

AGENDA ITEM 9

RURAL, ECONOMIC AND ENVIRONMENTAL AFFAIRS COMMITTEE

3rd JUNE 2015

REPORT OF HEAD OF REGULATORY SERVICES

TAXI LICENSING – ENFORCEMENT POLICY

1.0 PURPOSE OF REPORT

- 1.1 To consider the proposal to fully implement a revised “Penalty Points Scheme” (attached at Appendix 1) for all licensed taxi drivers and operators within the Borough of Melton Mowbray.
- 1.2 A scheme has been in operation since the adoption of the Hackney Carriage and Private Hire Licensing Policy on 5th March 2014. At that stage the concept of the scheme and the number of points applicable for specific offences was introduced, however the detail of how the scheme would operate was not agreed. This report seeks approval for the detail of the scheme and some minor operational changes that are discussed below.

2.0 RECOMMENDATIONS

2.1 It is recommended that the Committee:

- (i) **Agrees to the revised “Penalty Points Scheme” being implemented under the terms and provisions of the scheme documents.**
- (ii) **Authorises relevant Officers to issue the penalty points in line with the terms and provisions of the scheme.**

3.0 KEY ISSUES

- 3.1 This scheme is designed as an “evidence gathering tool” rather than a punishment scheme. It allows a driver or operator to carry a specified number of points for a specified period without loss of the licence.
- 3.2 Under the Melton Borough Council taxi licensing policy, penalty points remain in force for a “rolling twelve months”. This allows any older points to be considered as ‘spent’ and therefore excluded from the running total recorded against any individual licence holder. Where a licence holder accumulates 12 penalty points or more in a 12 month period, the matter will be referred to a Licensing Sub Committee which can then decide what sanction (suspension, revocation, or refusal to renew), if any, should be applied.
- 3.3 Any appeals regarding the issuing of penalty points will be referred to an the Environmental Protection and Safety Manager, or in her absence an independent Head of Service, who, within 21 days, will decide the appeal and will have the discretion to remove reduce or increase the number of points awarded.
- 3.4 Licence holders must appeal any penalty points issued within 21 days.
- 3.5 The system will operate without prejudice to the Councils ability to take other action

that it is entitled to take under legislation, byelaws and regulations.

- 3.6 Whilst officers have been using the scheme for 12 months, this has highlighted a number of areas where it is considered that the points to be issues were inappropriate, either too high or too low, so there are a number of changes to the proposed penalty points and these have been highlighted in grey on the penalty points scheme (Appendix A)

4.0 POLICY AND CORPORATE IMPLICATIONS

- 4.1 The revised penalty points scheme will replace that approved on 5th March 2014 as part of the Taxi Licensing and Enforcement Policy.

- 4.2 If implemented, future licensing enforcement matters will be considered with reference to this policy.

5.0 FINANCIAL AND OTHER RESOURCE IMPLICATIONS

- 5.1 There is no financial or other resource implication.

6.0 LEGAL IMPLICATIONS/POWERS

- 6.1 This policy has been written in accordance with the Council's responsibilities under the Local Government (Miscellaneous Provisions) Act 1976 and the Town and Police Clauses Act 1847.

7.0 COMMUNITY SAFETY

- 7.1 This policy has been written with Community Safety in mind and it endeavours, as far as is possible, to ensure that the travelling public are safe both in respect of the suitability of the driver and the mechanical soundness of the vehicle.

8.0 EQUALITIES

- 8.1 An Equalities Impact Assessment Report has been undertaken and the issues it presents have been incorporated into the policy where applicable.

9.0 RISKS

- 9.1 There are no risks relating to this report.

10.0 CLIMATE CHANGE

- 10.1 There is no direct issues relating to climate change associated with this report.

11.0 CONSULTATION

- 11.1 No consultation of this revised scheme has been carried out.

12.0 WARDS AFFECTED

- 12.1 All wards.

David Grenz – Enforcement Officer

Date: 19th May 2015

Appendices : Appendix A – Melton Borough Council Hackney Carriage and Private Hire Penalty Points Scheme.

Background Papers: HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING AND ENFORCEMENT POLICY

Reference : X : Committees\?