

**LICENSING COMMITTEE****5th DECEMBER 2013****REPORT OF HEAD OF REGULATORY SERVICES****HACKNEY CARRIAGE AND PRIVATE HIRE DISCIPLINARY AND ENFORCEMENT POLICY****1.0 PURPOSE OF THE REPORT**

- 1.1 To invite members to consider proposed changes to the current Hackney Carriage and Private Hire Disciplinary and Enforcement Policy.

**2.0 RECOMMENDATIONS**

- 2.1 **That the Committee approve these proposed changes for public consultation and consideration by the Rural, Economic and Environmental Affairs Committee.**

**3.0 KEY ISSUES**

- 3.1 The current enforcement policy has been in place since 2007 and there have been changes to national policy and guidance that have rendered parts of the policy redundant. In order to continue to meet the objectives it has been considered necessary to update the policy.
- 3.2 The current policy is based upon the principles within the Enforcement Concordat which has now been replaced with the new Statutory Code of Practice for Regulators (*Regulators Compliance Code*) produced by the Department for Business Enterprise & Regulatory Reform.
- 3.3 The Statutory Code of Practice for Regulators is a central part of the Government's better regulation agenda. Its aim is to embed a risk-based, proportionate and targeted approach to regulatory inspection and enforcement.
- 3.4 Effective and well-targeted regulation is essential in promoting fairness and protection from harm. However, in achieving these objectives, regulation and its enforcement should be proportionate and flexible enough to allow and encourage economic progress.
- 3.5 The purpose of the Code is to promote efficient and effective regulatory inspection and enforcement, to improve required outcomes without imposing unnecessary burdens on regulated persons and businesses.
- 3.6 To this end, the proposed Disciplinary and Enforcement Policy has been reviewed to reflect these changes, to ensure that the actions of the licensing and enforcement officers are proportionate and necessary and are supported in order that should such actions be challenged it can be shown that the

appropriate action has been taken and has been properly considered. Those changes that are reflected in the proposed policy are:

- Ensuring that the policy is transparent
- Ensuring a consistent approach to enforcement
- Clarity of the legal basis of licensing enforcement
- Clarification of levels of enforcement action
- Definition of the aims of the policy
- Defining the scope of licensing enforcement
- Specifying relevant officers and procedures
- Inclusion of the use of a penalty points scheme

#### **4.0 POLICY AND CORPORATE IMPLICATIONS**

4.1 If approved by the Rural, Economic and Environmental Affairs Committee following consultation, all disciplinary and enforcement matters relating to hackney carriage and private hire issues will be dealt with in future with reference to this policy.

#### **5.0 FINANCIAL AND OTHER RESOURCE IMPLICATIONS**

5.1 There are no financial or other resource implications.

#### **6.0 LEGAL IMPLICATIONS**

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 Police Clauses Act 1847.

#### **7.0 COMMUNITY SAFETY**

7.1 The revised policy has been drafted with the issues of the protection of the public being one of the foremost considerations. Along with the Hackney Carriage and Private Hire Policy, this policy seeks to ensure that people travelling in licensed vehicles are safe and that any breaches of the bye-laws, conditions and policy are dealt with appropriately.

#### **8.0 EQUALITIES**

8.1 An Equalities Impact Assessment Report will be produced before this policy comes into force.

#### **9.0 RISKS**

9.1 All risks associated with the Hackney Carriage and Private Hire Trade have been addressed within this policy as far as it is reasonable to do so.

#### **10.0 CONSULTATION**

10.1 The scheme will be advertised as part of the combined consultation with revisions to the Hackney Carriage and Private Hire Licensing Policy agreed by this Committee at its meeting of 12<sup>th</sup> November 2013. The views of the Trade, the Public and other statutory and voluntary organisations will be sought as part of a consultation exercise should the Committee approve these proposed changes. Such views are a very important part of formulating any policy and these views would actively sought and will be given full consideration when this matter is put forward to the Rural, Economic and Environmental Affairs Committee for full approval.

## **11.0 WARDS AFFECTED**

11.1 All Wards

## **12.0 CLIMATE CHANGE**

12.1 There are no climate change implications.

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Date: 5<sup>th</sup> December 2013

Background Papers: Current Disciplinary and Enforcement Policy  
Proposed Disciplinary and Enforcement Policy