

COUNCIL

19 MARCH 2019

REPORT OF THE PORTFOLIO HOLDER FOR COMMUNITIES AND PARTNERSHIPS

AMENDMENT TO TAXI LICENSING CONDITIONS (POINTS SYSTEM AND DRESS CODE)

EXEMPT INFORMATION

Nil

PURPOSE

To seek Council adoption of amendments to Tamworth's Taxi Licensing Conditions to include;

- a. A Taxi Licensing Points system for drivers and operators that breach conditions
- b. Guidance on appropriate dress to ensure those drivers licenced by Tamworth Borough Council present themselves in the best possible light.

RECOMMENDATION

That Council adopt the amended Taxi Licensing Conditions at **Appendix A**.

EXECUTIVE SUMMARY

At present, only serious breaches of conditions are brought before committee on the basis of an officer's discretion. This has the potential to bring the integrity of the Council into question. The introduction of points system supports the taxi trade, the officer and provides the framework for a proportionate and transparent approach to decision-making.

This item was before Cabinet on 25 February 2019 who approved the report and endorsed the recommendation from Infrastructure, Safety and Growth Committee on 12 February 2019 that there should a review of the points system after 12 months. Licensing Committee has received two reports, 22 November and 10 January 2019, additionally, the taxi trade have been consulted throughout and all parties have contributed to the development of the revised conditions. This system will aim to raise standards and reduce low-level breaches of taxi conditions in Tamworth.

BACKGROUND

Following extensive consultation and discussions with the taxi trade; drivers and operators; a training session for elected members in August 2018, this item was before Licensing committee on the 22 November 2018. Licensing 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**.

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.

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

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 the points system ensures all are treated equally, proportionately

and transparently. The amendments to conditions will go towards providing an effective Taxi Licensing service and improvement in the service received by the public. 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

Cabinet report 25 February 2019.

Licensing Committee – 10 January 2019

Licensing Committee – 22 November 2018.

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

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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