial Implications

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

Recommendations

27. 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.

Name and contact details of author: **Julian Alison**
Licensing Manager
Community Services
Tel: (01865) 252381
Email: jalison@oxford.gov.uk