

PENALTY POINTS SCHEME – UPDATE REPORT

Relevant Portfolio Holder	Councillor P J Whittaker
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

In November 2017, following a decision taken by the Licensing Committee earlier in the year, 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.

2. RECOMMENDATIONS

Members are asked to note the contents of the report.

3. KEY ISSUES

Financial Implications

3.1 There are no financial implications arising from this report.

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

- 3.5 In November 2017 a Hackney Carriage and Private Hire Penalty Points Scheme was implemented by the Council.
- 3.6 This followed a decision made earlier in the year by the Licensing Committee following consultation on a proposal to introduce such a scheme.
- 3.7 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.
- 3.8 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.
- 3.9 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.
- 3.10 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.
- 3.11 A copy of the Hackney Carriage and Private Hire Penalty Points Scheme implemented can be seen at Appendix 1.
- 3.12 This report is now being produced for the Licensing Committee to provide an update on the operation of the scheme since it was introduced in November 2017.
- 3.13 Since the implementation of the scheme, nine penalty point notices have been issued to drivers licensed by the Council to drive hackney carriage or private hire vehicles. Only one driver has received two penalty point notices. No driver has yet reached the threshold provided in the penalty point scheme to trigger an appearance before a Licensing Sub-Committee.

LICENSING COMMITTEE

12th November 2018

3.14 The instances of non-compliance that have thus far led to the issuing of penalty point notices included the following:

- Incorrect display of taxi licence plates on a licensed vehicle
- Smoking in a licensed vehicle
- Failing to display a roof sign
- Dangerous parking
- Failing to behave in a civil and orderly manner

3.15 One penalty point notice has been rescinded by the Licensing and Support Services Manager following her decision to uphold an appeal against its issue.

3.16 Members are asked to note the content of this report.

4. RISK MANAGEMENT

4.1 None

5. APPENDICES

Appendix 1 – Hackney Carriage & Private Hire Penalty Points Scheme

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