

**LICENSING AND SAFETY COMMITTEE
5 FEBRUARY 2009**

**REVIEW OF PENALTY POINTS SCHEME
(Chief Officer: Environment and Public Protection)**

1 PURPOSE OF DECISION

- 1.1 At present, the Council has a system where contraventions of the law or licence conditions can be recorded and the licence holder given 'penalty points' by authorised officers. The aim of this system is to provide an effective and consistent enforcement approach and to ensure compliance with the law and conditions for the benefit of public comfort and safety.
- 1.2 The purpose of this report is for the Committee to review the current system and to consider whether the points given in respect of contraventions are necessary and proportionate. A table has been attached at Appendix A to detail the current contraventions and points allocated, alongside a proposed new system.

2 RECOMMENDATION

- 2.1 **That the Committee approves the proposed new penalty points system at Appendix A for use from 1 April 2009.**

3 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 3.1 The legal implications are identified within the report.

Borough Treasurer

- 3.2 There are no significant financial implications arising from the recommendation in this report.

Equalities Impact Assessment

- 3.3 There are no implications arising from the recommendation in this report.

Strategic Risk Management Issues

- 3.4 There are no strategic risk management implications arising from the recommendation in this report.

4 SUPPORTING INFORMATION

- 4.1 Where a contravention of the law or licence conditions by the holder of a hackney carriage or private hire licence is recorded, the licence holder is issued with a notice. The issue of a notice is written advice to the licence holder and is an integral part of

the Council's Enforcement Policy. This policy seeks to ensure compliance through actions which are fair, proportionate and consistent. The issue of a notice does not prevent the department from taking any other action in line with its published enforcement policy, including prosecution where this is felt to be appropriate.

- 4.2 The licence-holder has a right of appeal in writing to the Director of Environment, Culture & Communities Department at Time Square within 14 days of receiving the notice, and will receive notification of the decision of the appeal within 30 days of receipt of the notice of appeal.
- 4.3 The aim of the proposed new system at Appendix A is to be more similar to the DVLA penalty points system. In essence, where 12 penalty points are acquired within a 12-month rolling period, a report will be submitted to a meeting of the Licensing Panel for a decision to be made on whether the licence should be suspended or revoked. The Panel will receive the report from officers and invite representations from the licence holder. This would replace the current 20 or 30 point trigger which is in operation at present.
- 4.4 In reviewing the penalty points scheme, officers have liaised with other local authorities to ensure consistency of approach wherever possible.

Background Papers

Guidance Notes and Conditions for Hackney Carriage and Private Hire Vehicle Owners, Operators and Drivers (April 2008)

Contact for further information

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APPENDIX A

Existing wording	Existing points	Proposed wording	Proposed points
Unlicensed driver	10	Unlicensed driver	12
Unlicensed vehicle	10	Unlicensed vehicle	12
Private Hire plying for hire	10	Private hire plying for hire	12
Contravening Stop Notice	10	Contravention of Stop Notice	12
No valid insurance	10	No valid insurance	10
No valid MOT	10	No valid MOT/inspection	10
Illegal tyres	10	Illegal tyres or other C&U regulations	6
Overcharging	5	Overcharging	6
Use of hand held phone	5	Use of hand held phone or similar while driving	6
Failure to display badge	5	Failure to display driver badge	6
Private hire parked on rank	5	Private hire parked on rank	6
Failure to display plate	3	Failure to display plate or stickers	6
Smoking in vehicle	5	Smoking in vehicle	6
No smokefree signage	5	No smokefree signage	4
Failure to notify change of details	5	Failure to notify change of details	4
Vehicle cleanliness	3	Vehicle unclean condition	4
Using bus lane	3	Illegal use of bus lane	4
Horn misuse	2	Horn misuse	4
Unattended on rank	2	Hackney left unattended on rank	4
Civil orderly manner	2-4	Behaving in a disorderly manner	4-12
Failure to report accident	2	Failure to report accident	4
		Failure to notify conviction, caution or fixed penalty notice	6
Too many passengers	8	Merged with illegal tyres or other C&U regulations	
C&U regulations	2-4		
Failure to display windscreen stickers	3	Merged with failure to display plate	