

Public
Key Decision - No

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter: Taxi Licensing Policy- Penalty Points System

Meeting/Date: Licensing and Protection Committee – 10 November 2021

Executive Portfolio: Executive Councillor for Leisure and Regulatory Services – Cllr K Prentice

Report by: Finlay Flett, Operational Manager (People)

Ward(s) affected: All or list individual Ward(s)

Executive Summary:

To approve a draft taxi and private hire penalty points scheme as part of the overall licensing policy. 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 be included as Annex 8 of our Taxi licensing policy, contributing to the proportionate and transparent enforcement of hackney carriage and private hire licensing. This report follows a public consultation as part of the 3 yearly review of the overarching taxi licensing policy with licensees and public.

Following a consultation this report seeks final comments and approval of the draft scheme. 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 commenced on 19th July 202 and ended on 8th October 2021. A final draft of the document is attached as Appendix A and seeks the approval and implementation to the overarching licensing policy.

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

If approved by the Committee the scheme will be adopted no later than 1st 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 Appendix 1 for adoption and inclusion to the main Taxi Licensing Policy as Annex 8.**
- 2. The Operational Manager (People) be authorised to make any minor amendments to the policy that are considered necessary as a result of any further legislation or guidance received during the policy period.**

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 are fully transparent and available to view on line. 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 adoption.

2. WHY IS THIS REPORT NECESSARY/BACKGROUND

- 2.1 The introduction of a penalty points scheme would be more effective against those drivers, operators and proprietors who see fit to ignore their general 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 1

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 was undertaken between 19 July 2021 and 8 October 2021. The consultation was available at our Council offices and was publicised via our social media, website and direct posting to all license holders, Police, Neighbouring authorities, County Council, councillors and Parish Councils.
- 5.2 A final draft penalty points system has been drawn up, taking into account all responses submitted within the consultation period for the Licensing and Protection Committee to consider, rejecting, amending or approve
- 5.3 It is proposed that implementation of the policy/proposals will take effect no later than 1st 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 included licensed drivers vehicle proprietors and operators, police, general public and neighbouring authorities, County Council, Councillors and Parish Councils.
- 7.2 The consultation took place between 19th July 2021 and 8th October 2021 in accordance with Cabinet Office guidelines. Consultation was by a

variety of means, including our website, and council offices and direct notification to as many interested parties as possible.

7.3 This consultation received no comments.

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. Legislation 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

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