

21 FEBRUARY 2019

- **REPORT OF THE PORTFOLIO HOLDER FOR COMMUNITIES AND PUBLIC HEALTH**

**TAXI LICENSING POLICY – TAXI LICENSING POINTS SYSTEM****EXEMPT INFORMATION**

None.

**PURPOSE**

That Cabinet considers the proposed amendments to the Taxi Licensing Conditions that introduce a Taxi Licensing Points system for drivers and operators that breach conditions and include guidance on appropriate dress, and recommends them to Council for adoption

**RECOMMENDATIONS**

It is recommended that Cabinet endorses the proposed amendments to the Taxi Licensing Conditions at **Appendix A** and recommends them to Council for adoption.

**EXECUTIVE SUMMARY**

The introduction of a points system and amendment to dress code will improve the service received by the public. Penalty points can add to the range of enforcement tools used by Environmental Health Staff; promote higher standards of driver behaviour and improve confidence in the delivery of the Taxi Licensing service. The proposal is not dissimilar to the existing points scheme administered by the Government.

**OPTIONS CONSIDERED**

1. Reject the introduction of a scheme and amended dress code.
2. Adopt the introduction of a scheme and amended dress code.

**RESOURCE IMPLICATIONS**

There are no quantifiable financial implications arising as a result of this report. It is considered that the impact upon staffing requirements of administering the new scheme will be minimal but will be monitored.

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.

**LEGAL/RISK IMPLICATIONS BACKGROUND**

Any driver aggrieved by a decision of a Tamworth Borough Council under this scheme may appeal to the committee or if the circumstances dictate, the magistrates' court.

## **EQUALITIES IMPLICATIONS**

An impact assessment has been carried out and attached at **Appendix E**.

## **SUSTAINABILITY IMPLICATIONS**

The introduction of this scheme will contribute to Tamworth Borough Council meeting its Corporate responsibilities.

## **BACKGROUND**

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. Licensing Committee has received two reports, 22 November and 10 January 2019. Infrastructure, Safety and Growth Committee received a report on 12 February 2019. Additionally, the taxi trade have been consulted throughout and all parties have contributed to the development of the revised conditions. This mechanism will aim to raise standards for low-level breaches of the taxi conditions in Tamworth.

### **Summary of Clarifications and Amendments**

Licensing Committee Members expressed reservations about the definitions of high, medium and low offences and the points allocated. For clarification, a table outlining the points 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. Operators are responsible for multiple drivers carrying out multiple journeys. Most of the conditions they have to abide by are administrative. They could easily reach 12 points if conditions breached were worth more than 1 point. That is why their conditions are scored lower and the timeframe kept is shorter. 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. The scheme will be kept under

periodic review to assess efficacy and fitness for purpose. If adopted it is recommended that a quarterly report is provided to Licensing Committee.

## **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. Licensing Committee – 22 November 2018.
2. Licensing Committee – 10 January 2019.
3. Infrastructure, Safety and Growth Committee 12 February 2019.
4. Local Government Association (LGA) Taxi and PHV licensing – Councillors' handbook (England and Wales). [Councillor Handbook: Taxi and PHV Licensing | Local Government Association](#)
5. Government Website <https://www.gov.uk/penalty-points-endorsements>

## **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.
- E. Equalities Impact Assessment.

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