

Title of Report	DRAFT TAXI AND PRIVATE HIRE PENALTY POINTS SCHEME	
Presented by	Lee Mansfield Environmental Health Team Manager	
Background Papers	<u>NWLDC Hackney Carriage and Private Hire Licensing Policy 2022 2027</u>	Public Report: Yes
Financial Implications	All of the proposed policy changes will be implemented within existing budgeted resources.	
	Signed off by the Section 151 Officer: Yes	
Legal Implications	The Statutory Standards document sets out a framework of policies that, under section 177(4) of the Policing and Crime Act 2017, licensing authorities “must have regard” to when exercising their functions. The process of review, consultation and devising revised policy will satisfy this legal requirement.	
	Signed off by the Monitoring Officer: Yes	
Staffing and Corporate Implications	The workload associated with the review of the policy shall be undertaken within existing resources.	
	Signed off by the Head of Paid Service: Yes	
Purpose of Report	To present a draft penalty points scheme	
Recommendations	<p>THAT LICENCING COMMITTEE:</p> <ol style="list-style-type: none"> 1. APPROVE THE DRAFT TAXI AND PRIVATE HIRE PENALTY POINTS SCHEME 2. DELEGATE THE IMPLEMENTATION OF THE SCHEME TO THE ENVIRONMENTAL HEALTH TEAM MANAGER 3. DELEGATE AUTHORITY TO MAKE CHANGES TO THE PENALTY POINTS TARIFF TO THE ENVIRONMENTAL HEALTH TEAM MANAGER 	

1.0 Background

- 1.1 The overriding aim of the licensing authority is to protect the safety of the public. The licensing authority is concerned to ensure:
- That a person is a fit and proper person.
 - That the person does not pose a threat to the public.
 - That the public are safeguarded from a dishonest person.
 - The safeguarding of children and young persons and the vulnerable.
- 1.2 Licensing Committee approved the Hackney Carriage and Private Hire Licensing Policy 2022-27 at its meeting on 2 November 2022. The penalty points scheme is documented at paragraph 5.9 of the Hackney Carriage and Private Hire Licensing Policy 2022-27, listed as a background paper.
- 1.3 Whilst approving the introduction of a new penalty points scheme in 2023, Licensing Committee asked for further details of the proposed scheme to be discussed at a future meeting. The purpose of this report is to present the further detail.
- 1.4 The aim of the penalty points scheme is to provide a means of managing a licence holder's behaviour during the term of the licence by identifying those licensees who repeatedly breach policy, conditions or byelaws. The introduction of a penalty points scheme is expected to introduce more consistency and transparency to managing a licence holder's behaviour.

2.0 The Penalty Points Scheme

- 2.1 The Council will investigate reports of non-compliance with licence conditions and byelaws. The Council will also undertake proactive compliance monitoring.
- 2.2 Penalty points will be applied by the Council when satisfied that a breach has been identified by means of written notice being given to the licensee setting out the number of points that have been applied.
- 2.3 Points issued to either the owner of a vehicle, operator or driver will be confirmed in writing within 10 working days from the date of the decision. Any penalty points that are awarded will be recorded on the relevant computer record. Normally, the maximum tariff will be applied, but where there are mitigating circumstances, a lesser number of penalty points may be issued. The points tariff can be found at Appendix 1.
- 2.4 Where an individual licensee reaches 12 penalty points, in a rolling 36-month period, the matter will be referred to the Council's Hackney Carriage and Private Hire Sub Committee for the Sub Committee to consider the licensee's continued fitness to hold a licence.
- 2.5 Penalty points will be removed from the record after 36 months. Points may be removed following a Sub Committee hearing.
- 2.6 At a Hackney Carriage and Private Hire Sub Committee hearing, the Sub Committee can decide to:
- (a) quash or reduce the penalty points;
 - (b) confirm the penalty points; or
 - (c) increase the penalty points based upon the evidence.

2.7 Any licensee who is awarded penalty points has the right of appeal, in respect of the individual points, to the Environmental Health Team Manager or Licensing Team Leader up to 10 working days after the confirmation notice is received. The decision to be made will be to;

- (a) quash or reduce the penalty points;
- (b) confirm the penalty points; or
- (c) increase the penalty points based upon the evidence.

Any appeal application must be made in writing and received by the licensing team within 10 days of the penalty points confirmation letter being received by the licence holder. The appeal application must contain the following:

- a) Name of the licence holder;
- b) The date of the penalty points confirmation letter appealed against and details of the licence it relates to;
- c) Particulars of the penalty points appealed against;
- d) The grounds of appeal

2.8 Where an individual licensee reaches 12 penalty points, in a rolling 36-month period he matter is referred to a Hackney Carriage and Private Hire Sub Committee. If the Sub Committee chooses sanctions such as suspension, revocation, or refusal to renew (in the case of a renewal application), there is also a right of appeal to the Magistrates' Court.

3.0 Financial Implications

3.1 The proposed scheme will be administered within existing resources.

3.2 The investigation of alleged poor behaviour and the communication of the investigations findings is a task that is already undertaken by the Licensing Enforcement Officers.

3.3 The new task of recording the number of penalty points on a licence holders file will take approximately 5 minutes and will be undertaken by the Licensing Assistant.

3.4 Referring licence holders to a Licensing Sub-Committee following a history of poor behaviour is a task that is already undertaken by the Licensing Enforcement Officers. The introduction of the scheme is not anticipated to result in an increase in referrals. The aim of the scheme is to introduce more objectivity, transparency and consistency to the referral process.

Policies and other considerations, as appropriate	
Council Priorities:	

	<ul style="list-style-type: none"> - Support for businesses and helping people into local jobs - Our communities are safe, healthy and connected
Policy Considerations:	Detailed within the body of the report
Safeguarding:	This scheme aims to safeguard the most vulnerable in society.
Equalities/Diversity:	No negative impact.
Customer Impact:	Applicants and licence holders will be impacted by policy changes.
Economic and Social Impact:	All customers will benefit from compliant licence holders.
Environment and Climate Change:	No impact noted.
Consultation/Community Engagement:	A local consultation process was carried out prior to Licensing Committee approving the new policy in November 2022
Risks:	<p>The Standards document sets out a framework of policies that, under section 177(4) of the Policing and Crime Act 2017, licensing authorities “must have regard” to when exercising their functions. The process of review, consultation and devising revised policy will satisfy this legal requirement. There is a risk of challenge if the Council does not give proper regard to the Standards.</p>
Officer Contact	<p>Andrew Cooper Licensing Team Leader andy.cooper@nwleicestershire.gov.uk</p> <p>Lee Mansfield Environmental Health Team Manager lee.mansfield@nwleicestershire.gov.uk</p>