

## LICENSING COMMITTEE

22 NOVEMBER 2018

### REPORT OF THE ASSISTANT DIRECTOR, GROWTH AND REGENERATION

#### TAXI LICENSING POLICY – AMENDMENT AND UPDATE

##### **Exempt Information**

None

##### **Recommendations**

That Committee endorses the draft policy and recommends it for approval by Cabinet at a date to be arranged.

##### **Purpose**

To advise members on updates and amendments to Tamworth Borough Council's Taxi Licensing Policy 2017-2022 and to seek endorsement of the Policy prior to consideration by Cabinet at a future date.

##### **Executive Summary**

The Taxi Licencing Policy was approved at full Council in 2017. The policy has been in place for over 1 year. There is also a new Taxi Licensing Officer in post. After a review by the Licensing Officer and after discussion with the Taxi trade association various amendments were suggested.

The amended Policy is at Appendix 1. The main amendments are summarised below:

- Introduction of the Taxi Licensing Points scheme if approved on previous agenda item.
- Ensure drivers are aware of their annual responsibilities.
- Amendment of the renewal conditions
- Removal of redundant conditions
- Ensuring conditions are in the correct sections such as the exceptional age policy for Private hire vehicles
- Introduction of a dress code for drivers.
- Standardise the exemption from carrying wheelchairs or assistance dogs in the vehicle.

Cabinet will be asked to approve the amended policy at a meeting in the future.

##### **Background**

Tamworth Borough Council has responsibility for licensing Hackney Carriage, Private Hire Vehicles, Drivers and Operators within the Borough of Tamworth. The original policy, which is for 5 years was agreed by Full Council on 16 May 2017. Most amendments are purely to ensure conditions are in the correct section and are extant. Drivers are issued, on most occasions, a 3 year licence. During this 3 year period drivers are expected to undergo various checks that they are made aware of when the licence is issued. These checks may include a driving licence check and sometimes a medical or DBS check. It has been noted that many drivers are not completing these checks which results in the Licensing Officer spending time chasing them. A condition has been added to ensure drivers are held responsible for not completing these checks and providing information on time.

A section on renewal of applications has been added as it varies slight from a new application.

In terms of drivers being exempt from carrying wheelchairs or assistance dogs at present the driver has to get an exemption certificate from their own GP. This has the potential to result in inconsistencies in exemptions awarded. Medicals for drivers are all completed by the Aldergate Medical Practice. It is proposed that exemptions can only be given by the same practice.

The exceptional age policy for private hire vehicles was within the Hackney Carriage section. This has now been put into the correct section. There have been no amendments to the conditions.

The original policy states that drivers must "Be clean and respectable in their dress". It was felt that this was too general so a dress code has been proposed.

The amendment also introduces the Taxi Licensing Points system if agreed on the previous agenda item.

### **Financial Implications**

There are no resource implications for these amendments.

### **Legal/Risk Implications**

Decisions in relation to a licence are likely to amount to consideration of civil rights and obligations with the result the 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. The Taxi Trade association was consulted and are in agreement with the amendments.

### **Sustainability**

An effective Taxi Licencing 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.

**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. Local Government Association (LGA) Taxi and PHV licensing – Councillors' handbook (England and Wales). [Councillor Handbook: Taxi and PHV Licensing | Local Government Association](#)

**APPENDICES**

1. Taxi Licencing Policy 2017-2022 with amendments and points system

This page is intentionally left blank