

**To:** General Purposes Licensing Committee  
**Date:** 14<sup>th</sup> May 2019  
**Report of:** Head of Regulatory Services and Community Safety  
**Title of Report:** Annual Update on Taxi Licensing Activity:  
 Council Year 2018 – 2019

<b>Summary and recommendations</b>	
<b>Purpose of report:</b>	To inform Committee of the progress made by Taxi Licensing during 2018-19.
<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
<p><b>Recommendations:</b> That the General Purposes Licensing Committee is recommended to:</p> <p>1) <b>note</b> the contents of the report; and</p> <p>2) <b>make</b> any comments and recommendations regarding the future work of the Taxi Licensing Function</p>	

## 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 2018 – 2019.
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 2017-18 to allow comparison.

<b>Licences Issued</b>	<b>Total April 2018 – March 2019</b>	<b>Total April 2017 – March 2018</b>
Hackney Carriage Driver	263	303
Private Hire Driver	538	593
Hackney Carriage Vehicle	128	120
Private Hire Vehicle	653	612
Private Hire Operator	31	35

4. The table below provides data on the total number of drivers currently licensed by this Authority.

<b>Type of Driver Licence</b>	<b>Total Number of Licences Issued</b>
Hackney Carriage Driver	292
Private Hire Driver	614

5. 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 2017-18. A further breakdown of the figures is at paragraphs 12 and 16.

<b>Actions Undertaken</b>	<b>Total April 2018 – March 2019</b>	<b>Total April 2017 – March 2018</b>
Sub-Committee Hearings	11	16
Enforcement Actions Commenced	793*	585*
Prosecution Cases	3	3
Complaints about Drivers / Vehicles / Operators	405*	413*

\*Note –Complaints and enforcement actions include Drivers / Vehicles Licensed by other Authorities (VOWH / SODC / WDC / CDC) which were referred to the relevant Authorities.

## Applications Granted by the Licensing Authority

6. 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, and later by the Head of Regulatory Services and Community Safety under delegated authority, save for 11 applications to grant or renew driver licenses which were determined by the General Purposes Licensing Casework Sub-Committee, see paragraph 10.

## General Purposes Licensing Casework Sub-Committee Hearings

7. 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.
8. 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. These will call in to question a licence holders’ suitability to meet with this Authority’s description of a Fit and Proper person.
9. 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 which 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.
10. During the reporting period, 7 Sub-Committee meetings were convened with hearings held to determine the fitness of 4 new applicants and 7 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>		1	3		
<b>Existing Driver</b>	1	1	3	1	1

11. Should a Councillor Warning be issued additional conditions are 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

12. One Sub-Committee decision made during the reporting period has been appealed at the Oxford Magistrates Court and is awaiting a court summons and hearing date.

## Enforcement Activity

13. Whilst engaged on Enforcement Operations throughout the reporting period, and from information reported by other Authorised Personnel of other agencies, or notification from licence holders, the Licensing Team has carried out 793 enforcement interventions, issuing the following sanctions (in accordance with the Policy on the Relevance of Warnings, Offences, Cautions and Convictions).:

61	Cases still pending (awaiting further intelligence reports)
264	No further action taken due to credible driver explanations / immediate rectification of minor infringement / other
67	Written Advice Letters
41	Advisory Warnings
21	First Level Warnings
7	Second Level Warnings
5	Final Warnings
13	Reissued Final Warnings
96	Suspension Notices (1 x Driver, 95 x Vehicle)
1	Revocation Notice (1 x Driver)
11	Notifications of referral to the Sub-Committee
7	PACE interviews following Test Purchase Operations
47	Permits issued to vehicles with minor damage to remain in service for a maximum period of 28 days whilst awaiting repairs
53	Accident Letters – Vehicles taken of the road
15	Inspections of Operator Premises
7	Notifications of non-payment letters
54	Referred to other Local Authorities to investigate (not Licensed by OCC)
23	Letters for failure to attend or pass Oxfordshire County Council Safeguarding Course

14. 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.
15. 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.
16. 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 and failures to provide satisfactory documents in relation to the licence renewal process. 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

17. As well as the disciplinary measures taken during the enforcement operations, 405 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 matters. Breakdown of the actions taken by the Licensing Officers are detailed below:

42	Cases currently still active (at the time of compiling this report)
135	Cases where no further action was or could be taken*
78	Written Advice Letters
25	Advisory Warnings
12	First Level Warnings
6	Second Level Warnings
1	Final Warnings
2	Reissued Final Warnings
0	Notification of referral to the Sub-Committee
104	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 complainant has been asked to provide further information regarding the original allegation, no response has been received by the Licensing Officers.*

18. 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.
19. 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

20. During the reporting period, three Test Purchase Operations were carried out, resulting in seven licensed drivers failing the test. Of these, five were / are subject to prosecution.

## Prosecutions

21. During the reporting period four cases were heard in the Magistrates Court:
- One case of plying for hire (LA Test Purchase Operation) where the prosecuted party pleaded guilty. His Private Hire Driver Licence was subsequently revoked by the General Purposes Licensing Sub-Committee.
  - One case of plying for hire (LA Test Purchase Operation) where the prosecuted party was found guilty in his absence. The driver's issuing Authority, South Oxfordshire District Council, was informed of the action.

- One case of plying for hire (LA Test Purchase Operation) where the prosecuted party pleaded not guilty. Found guilty of offence and again the issuing Authority was informed.
- One case of an appeal against a revocation of a Private Hire Driver's Licence by the Sub-Committee. The Court supported the decision to revoke and awarded the Council costs.

### **Hackney Carriage Ranks**

22. Following a consultation with Oxfordshire County Council, COLTA, the trade and the general public, two new Hackney Carriage ranks have been adopted by the Council on New Road and Little Clarendon Street. They are both currently being marked out and signed posted by Oxford Direct Services.

### **Unmet Demand Survey**

23. Oxford City Council currently has a policy on Hackney Carriage Quantity Control which limits the number of Hackney Carriage Vehicle licences to 107. Every three years we are required to conduct an "Unmet Demand" survey to determine if that limit should remain. The survey was held between September 2018 and March 2019. The findings of the survey have been included in a separate report to be heard by the General Purposes Licensing Committee.

### **Low Emission Vehicles**

24. The Licensing Authority has recently issued a licence to its first Zero emission capable Hackney Carriage vehicle. The world's first purpose built electric black cab, the TX is the first zero-emission capable taxi to join Oxford's licensed Hackney Carriage fleet. Oxford's first electric Hackney Carriage has been manufactured by London Electric Vehicle Company (LEVC) and is capable of at least 80 miles of zero emissions driving on battery power, and produces less than 50g/km of CO2 emissions.
25. 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 Service to ensure Council criteria allow the licensing of Ultra Low Emission Vehicles. New vehicle criteria, in regards to Hackney Carriage Vehicle emissions, will come into force in January 2020.

### **Future Work**

26. The Licensing Authority has worked closely with Oxfordshire County Council and the other Oxfordshire District Council's to develop a new Safeguarding and Disability Awareness Course that all potential new drivers will have to undertake as part of the application process to obtain a Driver's licence.

### **Legal issues**

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

## Conclusion

28. 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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