

## Clarifications following Licensing Committee 22 November 2018

### Questions on points

**Q1 Why are some things that are classed as high only awarded 3 points and low 9 points?**

A1 The document used on the night had reformatted and points did not align correctly. All points allocated do reflect the high medium and low.

**Q2 What is the period for the accumulation of points?**

A2 4.3 and H1.23 of the policy states the points are accumulated over a 3 year period, points drop off on their 3<sup>rd</sup> anniversary. The accumulation of 12 points hits the trigger. Any further points in the 3 year period automatically trigger a hearing. Operators are 12 points over a 12 month period.

**Q3 It was stated that someone is in front of committee for smoking on 1<sup>st</sup> occasion, is this correct?**

A3 At present, it is 3 times in a 3 year period. Smoking has been awarded 4 points to ensure 3 times reaches committee as is the case now. Please note smokers also get a fixed penalty notice. Please also note that this condition also includes e cigs and vaping which to date are not illegal but do breach conditions.

**Q4 Should high risk breaches i.e. 6 and above go straight in front of committee?**

A4 Certain things that would go in front of committee now have already been allocated 12 points. The system still allows for the discretion of the officer to place anyone in front of committee at any time as shown at 4.4 and H1.24 of the policy.

**Q5 Do we want low risk 1 and 2 points?**

A5 Yes, this is the main reason the scheme has been introduced so that people who do lots of little things wrong, mainly administration breaches, could get some sort of punishment. On review we have removed any awards of 1 point to drivers.

**Q6 Should it be reviewed every 6 months or 12 months?**

A7 We are happy to review at any interval

**Q7 Would it be better just to have 3 6 9 and 12?**

A8 Without the lower score of 2 it could result in too much work for officers producing reports for committee and extra time taken up by committee dealing with what could be seen as trivial matters which is not the idea of the scheme.

**Q8 Can something go to committee without reaching 12 points?**

A8. Paragraphs 4.4 and H1.24 of the policy states it can.

**Q9 It is possible to commit numerous offences of low risk score and not be in front of committee. Would it be better if the maximum number of breaches was 4?**

A9 As previously stated this could result in people in front of committee for 4 relevantly minor issues. This is not the aim of the scheme.

**Q10 Should drivers be in front of committee if they breach conditions on 3 or 4 occasions?**

A10 As previously advised the answer to this is no, however, following member comments, the scheme has been amended that if anyone breaches the exact same condition on 3 occasions, which could be only 6 points, they would be put in front of committee.

**Q11 Document cannot be approved as not clear. Can some “what if” scenarios be produced?**

A11 Yes

**Q12 Could there be legal implications if we get this wrong?**

A12 This system is open and transparent unlike the current system and has gone through a consultation with Councillor and the Taxi Trade alike. Subject to it's approval, it is less likely to attract legal action.

**Q13, Q14 and Q15 are all about having have 4 bands of 3 6 9 12?**

A13, A14, and A15. It is not the idea of the scheme to create extra work, it is to improve the minor issues.

**Q16 Can produce a model with scenarios?**

A16 as per Q11 the answer is yes.

### **Questions on Conditions**

**Q1 What is the idea of the dress code, should we dictate what people wear?**

A1 The idea of the dress code is to ensure people to do not get a bad impression of Tamworth. At present the conditions state “Be clean and respectable in their dress and person and maintain a high standard of personal hygiene.” This is very open to interpretation. The dress code produced at Annex M is an attempt to provide clarity. It is not draconian. It is acceptable to wear a t-shirt, jeans and trainers as long as clean in good condition. In hot conditions it allows for shorts to be worn and open

shoes as long as fit around the heel. The vast majority of drivers do conform to these conditions already but not all.

**Q2 In terms of wheelchair exemption, should they be allowed?**

A2 Section 166 of the Equality Act 2010 which came into force in October 2010 states that drivers who drive a wheelchair accessible taxi can apply for an exemption on medical and physical grounds.

**Q3 Would someone get an exemption if pregnant?**

A3 They would have to get the exemption through the procedure in place.

**Q4 Are exemptions permanent?**

A4 Yes if the exemption provided by their GP does not state a timeframe for review. This will be reviewable when our own medical practice provided the exemption.

**Q5 Is para 3a55 a typo?**

A5 Agreed and amended.

**Q6 Dress code – we do not want to be seen as the fashion police and safety is more of an issue?**

A6 Safety would always take a priority. As stated the code is to clarify what is acceptable as clean and respectable. For an example if a driver was wearing their teams football top, they would say it is clean and respectable whilst a customer who supports a different team may not think the same. The code provides simple and easy guidelines to follow without being draconian. In terms of safety it reduces the risk of drivers wearing such items as flip flops which could risk safety.

**Q7 It is good that the statement includes personal hygiene but is it not subjective to decide on these levels and what is considered as high?**

A7 It can be considered to be subjective but if not mentioned then we have no way of enforcing any standard. Something like strong or offensive body odour is unlikely to be accepted by any customer.

**Q8 Who sets conditions for issuing licences?**

A8 Despite many campaigns, there are no central guidelines for these licences. The conditions have been developed over many years from “Council requirements”, legislation and government produced guidelines. Local Councils have the final say on all conditions, as long as they are not illegal to introduce.

**Q9 Who sets the fitness standards?**

A9 For vehicles, the fitness standards are the standard MOT and also extra checks that particular to taxis/ph vehicles and also anything that has been set in the

conditions of the policy. For drivers, there are stricter legal guidelines in terms of right to work, medical condition and criminal history.

**Q10 Assistance dogs why is there an exemption?**

A10 Once again the legislation allows for it as long as there is a certifiable medical reason for it. Again this is something we want our nominated medical practitioner to decide on.

**Q11 Dress code what are the standards?**

A11 The proposed standards are at **Annex M** of the policy (**Appendix D of this report**). With only some slight amendments to remove gender issues they are a direct copy of Cannock Council.

**Q12 Should there be short term exemptions?**

A12 At present we are bound by what the GP says with no control over the duration.

**Q13 Do they go to own GP for exemptions?**

A13 Yes they do. This is why we have no control over the exemptions. The Governments view is that it would be fairer and more objective if medical assessments are undertaken by professionals who are specifically trained and independent of the applicant. Our proposal seeks to undertake this view.

**Q14 Do they provide proof?**

A14 They do provide proof from their GP. Many people are aware a lot of GPs are under pressure to see patients and do not have the time or expertise to make this decision.

**Q15 The question was asked about the number of taxis that an operator can run from a private residence. It was stated that one operator was operating at 6 taxis from his private residence. It was suggested a limit be applied?**

A15 We are well aware of this issue however the facts are not quite true. To start the operator is only operating 3 vehicles from the premises, his own taxi, his mother and his father. He also runs a business where he hires out taxis to other drivers but not operated by him. A limit could be set but it would not necessarily solve the problem. There is no law in regard to the parking of vehicles, including taxis in a residential area. If the operator wanted he could open an office elsewhere but still park the taxis in the same street as now. The only way this issue can be avoided is if a residents parking scheme is put in place that only allows residents to park. This would effectively limit the number of vehicles to each residence, but this would affect others in the street as well. The complaint is not about numbers as opposed to not wanting taxis parked in their street.

**Q16 The existing conditions show first aid kit and carrying children numerous times. Can they be shown once?**

A16 There are different sections for different licences. We do ensure that the information is correct in each section.