

**Public**

## **HUNTINGDONSHIRE DISTRICT COUNCIL**

<b>Title/Subject Matter:</b>	Licensing - Penalty Points System
<b>Meeting/Date:</b>	Licensing and Protection Committee – 30 June 2021
<b>Executive Portfolio:</b>	Executive Councillor for Leisure and Regulatory Services – Councillor Keith Prentice
<b>Report by:</b>	Myles Bebbington – Acting Operational Manager (Business)
<b>Ward(s) affected:</b>	All.

---

### **Executive Summary:**

To approve a draft taxi and private hire penalty points scheme as part of the overall licensing policy for public consultation. The cost of consultation and implementing the policy will be financed from receipt of licence fees.

The draft penalty points scheme relates to the proposed introduction of scheme to as part of our Taxi licensing policy in the proportionate and transparent enforcement of hackney carriage and private hire licensing. The report requests authorisation for a public consultation as part of the 3 yearly review of the overarching taxi licensing policy with licensees and public and to consider the outcome of the consultation exercise in due course.

Following a consultation, a further report will be presented for final comments and decision of the draft, This proposal supports the recently issued Department for Transport Statutory Guidance issued in 2020. It provides an opportunity to further enhance the current policy adopted in 2018 by ensuring enforcement is consistent, proportionate and understood by all aimed to raise standards. This consultation which will commence on 2<sup>nd</sup> July 2021 and end on 17<sup>th</sup> September 2021 .A draft of the document to be consulted on is attached as appendix A and seeks the recommendation for approval of the consultation.

The main change to the current policy is the introduction of a penalty points system aimed to address lower level enforcement functions where suspension and/or revocation is not deemed proportionate to the severity of the offence

Once the consultation is complete a further report will be submitted detailing the responses and any subsequent recommendations to amend the policy after consultation.

If approved by the Committee the final policy will be adopted no later than 1<sup>st</sup> January 2022

The costs of reviewing the statement will be set against the income from the application and annual licence fees received.

## **RECOMMENDATIONS:**

It is **RECOMMENDED** that:

- 1. Members approve the draft penalty points scheme for public consultation, attached as an appendix to the report.**
- 2. The Head of Community be authorised to make any amendments to the draft policy that are considered necessary as a result of any comments received from the public consultation exercise, or arising from any further legislation or guidance received during the drafting period.**
- 3. The revised final draft is put before the Licensing and Protection Committee in for approval, with a view to implementation with effect by no later than 1st January 2022.**

## **1. PURPOSE OF THE REPORT**

- 1.1 The Council has a duty to provide a safe and secure taxi service to the public which provides value for money. Between 1 April 2015 and 31 March 2017, the number of drivers and vehicles licensed within the district increased by 31% and 17% respectively. This increase prompted the introduction of a Taxi Licensing Policy and associated conditions under one overarching policy introduced in 2019. As part of that policy it was determined that a review should take place as required or every Three years.
- 1.2 All policies, processes and procedures will be fully transparent and available to view online. A policy, once introduced, may need regular updating to reflect changes, but will provide a customer focused and readily available service for the trade and the public
- 1.3 The purpose of this report is to invite Members to recommend the approval of the draft document, for public consultation.

## **2. WHY IS THIS REPORT NECESSARY/BACKGROUND**

- 2.1 The introduction of a penalty points scheme if adopted would be more effective against those drivers, operators and proprietors who see fit to ignore their responsibilities in relation to the conditions attached their licences and legislation
- 2.2 The System involves penalty points being issued for minor offences to a licensee. When the licensee has accrued a maximum set for minor breaches of law and conditions, he or she would be subject to formal

disciplinary procedures which may include suspension, revocation or referral to Licensing and Protection Sub Committee.

2.3 Serious offences in respect of breaches of enactments or conditions would remain liable to prosecution and would be dealt with in accordance with the current scheme of delegations.

2.4 Full details of the Penalty Points Scheme can be found at Appendix A

### **3. OPTIONS CONSIDERED/ANALYSIS**

3.1 Whilst there is no statutory requirement to adopt a penalty points scheme, best practice via the Department for Transport recommends that authorities should have a scheme to ensure transparency and consistency.

### **4. KEY IMPACTS / RISKS**

4.1 We have a duty to implement government statutory guidance in adopting a taxi licensing policy, failure to do so may lead to legal challenge.

4.2 Policy and procedures provide evidence of our stance on taxi and private hire matters. Any policy will be transparent, will aid consistency of practice and will be available to the public.

### **5. WHAT ACTIONS WILL BE TAKEN/TIMETABLE FOR IMPLEMENTATION**

5.1 Public consultation and engagement with the trade will be undertaken between 2 July 2021 and 17 September 2021.

5.2 A further draft penalty points system will then be drawn up, taking into account all responses submitted within the consultation period and a revised policy will be presented to the Licensing and Protection Committee for approval

5.3 It is proposed that implementation of the policy/proposals will take effect no later than 1<sup>st</sup> January 2022.

### **6. LINK TO THE CORPORATE PLAN, STRATEGIC PRIORITIES AND/OR CORPORATE OBJECTIVES**

6.1 This Policy helps promote the following-

- Helping make Huntingdonshire a better place to live
- Helping make Huntingdonshire a better place to work
- Create, protect and enhance our safe, clean and green environment
- Supporting new and growing businesses.

### **7. CONSULTATION**

- 7.1 Before determining this proposal legislation requires the licensing authority to consult widely. This will include licensed drivers vehicle proprietors and operators, police, general public and neighbouring authorities.
- 7.2 The consultation will take place between 2 July 2021 and 17 September 2021 in accordance with Cabinet Office guidelines. Consultation will be by a variety of means, including our website, and council offices and direct notification to as many interested parties as possible.
- 7.3 It is important that the views of the consultees are taken into account as part of the consultation and these will be collated and made available to the committee as part of any re-drafting of the revised statement recommended for approval.
- 7.4 It is for the Licensing Authority to ensure that it looks at the views of consultees in considering whether they should be taken into account and to what extent. Where they cannot be given consideration, reasons will be recorded.

## **8. LEGAL IMPLICATIONS**

- 8.1 Legal implications may arise as a result of non-compliance with legislation, leaving us open to challenge and the possibility of costs being awarded against the Council. An overarching policy will clearly state the way in which the Council will undertake its statutory duties.

## **9. RESOURCE IMPLICATIONS**

- 9.1 The cost of implementing the policy is covered from fees income generated under the relevant legislation.

## **10. OTHER IMPLICATIONS**

- 10.1 No other implications are envisaged. The legislation sets out four licensing objectives to be followed and provides a number of checks and balances to protect the local environment and community.

## **11. REASONS FOR THE RECOMMENDED DECISIONS**

- 11.1 The actions proposed will continue to define and determine our position within the market going forward and will provide an easily accessible overarching document setting out our policy on taxi matters.

## **12. LIST OF APPENDICES INCLUDED**

Appendix A – Draft Penalty Points Scheme

## **13. BACKGROUND PAPERS**

Department for Transport Statutory Guidance

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/928583/statutory-taxi-and-private-hire-vehicle-standards-english.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/928583/statutory-taxi-and-private-hire-vehicle-standards-english.pdf)

**CONTACT OFFICER**

Myles Bebbington Acting Operational Manager (Business)  
Email: Myles.Bebbington@huntingdonshire.gov.uk