

AMENDMENTS TO HACKNEY CARRIAGE AND PRIVATE HIRE PENALTY POINTS SCHEME – CONSULTATION

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 that year, the Council implemented a Hackney Carriage and Private Hire Penalty Points Scheme. On 12th November 2018, the Licensing Committee received a report to provide an update on the operation of this scheme.

Following consideration of the report, Members requested that a further report be provided at the next meeting of the Licensing Committee with a view to amending the penalty points scheme to include reference to a driver leaving a vehicle's engine running unnecessarily whilst the vehicle is stationary on a public road.

2. RECOMMENDATIONS

Members are asked to consider the content of the report and RESOLVE to instruct officers to carry out consultation on the revised Hackney Carriage and Private Hire Penalty Points Scheme shown at Appendix 2.

3. KEY ISSUES

Financial Implications

- 3.1 The costs of carrying out the 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 In November 2017 a Hackney Carriage and Private Hire Penalty Points Scheme was implemented by the Council.
- 3.4 This followed a decision made earlier in the year by the Licensing Committee following consultation on a proposal to introduce such a scheme.
- 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 On 12th November 2018, the Licensing Committee received a report to provide an update on the on the operation of the scheme.

3.11 Following consideration of the report, Members requested that a further report be provided at the next meeting of the Licensing Committee with a view to amending the penalty points scheme to include reference to drivers leaving vehicle engines running unnecessarily whilst the vehicles are stationary on a public road.

3.12 Rule 123 of the Highway Code states:

*“You **MUST NOT** leave a parked vehicle unattended with the engine running or leave a vehicle engine running unnecessarily while that vehicle is stationary on a public road. Generally, if the vehicle is stationary and is likely to remain so for more than a couple of minutes, you should apply the parking brake and switch off the engine to reduce emissions and noise pollution. However it is permissible to leave the engine running if the vehicle is stationary in traffic or for diagnosing faults”*

3.13 The penalty points scheme already provides officers with the power to issue penalty points for breaching rule 112 of the Highway Code in relation to the inappropriate use of a vehicle horn and so officers believe it would be reasonable to amend the penalty point scheme to enable officers to issue penalty points for breaches of rule 123 of the Highway Code.

3.14 Members are therefore asked to resolve to instruct officers to carry out consultation on the draft revised Hackney Carriage and Private Hire Penalty Points Scheme shown at **Appendix 2**.

3.15 The consultation will also provide an opportunity to invite comments more widely on the existing scheme and whether other matters should be removed or added to it.

3.16 Consultation will take place with licence holders and other relevant organisations and the results of the consultation exercise will be reported back to Members later in the year.

4. RISK MANAGEMENT

4.1 None

5. APPENDICES

Appendix 1 – Current Hackney Carriage and Private Hire
Penalty Points Scheme

Appendix 2 – Draft revised Hackney Carriage and Private Hire
Penalty Points Scheme

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