

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

Agenda Item 7

Background Papers:-

Minutes of the Licensing Committee 9th August 2007
Minutes of the Licensing Committee 10th October 2007

Appendix 1 – Written Views From various members of the trade

Appendix 2 – Selected copies of the free text element of the questionnaire

Appendix 3 – A summary of general comments extracted from the pro-forma questionnaire

Appendix 4 – Summary of comments relating specifically to the Penalty Points Schedule.

Financial Implications:- None

Equalities Implications:- None

Legal Implications:- The scheme has no legal standing as such , but an accumulation of points over a twelve month period will indicate the need for more formal action to be taken. Serious offences or breaches will remain liable to regulatory action.

Options:

- 1.To approve the adoption of a Penalty Points Scheme For Hackney Carriage & Private Hire Drivers & Operators with amendments deemed appropriate by Members.

- 2.To refuse to adopt the Penalty Points Scheme For Hackney Carriage & Private Hire Drivers & Operators.

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

DECISION

Members are requested to consider the adoption of a Penalty Points Scheme.

1. CONSULTATIONS/RESPONSE

- 1.1 The consultation took place between 15th January to 4th February 2008. All licensed drivers and operators were sent a letter outlining the details of the proposed scheme and asked to complete a pro-forma questioner, which was designed to solicit their views.
- 1.2 In total approx 600 letters were sent out, and to date the Licensing Department have received 37 responses.
- 1.3 The returns from the pro-forma questionnaire have been analysed and presented in the following table:

	Penalty Points scheme Pro-forma Questionnaire	Yes	%	No	%	N/A
Q1	Should a penalty point's scheme be adopted?	21	57	16	43	
Q2	Will it make drivers etc be more aware of their responsibilities?	24	65	13	35	
Q3	Is the Maximum too high for some offences?	19	51	18	49	1
Q4	More offences added?	3	8.1	34	92	1

- 1.4 From the results presented in the above table 57% of the respondents support the introduction of a Penalty Points scheme.
- 1.5 The response from the trade has been in the form of either the returned questionnaire, or a written response. All written responses have been attached to this report. Appendix 1.
- 1.6 Copies of the free text element of the questionnaire have been copied and attached to this report where a driver has made additional valid comments. Appendix 2.

Appendix 3

- 1.7 A summary of general comments extracted from the pro-forma questionnaire.

"A lot of the offences are covered in other ways. It will create a lot of work for Licensing. It will be difficult to police"
" Not necessary"
"Most Private Hire drivers do not drive their own cars and should not be penalised for the condition of the vehicle"
"Unless breaking the law a drivers livelihood interfered with"
" Need proper enforcement not a penalty points scheme"
"Most of the offences are covered by motoring laws. The others are conditions of the licence"

“Who will pay for the policing? I know we, the industry will pay. We pay too much now”
“A simple mail shot to all drivers would do the trick. Saying if they do not conform their licence will be suspended”
“May benefit the trade if handled correctly”
“ A waste of time and rate payers money”
“The cost of administering this scheme regardless of any benefit”
“Will the scheme make any difference to the few who flout the laws?”
“As chairman of the BDTA I support the views of the Points Scheme”
“Item 3 Light bulbs are likely to fail at any time therefore make it compulsory for all vehicles to carry spare bulbs as part of the taxi test”
“Do we expect drivers to report other drivers?”
“Care must be taken to ensure local regulations do not doubly penalise a driver who is convicted in accordance with the laws of the land”
“All Mot Failures should attract the same number of points” 1,2,3 “Why does the misuse of a phone attract less points than misbehaviour?”
“What other jobs do you get penalty points”
“I believe drivers are well aware of their responsibilities and where it is found to be a problem these drivers should be dealt with on an individual basis”

Appendix 4

1.8 Summary of comments relating specifically to the Penalty Points Schedule

	OFFENCE	MAXIMUM PENALTY POINTS	Trade Suggested points	Specific comments from the trade
1	Failure to comply with insurance and/or MOT requirements or failure to have a current vehicle excise licence	5		<ul style="list-style-type: none"> • Penalise Operator only • This is a motoring offence
2	Defective tyres, exhaust system or any other construction and use offences	5		<ul style="list-style-type: none"> • Penalise Operator only • This is a motoring offence. • This should be two separate items • Only issue a warning like the police
3	Failing to maintain	4	3	<ul style="list-style-type: none"> • This is a motoring offence

	lights, brake lights, indicators, horn			<ul style="list-style-type: none"> • Penalise owner/operator only • Spare bulbs should be carried at all times
4	Failure to have the recommended fire extinguisher	3	3	<ul style="list-style-type: none"> • Penalise owner/operator only • Should read “within current test dates”
5	General condition and appearance of car - interior - exterior	3	3	<ul style="list-style-type: none"> • Penalise owner/operator only
6	Failure to display licence plates as prescribed by the Council	5	3	<ul style="list-style-type: none"> • Should be: “current licence” • Penalise owner/operator only
7	Driver failing to display badge	3	3	<ul style="list-style-type: none"> • Penalise owner/operator only
8	Failure to display details of licence in interior of vehicle	3	3	<ul style="list-style-type: none"> • Penalise owner/operator only
9	Misconduct regarding the charging of fares.	6		<ul style="list-style-type: none"> • Applies to Hackney Carriages only
10	Refusal to accept hiring without reasonable cause.	5		<ul style="list-style-type: none"> • Must take in to account drivers reasons. • Applies to Hackney Carriages only
11	Unsatisfactory appearance of driver or not conforming to dress code.	2	4	<ul style="list-style-type: none"> • Should be: “Appearance / Hygiene”
12	Unsatisfactory behaviour or conduct of a driver	2-5	2 – 10	<ul style="list-style-type: none"> • “Dismissal should be considered • Applies to Hackney Carriages only
13	Misuse of a mobile phone or smoking in a vehicle or unacceptable standard of driving as witnessed by an authorised officer or police officer	5		<ul style="list-style-type: none"> • This is a motoring offence.
14	Failing to notify the Council of any road traffic accident or damage to a Hackney Carriage or Private Hire Vehicle within 72 hours	4		<ul style="list-style-type: none"> • Penalise owner/operator only
15	Driver or operator failing to notify the Council of change of address within seven days	2	1	

16	Failing to disclose or report any conviction/penalty points during the period of a licence (driver or operator)	5		<ul style="list-style-type: none"> • An operator should examine a drivers licence at each renewal. • Should only apply to a driver.
17	Failing to keep accurate records.	4		<ul style="list-style-type: none"> • Penalise owner/operator only • This is a motoring offence.
18	Late application for renewal on expiry of a licence.	4		<ul style="list-style-type: none"> • Penalise owner/operator only
19	Late cancellation of vehicle inspection (less than 24 hours notice)	3		<ul style="list-style-type: none"> • Penalise owner/operator only
20	Other breaches of lawful requirements not listed above – according to seriousness of offence	1 - 3		<ul style="list-style-type: none"> • Penalise owner/operator only • Open to abuse as not specific enough

1.9 Additional penalty points suggested by the trade

	Deliberate disregard for signs such as “No Entry” “Disabled Parking”	
	Engine kept running unnecessary	
	Failure to display to display Fees and Charges at all times Private Hire vehicles	3