

## LICENSING COMMITTEE

22 NOVEMBER 2018

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

#### TAXI LICENSING POLICY – TAXI LICENSING POINTS SYSTEM

##### Exempt Information

None.

##### Recommendations

That Committee approves the Taxi Licensing Points system for drivers and operators and recommends it to Cabinet for approval.

##### Purpose

To introduce a Taxi Licensing Points system for drivers and operators that breach conditions of the Taxi Licensing Policy.

##### Executive Summary

The Taxi Licencing Policy was approved at full Council in 2017. The policy contains conditions that drivers and operators are meant to follow. There have been concerns from drivers or operators breaching conditions that the punishments are disproportionate and inconsistent. The matters have been investigated and whilst they have not been substantiated, it is proposed, a system should be put in place that can be seen to open and transparent.

The system to standardise these breaches that is proposed is a penalty points system similar to the system in place for a driving licence. A number of points would be awarded depending on the condition breached. Should a certain number of points be reached within a certain period of time they would face a punishment of seven days suspension. A report would be given to the Chair and Vice Chair the Licensing Committee stating the conditions breached and if necessary the respective chairs could call for a committee hearing to consider further punishment.

The Taxi Trade Association have been consulted and developed the scheme and are fully supportive of the points system being shown at **Appendix 1**.

##### Background

Tamworth Borough Council has responsibility for licensing Hackney Carriage, Private Hire Vehicles, Drivers and Operators within the Borough of Tamworth.

The policy contains various conditions that drivers and operators have to adhere to. At present if any conditions are breached it is up to the Taxi Licensing officer to decide on a punishment which can be a written warning or even a committee hearing. There are no standard punishments in place and this has the potential to lead to perceived unfairness and a reduction in the quality of the taxi service. A system was required that would lead to transparency, consistency and at the same time improve the standard of the Taxi service within Tamworth Borough council which in turn would be to the benefit of residents and visitors.

It is proposed that a Taxi Licensing Points system is introduced similar to the DVLA driving licence penalty points system. It is proposed that a number of points are awarded for a breach of conditions. If a certain number of points are reached within a certain period an automatic suspension is given. For any suspension a report would be provided to the Chair/Vice Chair of the Licensing Committee who would make the decision if a hearing in front of committee was necessary to consider further punishment. If after suspension and/or committee hearing further breaches occur it would result in an automatic committee hearing.

Points are allocated for each of the conditions. The criteria used was awarding 1-3 points for low risk breaches, 4-5 points for medium risk breaches and 6 -12 points for high risk breaches.

- **High: Deliberately breaking conditions with malice – overcharging, taking longer route than necessary, can or will have impact on member of public.**
- **Medium: Deliberately breaking conditions, (smoking in cab), some impact on public.**
- **Low: Doing things wrong, possibly not deliberate, not too much impact on public (not informing of change of address, not wearing badge)**

A copy of the conditions and points proposed was given to the Taxi Trade Association. Following a meeting with their members, they were happy with most of the points being awarded but requested some went up and some went down. After this meeting they had a meeting with the Senior Environmental Health Officer and Taxi Licencing Officer during which the final points were agreed.

Tamworth Borough Council has responsibility for licensing Hackney Carriage, Private Hire Vehicles, Drivers and Operators within the Borough of Tamworth. The original policy, which lasts five years was agreed by Full Council on 16 May 2017. A review has taken place following the appointment of a new Taxi Licensing Officer and discussions with the taxi trade association. Most amendments are purely to ensure conditions are in the correct section and are extant.

### **Resource Implications**

Provision is made in the Council's budget for the taxi licensing service, which includes a budget to cover the costs of officer time for enforcement and enquiries. This system will be met within the current budget.

## **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 there are no standardised punishments in place it would be open to them to undertake judicial review proceedings. The Taxi Trade association was consulted and the points system and the points awarded for braches were fully agreed.

## **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. The points system ensures all are treated equally.

## **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. Proposed Amendments from Tamworth Taxi Trade Association.

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