

**To:** General Purposes Licensing Committee

**Date:** 22 October 2018

**Report of:** Head of Community Services

**Title of Report:** Update on Taxi Licensing Activity: April 2018 – July 2018

<b>Summary and recommendations</b>	
<b>Purpose of report:</b>	To inform Committee of the progress made by the Taxi Licensing team during the current Council year (April 2018 – July 2018)
<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 current Council year (April 2018 – July 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 2017 to allow comparison.

<b>Licences Issued</b>	<b>Total April 2017 – July 2017</b>	<b>Total April 2018 – July 2018</b>
Hackney Carriage Driver	91	87
Private Hire Driver	221	210
Hackney Carriage Vehicle	38	38
Private Hire Vehicle	185	196
Private Hire Operator	10	10

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 2017. A further breakdown of the figures is at paragraphs 13 and 17.

<b>Actions Undertaken</b>	<b>Total April 2017 – July 2017</b>	<b>Total April 2018 – July 2018</b>
Sub-Committee Hearings	1	6
Enforcement Actions Commenced	220	224
Prosecution Cases	2	2
Complaints about Drivers / Vehicles / Operators	137	132

\*Note - 55 of the above complaints and 27 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 6 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, 3 meetings of the Sub-Committee were held to determine the fitness of 1 New Applicant and 5 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>	0	0	1		
<b>Existing Driver</b>	1	1	2	1	0

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. Two Sub-Committee decisions made during the reporting period have been appealed at the Oxford Magistrates Court. One appeal was dismissed at the Magistrates’ Court but is being further appealed at Crown Court. The other appeal is awaiting court summons and hearing date.

### Enforcement Activity

12. Whilst engaged on Enforcement Operations throughout the reporting period, the Licensing Team has carried out 224 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:

68	Cases still pending (awaiting further intelligence reports)
23	No further action taken due to credible driver explanations / immediate rectification of minor infringement
23	Written Advice Letters
11	Advisory Warnings
8	First Level Warnings
6	Second Level Warnings
2	Final Warnings
5	Reissued Final Warnings
0	Suspension Notices
0	Revocation Notice
6	Notifications of referral to the Sub-Committee
2	PACE interviews following Test Purchase Operations
16	Permits issued to vehicles with minor damage to remain in service for a maximum period of 28 days whilst awaiting repairs
17	Accident Letters – Vehicles taken of the road
9	Inspections of Operator Premises
2	Notifications of non-payment letters
25	Referred to other Local Authorities to investigate (not Licensed by OCC
2	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, 132 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. This is a decrease from the same period last year, where we have received 137 complaints. 39 of the complaints considered Drivers / Vehicles Licensed by other Authorities (VOWH / SODC / WDC / CDC). Breakdown of the actions taken by the Licensing Officers are detailed below:

10	Cases currently still active (at the time of compiling this report)
34	Cases where no further action was or could be taken*
23	Written Advice Letters
5	Advisory Warnings
6	First Level Warnings
2	Second Level Warnings
0	Final Warnings
1	Reissued Final Warnings
0	Notification of referral to the Sub-Committee
39	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, one Test Purchase Operation was carried out, resulting in two drivers licensed by a neighbouring authority failing the test. All drivers were / are subject of prosecution.

### **Prosecutions**

20. During the reporting period there have been no prosecutions concluded by Oxford Magistrates Court.

### **Notable Further Work**

21. On 1<sup>st</sup> August 2018 an amendment was made to the Vehicle Application Pack wording in regards to the vehicle testing centre appointed by the Council (and authorised by the Department for Transport) to issue the Certificate of Compliance. Oxford Direct Services Testing Centre replaces the previously named Oxford City Council's Testing Centre. There has been no amendment in address, contact details or any procedures in relation to this amendment.

22. On 1<sup>st</sup> August 2018 an amendment was made to the Vehicle Application Pack wording in paragraph 'Duration of Certificates of Compliance' point 2a) and 2b). The new wording can be found in the updated Vehicle Application Pack (**Appendix 1**). Such amendment was made to ensure vehicles are presented for Certificate of Compliance test no earlier than 28 days prior to its expiry as per Driver and Vehicle Standards Agency (DVSA) guidance for MOT's.
23. DVSA has issued new rules in regards to MOT testing pass / fail category in May 2018. The Certificate of Compliance testing shall now be aligned with the DVSA rules for MOT testing. A written communication has been sent to the licensed trade to make the Licence Holders aware of the changes and how those will affect the Certificate of Compliance testing from 1<sup>st</sup> August 2018. Paragraph titled 'Duration of Certificates of Compliance' point 5 in the Vehicle Application Pack (**Appendix 1**) indicates the changes.
24. On 30<sup>th</sup> August 2018 an amendment was made to the Driver Application Pack wording in paragraph 'Transporting Disabled Passengers and How to Ensure Safety of Wheelchair Users'. The Authority is minded of new wheelchair accessible vehicle makes and models. The Drivers Application Pack (**Appendix 2**) now reflects the correct positioning of the wheelchair inside the vehicle in accordance with the vehicle manufacture.
25. From 1<sup>st</sup> December 2018 the current Driver Licence Check (DLC) service used by the Licensing Authority to carry out DVLA Driver Licence checks shall be discontinued. Therefore as of 1<sup>st</sup> December 2018 the Authority shall carry out DVLA driving licence checks via View Driving Licence (VDL) information service and the Check Driving Licence (CDL) service. The new guidance and DVLA Check Code Form, included in the Application Pack, can be found in **Appendix 2**.
26. This Authority intends to implement the use the National Register of Taxi Licence Refusals and Revocations (NR3) commissioned by Local Government Association (LGA) in a process of determining new / renewal applications for Hackney Carriage and / or Private Hire Driver (PHD) Licences. The general guidance on adopting the NR3 can be found in **Appendix 3**.
27. 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. Therefore, the Authority continues to working closely with the Licensed Trade and the Environmental Sustainability to ensure smooth transition into EV within the licensed trade. The Licensing Authority have amended the licensing criteria allow licensing of Ultra Low Emission Vehicles.
28. The Licensing Authority is due to commission an Unmet Demand Survey conducted by independent specialist consultants, to determine whether there is, at the time of the survey, unmet demand for services of licensed Hackney Carriages in Oxford. At present there are 107 Oxford City licensed Hackney Carriages.

29. The Licensing Authority shall carry out a review of the current criteria and process for licensing of new Hackney Carriage and Private Hire Driver applications to ensure the Council is competitive in its approach and meets the trade demand. This will encourage new applicants to apply for their licence with this Authority and minimize the incentive to be licenced by other Authorities in order to tackle cross border hiring.
30. The Licensing Authority carries out a Night Time Enforcement Operation Schedule which allows officers to take proactive actions to ensure compliance by the licensed trade. Allows 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.

### **Legal issues**

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

### **Conclusion**

32. 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.

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