

**AMENDMENT TO THE HACKNEY CARRIAGE AND PRIVATE HIRE PENALTY POINTS SCHEME**

<u>Report of the:</u>	Head of Housing and Environmental Services
<u>Contact:</u>	Rachel Jackson
<u>Urgent Decision?(yes/no)</u>	No
<u>If yes, reason urgent decision required:</u>	N/A
<u>Annexes/Appendices (attached):</u>	Proposed revised Penalty Points Scheme
<u>Other available papers (not attached):</u>	None

**REPORT SUMMARY**

**This report seeks the Committee approval to amend the Hackney Carriage and Private Hire Penalty Points scheme which is annexed to the Policy.**

**RECOMMENDATION**

**The Committee is asked to agree to an amendment to the Hackney Carriage and Private Hire Penalty Points scheme.**

*Notes*

**1 Implications for the Council's Key Priorities, Service Plans and Sustainable Community Strategy**

1.1 None for the purposes of this report.

**2 Background**

2.1 The Licensing Authority has operated a penalty points scheme for Hackney Carriage and Private Hire Drivers, Vehicle proprietors and Operators since 2008. The scheme has been subject to minor amendments as part of the Policy review process. All drivers, operators and vehicle proprietors are required to agree to be bound by the scheme on grant and renewal of their licence.

- 2.2 Under the scheme, where breaches of the law, Policy or Licence Conditions are witnessed by an Authorised Officer, Police Officer or Councillor and/or admitted by the Licence Holder, then Points will be added to the Licence. When an individual has accrued twelve points within a 2 year rolling period, or commits the same offence/breach twice in a twelve month period then the individual will be referred to the Licensing Panel.
- 2.3 The Scheme will not bar the Authority from administering a caution or initiating legal proceedings following an offence or breach of condition or Byelaw, and Points may also be issued following a prosecution in appropriate cases. The scheme is intended to act as a quicker mechanism to deal with breaches/offences and as a deterrent to stop offences being committed in the first instance.
- 2.4 In April 2016 a request was received from Councillors following concerns from local residents about irresponsible parking by a small number of individuals who were contravening yellow line markings. It has been requested that the following 3 additions are made to the Penalty Points scheme:
  - 2.4.1 Cause or permit the vehicle to be stationary on double yellow lines, other than to allow passengers to board or alight from your vehicle.
  - 2.4.2 Cause or permit the vehicle to be stationary on a single yellow line, in contravention of the notices displayed, other than to allow passengers to board or alight from your vehicle.
  - 2.4.3 Contravention of any traffic laws, regulations, orders or guidance outlined in the current Highway Code.
- 2.5 Licensing Officers will not be undertaking the role of parking officers enforcing highways legislation, but will use the amendments to support routine enforcement campaigns, and the points used as a deterrent as opposed to punishment.

### **3 Proposals**

- 3.1 It is proposed that the Licensing Policy and Planning Committee agree to amend the existing Penalty Points Scheme.

### **4 Financial and Manpower Implications**

- 4.1 None for the purposes of this report.

### **5 Legal Implications (including implications for matters relating to equality)**

5.1 Section 47(1) of the Local Government (Miscellaneous Provisions) Act 1976 empowers a Borough Council to attach to the grant of a licence of a Hackney Carriage under the Town Police Clauses Act 1847 such conditions as the Borough Council may consider reasonably necessary. Section 47(3) of the Act provides that any person aggrieved by any conditions attached to such a licence may appeal to a magistrates' court. There are no implications for matters relating to equality.

5.2 **Monitoring Officer's comments:** None in addition to the above.

## **6 Sustainability Policy and Community Safety Implications**

6.1 None for the purposes of this report.

## **7 Partnerships**

7.1 None for the purposes of this report.

## **8 Risk Assessment**

8.1 Not applicable.

## **9 Conclusion and Recommendations**

9.1 The Committee is asked to agree to amend the existing Penalty Points scheme as detailed in paragraph 2.4.

**WARD(S) AFFECTED: All**