

**LICENSING AND SAFETY COMMITTEE**  
**1 JULY 2010**

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**AMENDMENT TO PENALTY POINTS ENFORCEMENT SCHEME**  
**Chief Officer: Environment and Public Protection**

**1 PURPOSE OF DECISION**

- 1.1 At the meeting of the Licensing and Safety Committee on the 8 February 2010 the Bracknell Licensed Taxi Forum (BLTF) commented that the Council were wasting resources by sending out reminder letters to their members. They suggested that these letters were unnecessary and that the Council could save money by stopping such letters.
- 1.2 The Chief Officer agreed that the matters raised would be looked at and where appropriate such letters would be stopped. This report looks at the type of letters sent and makes recommendations as to what letters will be withdrawn. It also highlights what actions will be taken in the event that licence holders fail to renew licences within the prescribed period or fail to produce documents such as insurance, MOT, or vehicle inspection report.

**2 RECOMMENDATIONS**

- 2.1 That the relevant procedures be amended so that should a licence holder fail to produce insurance, vehicle inspection report or MOT documents by the due date, the licence will be suspended until production of the document and the licence holder will be issued 4 points in line with the Council penalty points enforcement scheme.**

**3 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS**

Borough Solicitor

- 3.1 The Borough Solicitor has no further comments to add to 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 equality impacts identified within this report.

Strategic Risk Management Issues

- 3.4 No strategic risks have been identified at this time.

## **4 SUPPORTING INFORMATION**

- 4.1 Officers currently send reminders together with application forms to renew licences as well as reminders that certain documents need to be produced to the Council by a specific date to ensure that conditions on a licence are met.
- 4.2 Discussions with members of the BLTF following the meeting on the 8 February indicated that they found it very helpful to receive a reminder that a licence was due to expire together with the appropriate application form. They wish to continue receiving these reminders as they felt that it enabled them to complete the renewal form at home and make a single visit to Time Square to process the renewal.
- 4.3 The area of debate was in respect of letters sent to remind members that they had to have a vehicle inspection. The trade took the view that this information was available to them on the licence and that it was part of their normal business process. Reminders were therefore unnecessary.
- 4.4 It is a condition of the vehicle licence that it should have a current MOT, vehicle inspection report and vehicle insurance in place. Failure to have such documents is a breach of the licence conditions. The Council takes any breach of these conditions very seriously because of the risk to public safety and has already agreed that it will suspend a licence unless evidence of compliance is produced to officers.
- 4.5 Checks have been made and it has been established that despite reminder letters being sent to vehicle owners in February thirteen failed to produce a current vehicle inspection/MOT by the due date in March. It is therefore not unreasonable to conclude that these reminders are not effective and the trade are right that they are a waste of resource.
- 4.6 Accordingly it is proposed that we change the practice but at the same time introduce a sanction. Having considered the implications it is suggested that failure to produce proof of insurance, MOT or vehicle inspection should warrant a similar penalty as failing to notify the council of matters such as a change of details or a conviction i.e. 4 points. This would send a strong message to vehicle owners that if they consistently ignore their responsibility they risk facing a suspension of their driver licence. To use a vehicle without current insurance, MOT or vehicle inspection report presently carries a 12 point penalty under the scheme and can result in an immediate referral to the Licensing Panel for consideration.
- 4.7 In making this suggestion if agreed it may be that compliance levels will drop in the short term.

### Background Papers

None

### Contact for further information

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