

Agenda Item 6

Consideration of the adoption of Penalty Points Scheme For Hackney Carriage & Private Hire Drivers & Operators

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Background Papers:- Minutes of the Licensing Committee 9th August 2007 & 13th February 2008
Financial Implications:- None
Equalities Implications:- None
Legal Implications:- The scheme has no legal standing as such but acts as a written warning system intended to regulate the behaviour of drivers, owners and operators on a day to day basis. The accumulation of points may lead to more formal action. The scheme is aimed at giving drivers, owners and operators the opportunity to remedy a problem without the Council revoking or suspending a licence
Risks: The Council has a duty to protect the safety of the public using licensed hackney carriage and private hire vehicles. The penalty points system will improve the Council's enforcement role.

EXECUTIVE SUMMARY

Following on from the February Committee meeting where members considered the feed back from the trade it was agreed that the scheme should be amended to take on board their constructive comments.

Attached is the revised penalty points scheme;

DECISION

Members are recommended to

1. Endorse the scheme for adoption by officers as outlined in this report and authorise the Head of Law and Governance to make changes to the Constitution that are necessary or

consequent to give effect to this decision;

2. That any appeal against the issue of points will be determined by a panel comprising the Chairman of the Licensing Committee, the Licensing Officer and a representative from Law and Governance; and
3. In the event of any omissions, new legislation or additional conditions being introduced, that authority be given to the Licensing Officer in consultation with the Chairman of the Licensing Committee to introduce such additional items to the existing list of offences.

Consideration of the adoption of Penalty Points Scheme

THE PENALTY POINT SCHEME

The scheme will operate as follows

- Should a **breach of license conditions or other relevant statutory provisions** be detected, points may be issued in accordance with the Penalty Points Schedule. The operation of this scheme does not prevent the Council from taking other action if the breach warrants it.
- Penalty Points will be issued by authorised officers of the Council and will be confirmed in writing, to the relevant license holder, identifying the offence and indicating how many points have been issued. Appeals against the issue of any points must be made in writing to the Council within 7 days of receiving the written confirmation and will be dealt with by written representations only.
- Any points issued will remain “live” from the date of issue for a **period of 12 months** after which the points will be deemed spent. The system is based over a rolling 12-month period.
- Should **10 or more points**, during any 12-month period be accumulated the operators, owners or driver will go before the Council’s Driver Panel for consideration. The Panel will consider the case and impose sanctions that they deem fit.
- The Council will advise in writing the driver or operator when the amount of relevant **points exceeds 50 %** of the action level.
- Drivers, owners and operators may see their own penalty point record at any time. Owners and Licensed operators may view a drivers record if they have that driver’s written consent.

Penalty Points Schedule

	OFFENCE	MAXIMUM PENALTY POINTS
1	General condition and appearance of car - interior - exterior	3
2	Driver failing to display badge (when reported by an authorised officer).	3
3	Failure to display details of licence in interior of vehicle	3

4	Misconduct regarding the charging of fares.	6
5	Refusal to accept hiring without reasonable cause.	5
6	Unsatisfactory appearance of driver or not conforming to dress code.	2
7	Unsatisfactory behaviour or conduct of a driver	2-10
8	Failing to notify the Council of any road traffic accident or damage to a Hackney Carriage or Private Hire Vehicle within 72 hours	4
9	Driver or operator failing to notify the Council of change of address within seven days	2
10	Failing to disclose or report any conviction/penalty points during the period of a licence (driver or operator)	5
11	Failing to keep accurate records.	4
12	Late application for renewal on expiry of a licence.	4
13	Late cancellation of vehicle inspection (less than 24 hours notice)	3
14	Deliberate disregard of road traffic restrictions.	4
15	Engine kept running unnecessary	1
16	Other breaches of lawful requirements not listed above – according to seriousness of offence .	1 - 3