

REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE, DRIVER AND OPERATOR PENALTY POINT SCHEME.**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976, TOWN POLICE CLAUSES ACT 1847****REPORT BY:****Head of Environmental Health and Trading Standards****Purpose**

1. To review the penalty points system in respect of Hackney Carriages, Hackney Carriage & Private Hire Driver Licences and Operators Licences.

Background

2. This scheme originally appeared before the Regulatory Committee on 20 March 2007 and the Committee approved it for a six-month trial period.
3. The matter was taken back to the Regulatory Committee on 9 April 2008 for review. Although it had, in effect, been under review for longer than 6 months, the Committee was of the opinion that the system should continue for a further six-month trial period whereupon it would be reviewed again.
4. The purpose of the system is to deal with minor breaches of the conditions or byelaws in a more cost effective way, avoiding the need to involve formal prosecution procedures, but whilst still giving the Licensing Authority the right to take formal action if the circumstances dictate.
5. The current system enables penalty points to be awarded to the following for the breach of any conditions: -
 - i. Proprietor - vehicle conditions
 - ii. Driver - driver's conditions
 - iii. Operator – operator conditions
 - iv. As appropriate - Byelaws
6. The current scheme is regulated under the "Draft Penalty Points Scheme" which is attached as Appendix 1.
7. The scheme operates in a similar fashion to road traffic speed cameras, i.e. when a breach is seen, penalty points are automatically issued.
8. Any person aggrieved by the penalty point system has a right to challenge the decision making process of the Local Authority by Judicial Review.

Officers Observations

9. The 4 November 2008 date has allowed a full 6-month period to elapse since the review was requested on 9 April.
10. Over the past 6-month review period the penalty points system has been used to good effect.
11. Over this time it has been noted that the standard of the vehicles has further improved to the point whereby it is now unusual to see a vehicle that does not comply with the conditions.
12. The system continues to result in a substantial resource savings for Herefordshire Council and is the most effective system of dealing with minor breaches, whilst still retaining the option to take more formal action. It therefore reduces the need to refer matters to the magistrate's court, but remains a very effective and speedy alternative.
13. The accumulation of points over a period of time ensures that any licensed person who exceeds the tolerated number of points is bought back before the Regulatory Committee to be dealt with fairly, i.e. 12 points in 12 months for Dual Drivers, Hackney Carriage vehicles and Private Hire Vehicles and 24 points in 12 months for Private Hire operators.
14. No complaints have been received in respect of the system other than from drivers/operators/proprietors that have been issued with penalty points.
15. The Herefordshire Taxi Association was consulted in October 2008 and is not, in principle, against the scheme.

Options

16. The options available to the Regulatory Committee are: -
 - that the penalty point scheme should remain
 - that the penalty point scheme should remain but again be brought back to the committee at an agreed later date for further review
 - that the penalty point scheme should be dispensed with
 - or to reach some other decision.

RECOMMENDATION

That the penalty points system before the Regulatory Committee be adopted on a permanent basis and the "Draft Penalty Points Scheme" guidance document be ratified so that it is no longer a 'draft'.

Appendix 1 – Copy of "Draft Penalty Points Scheme" guidance document