

## LICENSING COMMITTEE

10 JANUARY 2019

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

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

##### Exemptions

None.

##### Recommendations

That Committee approves the amendments to Tamworth Borough Councils Taxi Licensing Policy at **Appendix A** to include a Points system for drivers and operators; endorse the previous amendments to conditions and recommends it to Cabinet for approval.

##### Purpose

To amend the Taxi Licensing Policy to;

1. Introduce a Taxi Licensing Points system for drivers and operators that breach conditions.

and

2. Provide clarification on the points raised on the draft policy at Licensing Committee, 22 November 2018 for other amendments to conditions that was “endorsed subject to clarification on the points raised in the meeting that would then be recommended for approval by Cabinet at a date to be arranged”.

##### Executive Summary

This report was before committee on the 22 November 2018 where;

The committee sought clarification on a number of issues before they could consider the proposal further for the points system; a transcript of all the questions from Members with answers is at **Appendix B**. Additionally, there were a number of queries about the current conditions that had been approved previously; these too are at **Appendix B**.

## Background

### Points System

At present, only serious breaches of conditions are brought before committee on the basis of an officer's discretion. The introduction of points system supports the taxi trade, the officer and provides the framework for a proportionate and transparent approach to decision-making. Additionally this mechanism will aim to raise standards for low-level breaches of the taxi conditions in Tamworth.

Details and clarification on the previous proposals for the points system were sought by Members and can be found at **Appendix B**.

### Summary of Clarifications and Amendments

Members expressed reservations about the definitions of high, medium and low offences and the points allocated. For clarification, a table outlining the points ranging from 2-12 for each breach allocated is at **Appendix C, Driver Points Table**. There are now no breaches that have one (1) point allocated.

Similarly, a table has been produced for operators, who are responsible for a number of drivers and their journeys. If an operator accumulates 12 points in a 12 month period, they will be put before Licensing Committee. The points shown at **Appendix D, Operator Points Table** are given as they are vicariously responsible for numerous drivers. This element aims to drive up standards of management and leadership amongst operators.

There were concerns from Members that some drivers could repeatedly breach the same condition up to six (6) times in certain circumstances, without appearing before committee. This has been reviewed and now if a single condition is breached three times, then this would now warrant an appearance before committee, as it is deemed that the individuals' behaviour is not improving.

Smoking is prohibited in vehicles and other premises under the Health Act 2006 and offences are already dealt with by means of fixed penalty notice, however, for the Taxi Licensing Service, it has been custom and practice to place drivers before Licensing Committee that have committed three offences in three years. This is the only breach that triggers this appearance.

Members should be aware that officers will investigate each breach and if considered serious enough, as previously, it will still be brought before committee.

An extra fail safe has been added to allow drivers to appeal to committee, if they are not happy with points awarded by the officers.

Additionally committee asked for some scenarios to further their understanding of the proposed points scheme. Although this does not form part of the report, officers will be on hand to give a short presentation on the scenarios during the evening

### 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 a consideration of civil rights and obligations with the result; Article 6 (1) of the Human Rights Act 1998 is engaged. Should parts of the taxi trade industry believe there are no standardised punishments in place it would be open to them to undertake judicial review proceedings.

### **Sustainability**

The introduction of the points system ensures all are treated equally, proportionately and transparently. Alongside, amendments to conditions will go towards providing an effective Taxi Licensing service. This in turn 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**

- A. Draft Tamworth Borough Council Taxi Licensing Conditions.
- B. Clarifications arising from Licensing Committee 22 November 2018.
- C. Drivers Points Table.
- D. Operators Points Table.

This page is intentionally left blank