

LICENSING COMMITTEE**5 DECEMBER 2013****REPORT OF THE HEAD OF REGULATORY SERVICES****PROPOSED HACKNEY CARRIAGE AND PRIVATE HIRE PENALTY POINTS SCHEME****1.0 PURPOSE OF THE REPORT**

- 1.1 To consider the proposal to implement a "Penalty Points Scheme" for all licensed taxi drivers and operators within the Borough of Melton Mowbray. This approach would sit under the Hackney Carriage and Private Hire Disciplinary and Enforcement Policy that appears elsewhere on this agenda.

2.0 RECOMMENDATIONS**2.1 It is recommended that members:**

- (i) That the Committee approves the proposed "Penalty Points Scheme" for public consultation and consideration by the Rural, Economic and Environmental Affairs Committee (REEA) alongside and as part of the revised Hackney Carriage and Private Hire Disciplinary and Enforcement Policy
- (ii) That a 3 month 'trial period' is implemented during which authorisation is delegated to Officers to issue the relevant fixed points. During this time the scheme would function but no actionable penalty points would actually be issued (it would be a 'dry run'). This would provide a period of time in which drivers, operators, and Officers would become familiar with the scheme and enable any initial problems to be identified and addressed.
- (iii) That after a 3 month trial of the scheme, the matter is reported back to the REEA Committee with results of the actions taken and, together with the responses from consultation, consider whether or not the scheme should be formally implemented.

3.0 BACKGROUND

- 3.1 Members will be aware that currently when officers have sufficient evidence to penalise Private Hire and Hackney Carriage drivers for breaches of licensing legislation and conditions, these matters are usually dealt with by either advice (verbal or written), a simple caution, proceedings before the Courts or by referring a matter to the Licensing Committee.
- 3.2 It is considered that this system is not wholly effective in dealing with repeat offenders for minor vehicle defects and breaches of licence conditions that do

not warrant heavy sanctions because these breaches are not formally cumulatively considered.

- 3.3 It is proposed that there is alternative system which has been used successfully by other authorities, a penalty points system, which if adopted could be more effective against those licensed parties who ignore their responsibilities in relation to the conditions attached to their licences.

4.0 KEY ISSUES

- 4.1 The Penalty Point Scheme, attached as **appendix A**, would work in conjunction with other enforcement options. It would provide a formalised 'stepped' enforcement plan. The purpose of the Scheme would be to record misdemeanours and to act as a record of a driver or operator's behaviour and conduct. It would not prejudice the Council's ability to take other actions.
- 4.2 The primary objective of the proposed Penalty Points Scheme is to seek to improve the levels of compliance and help improve the standard of operators, drivers and vehicles and promote safety and protection of the travelling public.
- 4.3 This scheme has been designed as an effective evidence gathering tool rather than to be used as a punishment. It allows for a driver or operator to carry a specified number of points for a specified period without the loss of their licence. A list of the proposed points are attached as **appendix B**.
- 4.4 Melton Borough Council taxi licensing penalty points would remain in force for a "rolling twelve months" period. 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 twelve month period, the matter will be referred to the Licensing Committee which can then decide what sanction, if any, should be applied (e.g. suspension or revocation).
- 4.5 Parties receiving penalty points would be able to appeal the issue of those penalty points to the Council's Environmental Protection and Safety Manager within 21 days of them being given. Any disputes regarding the outcome of such an appeal would be referred to an independent Head of Service and/or an independent panel of three Officers who will have the discretion to remove, reduce or indeed increase the number of points awarded if the complaint is dismissed.
- 4.6 The system will operate without prejudice to the Council's ability to take other action that it is entitled to take under legislation, bye-laws and regulations. Serious offences or breaches will continue to remain liable to prosecution or referral to the Licensing Committee.
- 4.7 It is proposed that this scheme would operate alongside to the Council's Hackney Carriage and Private Hire Disciplinary and Enforcement Policy.

5.0 POLICY AND CORPORATE IMPLICATIONS

5.1 If approved the scheme would offer an opportunity of recording enforcement matters without necessarily referring to full sanctions under the relevant legislation and Council policies.

6.0 FINANCIAL AND OTHER RESOURCE IMPLICATIONS

6.1 There are no financial or other resource implications.

7.0 LEGAL IMPLICATIONS

7.1 This scheme has been formulated considering the Council's responsibilities under the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847.

8.0 COMMUNITY SAFETY

8.1 The scheme has been drafted with the issues of the protection of the public being the foremost consideration. Along with the Hackney Carriage and Private Hire Policy, this scheme 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.

9.0 EQUALITIES

9.1 No equality issues have been identified arising from this report..

10.0 RISKS

10.1 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.

11.0 CONSULTATION

11.1 The scheme will be advertised as part of the combined consultation on the Hackney Carriage and Private Hire Disciplinary and Enforcement Policy and the views of the Trade will be sought as part of trial period exercise. Such views are seen as very important and will be given full consideration when referring the scheme back to the REEA Committee following the trial period.

12.0 WARDS AFFECTED

12.1 All Wards

13.0 CLIMATE CHANGE

13.1 There are no climate change implications.

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Date: 5th December 2013

Appendices: A – Penalty Points Scheme