

**LICENSING  
COMMITTEE**

6<sup>th</sup> November 2017

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

Relevant Portfolio Holder	Councillor Joe Baker
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 a penalty points scheme for hackney carriage and private hire licence holders.**

**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 suspend or 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 During 2016 the Council carried out a consultation on introducing a penalty point scheme. The draft scheme under consideration can be seen at **Appendix 1**. The consultation results were considered in July 2016 and it was decided to defer the implementation of a penalty point scheme to allow the Redditch Taxi Association to undertake a period of self-regulation to see if this could achieve the aims of the penalty points scheme by improving compliance with licensing requirements.
- 3.14 In March 2017 the Licensing Committee considered an update report on this matter and were provided with an overview of the complaints received about hackney carriage and private hire vehicles during the periods 1<sup>st</sup> February 2016 to 31<sup>st</sup> July 2016 and 1<sup>st</sup> August 2016 to 31<sup>st</sup> January 2017. The overview provided can be seen at **Appendix 2**.
- 3.15 This showed a reduction in the number of complaints received which suggested that the efforts of the Redditch Taxi Association were showing signs of success.
- 3.16 Further discussion followed on the introduction of a penalty point scheme, with Members agreeing that WRS should continue to monitor the number of complaints received, in order to see if the number of complaints continued to reduce, since the RTA self-regulating scheme was still in its infancy.
- 3.17 Members are now asked to consider a summary of the complaints received about hackney carriage and private hire vehicles, operators and drivers between 1<sup>st</sup> February 2017 and 31<sup>st</sup> July 2017. This can be seen at **Appendix 3**.

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- 3.18 Members will note that there has been an increase in the number of complaints during this six month period. Some of the complaints are about matters covered by the proposed penalty points scheme, such as failing to wear a badge or display a licence plate correctly. However other complaints, such as those about poor driving standards, are not covered by the proposed penalty points scheme.
- 3.19 Members should also note that these are details of all complaints received, regardless of whether the allegations made were actually able to be proven and subsequently acted upon by officers. The summary is provided for indicative purposes only.
- 3.20 Members are asked to consider the contents of this report and resolve whether or not to direct officers to take steps to implement a penalty points scheme for hackney carriage and private hire licence holders.

**4. RISK MANAGEMENT**

- 4.1 None

**5. APPENDICES**

- Appendix 1 - Draft Penalty Points Scheme
- Appendix 2 – Summary of Complaints Received 1<sup>st</sup> February 2016 to 31<sup>st</sup> January 2017
- Appendix 3 - Summary of Complaints Received 1<sup>st</sup> February 2017 to 31<sup>st</sup> July 2017.

**AUTHOR OF REPORT**

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