

16 MAY 2017

REPORT OF THE PORTFOLIO HOLDER FOR ENVIRONMENT AND CULTURE
TAXI LICENSING POLICY – AMENDMENT AND UPDATE

EXEMPT INFORMATION

Nil

PURPOSE

To consider the updates and amendments to Tamworth Borough Council's Taxi Licensing Policy 2017-2022 for adoption.

RECOMMENDATIONS

That Council adopt the policy and in doing so demonstrate their commitment to meeting the Taxi Licensing objectives in particular safeguarding the public.

EXECUTIVE SUMMARY

The Policy is at Appendix 1 to the Report and reflects the new arrangements for the delivery of the Taxi Licensing service. The main amendments are listed in the background paper and summarised below;

- Applicants making their own arrangements for application and renewal rather than Tamworth Borough Council for the administration of the service.
- Increasing awareness of safeguarding and child exploitation measures by voluntary attendance at training offered by the Council. (To date all but three drivers have attended the scheme).
- Following an application for executive plating being considered by Licensing Committee on 2 March 2017 and noting there is currently no mechanism within the Councils adopted policy on this matter, the Committee recommended Cabinet considers including amendment to current policy and to delegate responsibility for dealing with applications to officers.

Cabinet recommended adoption on 27 April 2017.

RESOURCE IMPLICATIONS

Provision is made in the Council's budget for the taxi licensing service, which is run on a cost recovery basis. In addition to this, a budget exists to cover the costs of officer time for enforcement and enquiries.

Members are reminded that failure of the Authority to review and publish the Taxi Licensing Policy on a regular basis may result in a Judicial review being brought against the Council.

LEGAL/RISK IMPLICATIONS

Decisions in relation to a licence are likely to amount to consideration of civil rights and obligations with the result that Article 6 (1) of the Human Rights Act 1998 is engaged. Should parts of the industry believe the authority's Taxi Licensing Policy is

not sound it would be open to them to undertake judicial review proceedings.

SUSTAINABILITY IMPLICATIONS

An effective Taxi Licensing service will enable the three corporate priorities, 'Living a quality life in Tamworth', 'Growing Strong in Tamworth' and 'Delivering quality services in Tamworth' to be met.

BACKGROUND INFORMATION

Tamworth Borough Council has responsibility for licensing Hackney Carriage and Private Hire vehicles, drivers and operators within the Borough of Tamworth.

The policy will remain in existence for a period of five years, during which time it shall be kept under review and revised as appropriate or after any significant legislative change. There are no substantive changes and draft reflects the current arrangements following the change of fitness testing provider and changes to the types of licence that are available.

The Local Government (Miscellaneous Provisions) Act 1976 requires that identification (licence) plates be displayed on licensed private hire vehicles, and that licensed drivers of those vehicles wear a driver's badge.

For vehicles used by the "general public," display of identification plates on a licensed vehicle and of the driver's badge is important in terms of public safety and reassurance. They indicate to the travelling public and to enforcement authorities that prior to being licensed both the vehicle and the driver have been subjected to checks to ensure their (the public's) safety.

There are occasions when the requirement to display an external identification plate may have the opposite effect in terms of customer safety and could have commercial implications for the operating business. The display of Local Authority licence plates externally may also deter some corporate customers from using the service; and in some circumstances the identification of the vehicle as a licensed vehicle may allow "high risk" passengers to be more readily targeted putting both them and the driver at risk. For example, vehicles used by Government Ministers or celebrities.

The legislation does give us discretion to exempt vehicles from the need to display the Council's approved identification plate and, where that exemption applies, the requirement for the driver to wear a private hire driver's badge. We will only exercise these discretionary powers in rare cases, where we are satisfied that there is a genuine operational business need and business requirement, and where we are certain that the safety of the public will not be compromised as a result. This is consistent with current practice at neighbouring authorities.

There is no "right" to plate exemption, nor is there any right of appeal against the Council's decision NOT to exercise its discretion and allow an exemption. In creating a policy Tamworth Borough Council does not seek to provide a definitive list of vehicle it considers to be suitable (subject to use) for exemption from the requirement to display external identification plates.

The policy outlines the type of operational business need and business requirement and describes the minimum standard of vehicle comfort and type appropriate before we will consider an application for plate exemption. The policy should be read in conjunction with our existing policy relating to private hire vehicles and establishes additional criteria that the Council (and its officers) will take into account when

determining an application for a private hire vehicle to be exempt from displaying external identification plates.

An application for a vehicle to be exempted from displaying an external identification plate must be made by the vehicle proprietor using the appropriate application form. Additional documentation may be requested as reasonably necessary to allow the Council to make an informed decision. Where such documentation is not provided to the satisfaction of the Council the application will be refused.

REPORT AUTHOR

“If Members would like further information or clarification prior to the meeting please contact Steve Lewis, Head Of Environmental Health. Ext 437

LIST OF BACKGROUND PAPERS

1. Draft Taxi Licensing Policy 2017-2022.
2. List of Amendments to Draft Taxi Licensing Policy 2017-2022.

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