

**To:** General Purposes Licensing Committee  
**Date:** 16 May 2018  
**Report of:** Head of Community Services  
**Title of Report:** Annual Update on Taxi Licensing Activity:  
 Council Year 2017 – 2018

<b>Summary and recommendations</b>	
<b>Purpose of report:</b>	To inform Committee of the progress made by Taxi Licensing during 2017-18.
<b>Corporate Priority</b>	Strong and Active Communities
<b>Policy Framework</b>	Vibrant Sustainable Economy Policy on the Relevance of Warnings, Offences, Cautions and Convictions
<b>Recommendations:</b> That the General Purposes Licensing Committee is recommended to: 1) <b>Note</b> the contents of the report; and 2) <b>Make</b> any comments and recommendations regarding the future work of the Taxi Licensing Function	

## Introduction and background

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 Council Year 2017 – 2018.
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 table below provides data on Taxi Licence applications received and processed during the period that this report covers along with the same data from 2016-17 to allow comparison.

<b>Licences Issued</b>	<b>Total April 2017 – March 2018</b>	<b>Total April 2016 – March 2017</b>
Hackney Carriage Driver	303	324
Private Hire Driver	593	571
Hackney Carriage Vehicle	120	121
Private Hire Vehicle	612	604
Private Hire Operator	35	33

4. The table below provides data on Actions undertaken by the Licensing Officers during the period that this report covers along with the same data from 2016-17. A further breakdown of the figures is at paragraphs 13 and 17.

<b>Actions Undertaken</b>	<b>Total April 2017 – March 2018</b>	<b>Total April 2016 – March 2017</b>
Sub-Committee Hearings	16	17
Enforcement Actions Commenced	585*	744
Prosecution Cases	3	1
Complaints about Drivers / Vehicles / Operators	413*	313

\*Note - 130 of the above complaints and 37 enforcement actions considered Drivers / Vehicles Licensed by other Authorities (VOWH / SODC / WDC / CDC) (which were referred to the relevant Authorities).

### **Applications Granted by the Licensing Authority**

5. 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. As a result all of the above applications were authorised by the Head of Community Services under delegated authority, save for 16 applications to grant or renew driver licenses which were determined by the Hackney Carriage and Private Hire Licensing Sub-Committee, see paragraph 9.

### **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.
8. 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.
9. During the reporting period, 6 Hearings were held to determine the fitness of 8 new applicants and 8 existing Licence Holders. The results of the Hearings are shown in the table below:

	Granted	Granted with Councillor Warning and or Conditions	Refused	Suspended	Revoked
<b>New Driver</b>	4	3	1		
<b>Existing Driver</b>	1	3	2	0	2

10. Should a Councillor Warning be issued, attached to the Councillor Warning are additional conditions applied to the licence, including:
  - Requirements made on all drivers receiving a Councillor Warning that any future issues of non-compliance / complaints are to be brought before the Sub-Committee.

### Appeals

11. Five Sub-Committee decisions made during the reporting period have been appealed at the Oxford Magistrates Court. Two appeals were dismissed and one was withdrawn. The other two appeals are awaiting court summons and hearing dates.

### Enforcement Activity

12. Whilst engaged on Enforcement Operations throughout the reporting period, the Licensing Team has carried out 37 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 Licensing Officers, or by other Authorised Personnel of other agencies:

18	Cases still pending (awaiting further intelligence reports)
44	No further action taken due to credible driver explanations / immediate rectification of minor infringement
106	Written Advice Letters
25	Advisory Warnings
17	First Level Warnings
4	Second Level Warnings
9	Final Warnings
8	Reissued Final Warnings
21	Suspension Notices (3 x Driver, and 18 x Vehicle)
4	Revocation Notice (2 x Driver and 2 x Vehicle)
19	Notifications of referral to the Sub-Committee
2	PACE interviews following Test Purchase Operations
35	Permits issued to vehicles with minor damage to remain in service for a maximum period of 28 days whilst awaiting repairs
8	Accident Letters – Vehicles taken of the road
7	Inspections of Operator Premises
11	Notifications of non-payment letters
37	Referred to other Local Authorities to investigate (not Licensed by OCC)
129	Letters for failure to attend or pass Oxfordshire County Council Safeguarding Course

13. 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.
14. 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 whilst the Licensing Officers were carrying out their night time enforcement duties.
15. 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.

### **Complaints made to Licensing Authority**

16. As well as the disciplinary measures taken during the enforcement operations, 413 complaints were received from members of the public during this reporting period relating to poor customer service, rudeness, overcharging, Road Traffic offences, plying for hire and other. Breakdown of the actions taken by the Licensing Officers are detailed below:

10	Cases currently still active (at the time of compiling this report)
109	Cases where no further action was or could be taken*
61	Written Advice Letters
13	Advisory Warnings
15	First Level Warnings
5	Second Level Warnings
2	Final Warnings
3	Reissued Final Warnings
0	Notification of referral to the Sub-Committee
130	Referred to other Local Authorities to investigate – not Licensed by OCC

*\* 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.*

17. The Weekend Night-time Operation implemented by the Environmental Protection Service 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.
18. This further increases our 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**

19. During the reporting period, two Test Purchase Operations were carried out, resulting in four licensed drivers failing the test. All drivers were / are subject of prosecution (two cases are still ongoing).

### **Prosecutions**

20. During the reporting period three cases were heard in the Magistrates Court. Two cases of plying for hire (LA Test Purchase Operations) where the prosecuted parties plead guilty. Both Private Hire Driver Licences were revoked by the General Purposes Licensing Sub-Committee. One case of plying for hire and driving without the correct insurance (complaint from member of public) where the prosecuted party plead guilty. The result was referred to the Rosendale Licensing Authority.

### **Future Work**

21. The Licensing Authority shall carry out a review of the current process of licensing new Hackney Carriage and Private Hire Driver applicants. The work will involve revision of the content of Local Knowledge Test. The frequency of the test and Disability Awareness Course to ensure the Council meet the demand needs. This will encourage new applicants to apply for their licence with this Authority and improve the matter of cross border hiring.

22. The Licensing Authority has implemented a Night Time Enforcement Schedule which will allow officers to take proactive actions to ensure compliance by the licensed trade. Allow active engagement to build greater relationship between the Authority and the trade. As well as ensure dealing with any ad hoc matters to ensure Public Safety and promote Safeguarding.
23. The Licensing Authority is committed to support the Council vision to reduce air pollution and the implementation of the Zero Emission Zone in the City of Oxford. The Authority is working closely with the Environmental Sustainability to ensure Council criteria allow licensing of Ultra Low Emission Vehicles.

### **Legal issues**

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

### **Conclusion**

25. 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.

<b>Report author</b>	Emma Thompson
Job title	Licensing Compliance Officer
Service area or department	General Licensing
Telephone	01865 252565
e-mail	<a href="mailto:ethompson@oxford.gov.uk">ethompson@oxford.gov.uk</a>