

Agenda Item 5

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

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.

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

Members will be aware that currently when officers have sufficient evidence to penalise Private Hire and Hackney Carriage drivers for breaches of licensing legislation and conditions, these matters are usually dealt with by either:

- Providing advice (verbal or written),
- Administering a Simple Caution,
- Requiring the driver to appear before the Councils Drivers Panel
- Or in the serious cases, take proceedings before the Court.

It is felt that this system is not totally effective in dealing with repeat offenders for minor vehicle defects and breaches of licence conditions because these breaches are not formally, cumulatively considered.

The committee is therefore asked to consider the following alternative system, which if adopted would be more effective against those drivers and proprietors who see fit to persistently ignore their responsibilities in relation to the conditions attached to their licences.

The system involves penalty points being issued for minor offences. When a driver or operator has accrued a set maximum of points , they would be required to be interviewed by the Drivers

Panel who would have the authority to impose a range of sanctions dependant on the circumstances.

It is suggested that the scheme should be subject to consultation with the Private Hire and Hackney Carriage trade to inform them of the proposals, and request any feed-back. A further report on the conclusions of that process will be brought to the Committee prior to the implementation of the Penalty Points scheme.

DECISION

Members are recommended to

1. Endorse the scheme as outlined in this report.
2. Approve the introduction of the scheme following consultation with the trade.
3. In the event of any omissions, new legislation or additional conditions being introduced, that delegation be given to the Licensing Officer 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 will be issued in accordance with the Penalty Points Schedule.
- Penalty Points when issued will be confirmed in writing, to the relevant license holder, identifying the offence and indicating how many points have been issued.
- 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, proprietors and operators may see their own penalty point record at any time. Proprietors and Licensed operators may view a drivers record subject to making a written request and giving valid reasons for doing so.
- However, the Council reserves the statutory right to suspend or revoke the licence at any time if the particular circumstances of the case warrant such action in accordance with licensing conditions, By Laws or Regulations.

Penalty Points Schedule

	OFFENCE	MAXIMUM PENALTY POINTS
1	Failure to comply with insurance and/or MOT requirements or failure to have a current vehicle excise licence	5
2	Defective tyres, exhaust system or any other construction and use offences	5
3	Failing to maintain lights, brake lights, indicators, horn	4
4	Failure to have the recommended a fire	3

	extinguisher	
5	General condition and appearance of car - interior - exterior	3
6	Failure to display licence plates as prescribed by the Council	5
7	Driver failing to display badge	3
8	Failure to display details of licence in interior of vehicle	3
9	Misconduct regarding the charging of fares.	6
10	Refusal to accept hiring without reasonable cause.	5
11	Unsatisfactory appearance of driver or not conforming to dress code.	2
12	Unsatisfactory behaviour or conduct of a driver	2-5
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
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
15	Driver or operator failing to notify the Council of change of address within seven days	2
16	Failing to disclose or report any conviction/penalty points during the period of a licence (driver or operator)	5
17	Failing to keep accurate records.	4
18	Late application for renewal on expiry of a licence.	4
19	Late cancellation of vehicle inspection (less than 24 hours notice)	3
20	Other breaches of lawful requirements not listed above – according to seriousness of offence .	1 - 3