

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

Relevant Portfolio Holder	Councillor A. Kent
Portfolio Holder Consulted	No
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 March 2019, the Licensing Committee resolved to instruct officers to carry out consultation on a revised Hackney Carriage and Private Hire Penalty Points Scheme. This consultation has now taken place and Members are asked to consider the results.

2. RECOMMENDATIONS

That Members **RESOLVE** to approve the implementation of the revised Hackney Carriage and Private Hire Penalty Points Scheme shown at **Appendix 4**.

3. KEY ISSUES

Financial Implications

- 3.1 The costs of carrying out the consultation were 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 On 12th November 2018, the Licensing Committee received a report to provide an update on the operation of the scheme.
- 3.10 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.
- 3.11 On 18th March 2019, Members were provided with the requested report and following consideration of it, resolves to instruct officers to carry out consultation on a draft revised Hackney Carriage and Private Hire Penalty Points Scheme.

- 3.12 The Licensing Committee also resolved that following consultation with licence holders, other relevant organisations and more widely, the consultation results be presented to a future meeting of the Licensing Committee.
- 3.13 The consultation was commenced in May 2019 and concluded on 26th July 2019. A consultation survey was used to facilitate the consultation and a copy of this is at **Appendix 1**. The consultation survey included a copy of the draft revised penalty points scheme.
- 3.14 The consultation survey was sent to all licence holders and also:
- West Mercia Police
 - National Taxi Association
 - National Private Hire Association
 - West Mercia Safer Road Partnership
 - Worcestershire County Council (Driver Training)
 - Worcestershire County Council (Equality Manager)
 - Guide Dogs for the Blind Association
 - Parish Councils
 - Bromsgrove District Councillors
 - Land & Air Quality Team (Worcestershire Regulatory Services)
- 3.15 In addition the consultation was available to view and respond to via an online version hosted on the Council's website with publicity provided via the local press and social media channels.
- 3.16 There were six responses to the consultation in total.
- 3.17 The Land & Air Quality Team at Worcestershire Regulatory Services agreed with the proposed amendment and made further comments via the online survey. Their comments can be seen at **Appendix 2**.
- 3.18 Another respondent to the online survey also agreed with the proposal giving the reason(s) that:
- "Bromsgrove currently has three air quality management areas attributable to emissions from vehicular traffic. Leaving an engine running unnecessarily adds to increased emissions and poor air quality"*
- 3.19 Dodford with Grafton Parish Council responded to make suggestions for amendments to the existing scheme. Their suggestions are shown at **Appendix 3**. However no explanation or rationale for the suggestions has been provided by the Parish Council.

LICENSING COMMITTEE

23rd September 2019

- 3.20 Catshill and North Marlbrook Parish Council responded to say they agreed with the proposed amendment on the basis that:

“Taxi’s should be subject to the same rules as all other drivers and this should be enforceable in instances when engines are left running whilst waiting for passengers.”

- 3.21 Cllr Adrian Kriss responded to agree with the proposed amendment and to suggest that greater publicity be given to the scheme to make the general public aware of its existence.

- 3.22 One of the Licensing Technical Officers at Worcestershire Regulatory Services has suggested the inclusion of the offence of “using a vehicle with defective tyres” with the issue of 6 points per tyre.

- 3.23 This is consistent with the penalty points scheme operated by Redditch Borough Council and the officer believes such an amendment is justified as:

“tyres are a very significant safety element of the safety of the vehicle, and there is no excuse for licensed drivers to be carrying passengers with defective tyres. There are heavy penalties issued by the Police / Courts for the same offence so I feel the scheme should reflect that.”

- 3.24 In light of the consultation responses, officers believe that the proposed amendment to the penalty points scheme relating to drivers leaving vehicle engines running unnecessarily whilst the vehicles are stationary on a public road should be made.

- 3.25 Additionally officers believe that on the grounds of promoting the safety of the travelling public, the penalty points scheme should also be amended to include an ability to issue points to drivers found using vehicles with defective tyres with 6 penalty points being issued for each defective tyre found.

- 3.26 Members are therefore asked to resolve to approve the revised Hackney Carriage and Private Hire Penalty Points Scheme shown at **Appendix 4**, which reflects those changes.

4. RISK MANAGEMENT

- 4.1 None

5. APPENDICES

- Appendix 1 – Consultation Survey
- Appendix 2 – Response from the Land & Air Quality Team
- Appendix 3 – Response from Dodford and Grafton Parish Council
- Appendix 4 – Revised Hackney Carriage and Private Hire Penalty Points Scheme Following Consultation

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