

**LICENSING
COMMITTEE**

6th March 2017

**FURTHER CONSIDERATION OF A PENALTY POINT SCHEME FOR
HACKNEY CARRIAGE AND PRIVATE HIRE LICENCE HOLDERS**

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

The Licensing Committee are asked to give further consideration 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

That Members consider the contents of this report and RESOLVE whether or not to direct officers to take steps to implement the penalty points scheme for hackney carriage and private hire licence holders shown at Appendix 1.

3. KEY ISSUES

Financial Implications

- 3.1 Any costs associated with implementing a penalty points scheme for hackney carriage and private hire licence holders would 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.

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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 On 7th March 2016 a draft penalty point scheme for Redditch Borough Council was considered by the Licensing Committee and Members on approved the draft scheme for the purpose of consultation with licence holders and other relevant organisations. The draft scheme can be seen at **Appendix 1**.
- 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 results of the consultation were considered by the Licensing Committee on 18th July 2016.
- 3.15 A large number of responses were received to the consultation from individuals licensed by the Council to drive hackney carriage and private hire vehicles and it was 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.
- 3.16 At the conclusion of their consideration of this matter Members resolved that:
- the implementation of a Hackney Carriage and Private Hire Penalty Point Scheme, be deferred to allow further meetings and discussions with officers from Worcestershire Regulatory Services and representatives of the newly formed Redditch Taxi Association (RTA), in order to explain in more detail the aims of the scheme and how it would operate in practise; and

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- that a further report, detailing the findings from officers at Worcestershire Regulatory Services, to establish, as detailed in the preamble above; the monitoring of the self-regulating scheme run by Redditch Taxi Association (RTA) with regard to complaints and non-compliance. The report to include detailed six monthly comparisons on the RTA self-regulating scheme to be presented to the Licensing Committee meeting on 6th March 2017.
- 3.17 A summary of the complaints recorded about hackney carriage and private hire vehicles, drivers and operators in Redditch between 1st February 2016 and 31st January 2017 is attached at **Appendix 2**.
- 3.18 This shows that between 1st February 2016 and 31st July 2016 there were 23 complaints recorded. Between 1st August 2016 and 31st January 2017 there were 18 complaints recorded. This reflects a reduction in recorded complaints of 21.7% since the end of July 2016.
- 3.19 This suggests that the efforts of the Taxi Association may be having a positive impact on the overall number of complaints being received. However complaints are still being received periodically about a number of issues including overcharging, poor driving standards and drivers being rude and abusive.
- 3.20 Some of the complaints received between 1st August 2016 and 31st January 2017 are about acts of non-compliance that could be dealt with under the proposed penalty points scheme.
- 3.21 Further discussions with representatives of the Redditch Taxi Association have confirmed that their members still remain opposed to the introduction of a penalty points scheme for licence holders.
- 3.22 In light of the above information, Members are asked to give further consideration to whether they wish to implement 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.

4. RISK MANAGEMENT

- 4.1 None

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5. APPENDICES

Appendix 1 – Draft Penalty Points Scheme

Appendix 2 – Details of Complaints Received 1st February 2016
to 31st January 2017

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