

REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE PENALTY POINTS SCHEME

Relevant Portfolio Holder	Councillor Grubb
Portfolio Holder Consulted	No
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

In early 2018, following a decision taken by the Licensing Committee, the Council introduced a Hackney Carriage and Private Hire Penalty Points Scheme. This report provides an update to the Licensing Committee on the operation of the scheme to date and invites Members to consider whether they wish to carry out consultation on amending the scheme.

2. RECOMMENDATIONS

That Members RESOLVE to either:-

- (i) note the contents of the report;**
- or**
- (ii) to carry out a consultation on amending the Council's Hackney Carriage and Private Hire Penalty Points Scheme.**

3. KEY ISSUES

Financial Implications

- 3.1 The costs of carrying out any consultation 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.

Service / Operational Implications

- 3.3 Early in 2018 a Hackney Carriage and Private Hire Penalty Points Scheme was implemented by the Council.
- 3.4 This followed a decision made in November 2017 by the Licensing Committee to introduce the scheme following an ongoing review of complaints received over the course of 18 months and a consultation exercise undertaken prior to this.
- 3.5 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.
- 3.6 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.
- 3.7 A penalty point 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.
- 3.8 The introduction of the penalty point scheme does 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.
- 3.9 A copy of the Hackney Carriage and Private Hire Penalty Points Scheme implemented can be seen at **Appendix 1**.
- 3.10 Since the implementation of the scheme, penalty points have been issued on 37 separate occasions to licence holders. A table showing the reasons that the points were issued can be seen at **Appendix 2**.
- 3.11 Since the implementation of the scheme, one driver has accumulated sufficient penalty points to have appeared before a Licensing Sub-Committee. The driver's licence was revoked by the Sub-Committee.

- 3.12 As the scheme has been in operation for nearly two years, it was felt appropriate to conduct a review. Part of this review could involve carrying out consultation on the current scheme with a view to considering if there are any minor offences or acts of non-compliance that should be removed from the scope of the scheme and whether any additional minor offences or acts of non-compliance should be added to the scope of the scheme.
- 3.13 For example, Bromsgrove District Council has recently amended its own penalty points scheme to allow officers to issue points to drivers who breach rule 123 of the Highway Code by leaving their vehicle engine running unnecessarily while that vehicle is stationary on a public road. This was done to encourage drivers to avoid leaving their engines idling on taxi ranks, as this contributes to air quality problems.
- 3.14 Likewise, officers have some concerns over the fairness of issuing penalty points to drivers who are found with a defective bulb on their vehicle, as this fault will very likely develop quickly and could lead to the issuing of points without the driver having opportunity to notice and rectify the issue.

4. RISK MANAGEMENT

- 4.1 None

5. APPENDICES

- Appendix 1 – Current Penalty Points Scheme
- Appendix 2 – Table of points issued

AUTHOR OF REPORT

- Name: Dave Etheridge – Senior Practitioner (Licensing)
Worcestershire Regulatory Services
- E Mail: dave.etheridge@worcestershire.gov.uk
- Tel: (01905) 822799