

To: General Purposes Licensing Committee

Date: 19 October 2011 **Item No:**

Report of: Head of Environmental Development

Title of Report: Update on Taxi Licensing Activity
April 2011 – August 2011

Summary and Recommendations

Purpose of report: To inform Committee of the progress made by the Taxi Licensing Function between April 2011 and August 2011.

Report Approved by:

Finance: Paul Swaffield

Legal: Daniel Smith

Policy Framework: A vibrant and sustainable economy

Recommendation(s):

The Committee is recommended to:

- (i) note the contents of the report, and**
- (ii) make 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 2011 – August 2011.
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 2011 to August 2011.

Licences Issued	Total Apr 11 – Aug 11
Hackney Carriage Driver	135
Private Hire Driver	279
Hackney Carriage Vehicle	61
Private Hire Vehicle	289
Private Hire Operator	12

Actions Undertaken	Total Apr 11 – Aug 11
Licensing Hearings	28
Enforcement Actions	76
Number of Prosecutions	0
Complaints about Drivers / Vehicles	49

Applications Granted by the Licensing Authority

- 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 294 driver, 350 vehicle, and 12 Operator licenses issued by the Head of Environmental Development under delegated authority during the period April 2011 – August 2011.

Hackney Carriage & Private Hire Licensing Sub-Committee Hearings

- When adverse information pertaining to the “fitness” of a person or vehicle to be licensed by this Authority has been found then the application is determined at a Sub-Committee Hearing.
- During April 2011 – August 2011, 20 Hearings were held to determine the fitness of new applicants and existing applicants (including those who whilst in possession of a licence had been deemed to not be considered a “fit and proper” as detailed in the Policy on the Relevance of Offences, Cautions and Convictions). The results of the Hearings are shown in the table below:

	Granted	Refused	Suspended	Revoked
New Driver	10	4		
Existing Driver	2	0	1	2
New Operator	1	0		

Appeals

7. The Licensing Authority received an application for appeal regarding the decision made by the Hackney Carriage and Private Hire Licensing Sub-Committee to revoke the licence of a Private Hire Driver, and this appeal is pending.

Prosecutions

8. During the period April 2011 – August 2011, no prosecutions were undertaken, however 5 Formal Cautions were issued for the offences of plying for hire and driving without the correct insurance in place.

Enforcement Activity

9. Between April 2011 and August 2011, the Licensing Team has issued:
 - 25 Advisory Warnings
 - 24 Verbal Warnings
 - 14 Written Warning
 - 6 Final Warnings
 - 6 (5 driver, 1 vehicle) Suspensions
 - 5 Formal Cautions

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. 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, and repetitive failures to adhere to standard driver and vehicle conditions that called in to question the licence holders suitability in line with this Authority's criteria of a Fit and Proper person as defined in the Policy on the Relevance of Offences, Cautions and Convictions which states:

Fit and Proper Person: A person who is of no threat to the general public, has a good City knowledge, is healthy, is of a good character (including driving record) and is therefore deemed fit and able to hold a licence.

10. Suspensions were issued to drivers when intelligence was provided by the Police who recommended that the individual may pose a threat to public safety, following the individuals being arrested for alleged violent or sexual offences. The suspension of a vehicle was initiated by Officers who witnessed a licensed vehicle in a poor state of repair. Further details of all of the suspension notices issued can be provided to individual Members if so requested.

11. An “advisory warning” is specifically issued to help educate licensed drivers who are new to the responsibilities of being a member of the taxi fraternity, or when there is some element of reasonable doubt between the version of events reported by the complainant and the licensed driver.
12. Due to the increased enforcement activities, and the need to find a quicker solution to remedying minor issues found during compliance checks, on the spot advice is also given to drivers, and recorded on the drivers record as an “advisory warning” at the office. Such advice related mostly to drivers not having their drivers badge on display, not having their record book in the vehicle, and minor matters relating to the cosmetic condition of the vehicle. With proposed changes to the legislation governing Hackney Carriage and Private Hire Licensing, fixed penalty notices may be implemented at a future date to deter licence holders from failing to uphold the conditions of their licence and to promote “best practice”. The role of the Licensing Authority is to ensure the licensed trade is “fit and proper” to service the general public.
13. A “Verbal, Written or Final” warning” is issued when the complaint has been substantiated beyond reasonable doubt or the alleged offence has been proven against the licensee, and is deemed to either be serious enough to warrant enforcement action of a higher level than an “advisory” letter, or the pattern of conduct by the licensee over any period of time has resulted in a “warning” being the next procedural level of action required. Such “warnings” rise in level, and their definitions can be found in the Policy on the Relevance of Offences, Cautions and Convictions (as adopted by Council).
14. Members should note that the new procedures are now in place following Council’s adoption of the Policy on the Relevance of Offences, Cautions and Convictions. This has resulted in a significant increase in cases being referred to the Hackney Carriage and Private Hire Licensing Sub-Committee.
15. Between April 2011 and August 2011, 3 taped interviews under Police & Criminal Evidence Act were carried out, either for the suspected offence of plying for hire, or other suspected criminal offences following information supplied by Thames Valley Police (i.e. violent offences). It should be noted that cases involving suspended drivers, are left to the Police and Courts to resolve, and upon such resolution, the matter then referred to the Hackney Carriage and Private Hire Licensing Sub-Committee.
16. Resulting from the above PACE interviews were:
 - 3 formal cautions issued for plying for hire,
 - 2 formal cautions issued for driving whilst uninsured

Nightsafe

17. The NightSafe initiative contributes to the taxi licensing objectives. This includes intelligence sharing and has led to the Taxi Licensing Enforcement Officers being able to view late night taxi activity in a number of locations by arrangement with the CCTV Manager. This benefits the enforcement of licensed drivers and vehicles as it can reveal unprofessional conduct by the licensed trade in the City at night, and can act as a check or deterrent.

Future Work

18. The Licensing Team will be relocating to St. Aldate's Chambers in March 2012, and has been very active in the Offices For The Future Programme. The Taxi Licensing function has now become almost totally electronic and virtually paperless, thus significantly reducing the volume of low-level service requests and creating significant efficiency savings.
19. Minor revisions are planned to the Policy on the Relevance of Offences, Cautions and Convictions; and amendments to and updating of the conditions and regulations applicable to drivers, vehicles and operators will be drafted. The completed works will be brought to the Committee for approval in January 2012, in order to be able to proceed as expected from 1st April 2012. Members continued involvement in this process is welcomed.
20. The Local Government Association is working with the Coalition Government and the Institute of Licensing to modernise the legislation regarding the licensing of Hackney Carriage and Private Hire drivers, vehicles and operators. It is expected that should such modernisation take place and be approved, that Oxford City Council will be able to implement the previously reported "Fixed Penalty Notices" as an addition to our current enforcement actions.

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Background papers:

Version: 1.0

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