

HACKNEY CARRIAGE AND PRIVATE HIRE PENALTY POINTS SCHEME

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

1. SUMMARY OF PROPOSALS

Members are asked to consider the results of a consultation exercise recently undertaken in relation to implementing a penalty points scheme for hackney carriage and private hire licence holders to help deal with minor offences and acts of non-compliance with licensing requirements

2. RECOMMENDATIONS

Members are asked to consider the responses received during consultation on the draft Redditch Borough Council Hackney Carriage and Private Hire Penalty Points Scheme and to RESOLVE that implementation of a penalty points scheme be deferred to allow further meetings and discussions with between officers and representatives of the newly formed Redditch Taxi Association (RTA) to explain the schemes aims and how it would operate in practise.

3. KEY ISSUES

Financial Implications

- 3.1 The costs involved in carrying out the consultation exercise were met from existing budgets held by Worcestershire Regulatory Services. Any costs arising from the implementation of a hackney carriage and private hire penalty points scheme would also be met from these budgets.

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.

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- 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.
- 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 was considered by the Licensing Committee on 7th March 2016 and Members on approved the draft scheme for the purpose of consultation with licence holders and other relevant organisations.
- 3.14 The consultation exercise took place between 13th April 2016 and 10th June 2016. A consultation document was forwarded to all consultees along with a copy of the draft policy. The consultation document can be seen at **Appendix 1**.
- 3.15 As well as writing to all licence holders, the consultation document was forwarded to the following:
- National Private Hire Association
 - National Taxi Association
 - West Mercia Police (Redditch Safer Neighbourhood Team)
 - West Mercia Safer Roads Partnership
 - Crossgates Depot (Vehicle Testing Station)
 - Redditch Borough Council Parking Team
 - Feckenham Parish Council
 - Redditch Borough Councillors

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- 3.16 The draft penalty points scheme and consultation document were also hosted on a page on the Redditch Borough Council website and advertised using a press release and social media channels.
- 3.17 A large number of responses have been received to the consultation from individuals licensed by the Council to drive hackney carriage and private hire vehicles.
- 3.18 It is clear from the responses received that the vast majority of the licensed drivers responding to the consultation, opposed the introduction of a penalty points scheme.
- 3.19 Officers believe that this is down to a fundamental misunderstanding of the concept of a penalty points scheme and how it would operate. The intention is not to create new rules and regulations, but to put in place a mechanism for ensuring compliance with existing licensing requirements without the need to take formal legal proceedings, which are far more costly and inconvenient for all parties.
- 3.20 It is recognised that the majority of licensed drivers comply with the requirements placed on them. Therefore the majority of drivers have nothing to fear from the introduction of a penalty points scheme. The intention of the scheme is to help identify those that are persistently not complying with licensing requirements and calling them to account for their actions.
- 3.21 Officers believe that the consultation responses make it clear that a large number of licensed drivers need to have the scheme explained to them more fully in order that they can understand the aims of a penalty points scheme and how it would work in practise if implemented.
- 3.22 For this reason, officers are recommending that implementation of a penalty points scheme be deferred to allow further meetings and discussions with between officers and representatives of the newly formed Redditch Taxi Association (RTA).

4. RISK MANAGEMENT

- 4.1 Consultation with those that would be affected by the introduction of a penalty points scheme has helped to mitigate against the risk of any legal challenge to the introduction and operation of the scheme.

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5. APPENDICES

Appendix 1 – Consultation Document

AUTHOR OF REPORT

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