

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 matter appeared before the Regulatory Committee on 20th March 2007 and was approved on a six-month trial period. The matter therefore is well overdue for review.
3. The purpose of the system was 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.
4. In brief it was agreed that the penalty points would be awarded to the following for breach of any conditions: -
Proprietor - vehicle conditions
Driver - driver's conditions
Operator – operator conditions
As appropriate - Byelaws
5. For persons holding more than one vehicle licence the threshold for commencement of formal action will be increased by 1 point per vehicle licence held.
6. Any person aggrieved by the penalty point system has a right to challenge the decision making process of the Local Authority by Judicial Review.
7. Since the initial scheme a number of breaches of the conditions have been identified as missing for the table. This has since been amended. (Appendix 1.)
8. In addition to this the scheme has been amended to operate in a similar fashion to road traffic speed cameras in as much when a breach is seen penalty points are automatically issued.

Officers Observations

9. Over the last month the penalty points system has been used to good effect and about 50 points have been issued over that period.

10. Over this time it has been noted that the standard of the vehicles has improved considerably and certainly externally it is rare to see a vehicle that does not comply with the conditions.
11. The system has substantial resource savings for the Licensing Authority and is the most effective system of dealing with minor breaches, whilst still retaining the option to take more formal action.
12. In addition the accumulation of points over a period of time ensures that the licensed person is brought back before the Regulatory Committee to be dealt with fairly.
13. No complaints have been received in respect of the system other than for drivers/operators/proprietors that have been issued with penalty points.

Options

14. The options available to the Regulatory Committee are: -
 - that the penalty point scheme should remain
 - that the penalty point scheme should be dispensed with
 - or to reach some other decision.

RECOMMENDATION

That the amended penalty points system before the Regulatory Committee be adopted on a permanent basis.