

**LICENSING
COMMITTEE**

7th March 2016

HACKNEY CARRIAGE AND PRIVATE HIRE PENALTY POINTS SCHEME

Relevant Portfolio Holder	Councillor Yvonne Smith
Portfolio Holder Consulted	Yes
Relevant Head of Service	Head of Worcestershire Regulatory Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

1. SUMMARY OF PROPOSALS

A number of local authorities operate penalty point schemes as a tool to assist them in relation to ensuring the holders of hackney carriage and private hire licences are compliant with the requirements they have upon them as licence holders.

It is suggested that such a scheme is introduced in Redditch to deal with an increasing number of complaints regarding low-level breaches of regulations.

2. RECOMMENDATIONS

Members are asked to approve the draft Redditch Borough Council Hackney Carriage and Private Hire Penalty Points Scheme for the purpose of consultation with licence holders and other relevant organisations.

3. KEY ISSUES

Financial Implications

- 3.1 The costs involved in carrying out the consultation exercise will be met from existing budgets held by Worcestershire Regulatory Services.

Legal Implications

- 3.2 Many authorities across the UK operate penalty point schemes and there have been a number of legal challenges to same. In order to avoid such challenges being successful it is necessary to have a mechanism in place to allow for appeals against the imposition of penalty points, and to ensure that any decision in respect of whether, or not, to revoke a licence, once the maximum number of permissible points has been reached, is taken at the appropriate level, based on the merits of each individual case.

Service / Operational Implications

- 3.3 The holders of hackney carriage and private hire licences issued by the Council are subject to a number of legal requirements and licence conditions which govern how they carry out their businesses.
- 3.4 Worcestershire Regulatory Services, acting on behalf of the Council, is responsible for ensuring licence holders comply with these requirements and for taking appropriate action to deal with any licence holders who commit offences or fail to comply with their requirements.
- 3.5 There are currently a number of various options available to officers when dealing with offences or acts of non-compliance, which can be summarised as follows:
- Verbal warnings
 - Written warnings
 - Formal cautions
 - Prosecution
 - Referral to Licensing Sub-Committee
- 3.6 The way in which offences and acts of non-compliance are dealt with by officers will depend on the circumstances of each individual case and appropriate regard is had to the Regulator's Code and relevant enforcement policies.
- 3.7 Some local authorities have introduced an additional mechanism for dealing with minor offences and acts of non-compliance with hackney carriage and private hire licensing requirements in the form of penalty points schemes for their licence holders.
- 3.8 The basic principle of such a scheme, is that individuals that are found to have committed relatively minor offences or acts of non-compliance have a number of penalty points logged against their licensing records held by the authority.
- 3.9 If an individual accumulates a given number of penalty points, within a defined period, this triggers an automatic referral of the licence holder to a Licensing Sub-Committee where consideration is given to whether the individual remains a fit and proper person to hold the relevant licence.

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- 3.10 A penalty points scheme enables officers to deal quickly and efficiently with minor compliance issues and helps to identify those that are regularly not acting in compliance with their licensing requirements so that more serious action can be considered against these individuals in a targeted and proportionate way.
- 3.11 The introduction of a penalty points scheme would not affect the Council's ability to take formal enforcement action for any offence or act of non-compliance and every case will continue to be considered on its own merits.
- 3.12 For example, a penalty points scheme would not be an appropriate mechanism for dealing with serious offences or acts of non-compliance such as employing unlicensed drivers, driving without appropriate insurance or plying for hire in a private hire vehicle.
- 3.13 A draft penalty point scheme for Redditch Borough Council has been produced by officers and can be seen at **Appendix 1**. Members are asked to approve the draft scheme for the purpose of consultation with licence holders and other relevant organisations.
- 3.14 The number of penalty points issued in respect of each proven act of non-compliance is intended to be proportionate to the seriousness of the non-compliance.
- 3.15 The results of the consultation exercise would be brought back before the Licensing Committee at a future meeting before a decision is taken as to whether to implement a penalty points scheme.

4. RISK MANAGEMENT

- 4.1 None

5. APPENDICES

Appendix 1 – Draft Penalty Points Scheme

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