



REPORT TO:	Licensing Committee
DATE:	24 th September 2014
LEAD OFFICER:	Head of Planning and Public Protection
CONTACT OFFICER:	Senior Technical Officer (Licensing) licensing@denbighshire.gov.uk 01824 706451
SUBJECT:	Proposed amended Penalty Point Policy and Procedure

1. PURPOSE OF THE REPORT

1.2 To present, to Members, an amended Penalty Point Policy and procedure for their consideration.

2. EXECUTIVE SUMMARY

2.1 For Members to consider approving an amended penalty point policy and procedure to secure further improvement in standards for Hackney Carriage Proprietors, Drivers and Vehicles and Private Hire Operators, Drivers and Vehicles.

3. BACKGROUND INFORMATION

3.1 Members will be aware that Officers presented a revised Penalty Point Policy and Procedure at the last Committee meeting in June (minutes of the meeting can be found within your committee papers). In light of the concerns raised by the taxi trade and low response to consultation members felt the proposals required further detailed consideration before a final policy was approved.

3.2 Members therefore resolved to convene a special meeting to consider the Penalty Point Scheme and Procedure, in detail, taking into account the views of the taxi and private hire trade. It was also suggested by one Member that this matter could be scheduled into the next diarized Committee in September.

3.3 Since the last meeting in June, Officers have reviewed the Penalty Point Policy and Procedure, together with list of breaches/infringements and have made some minor changes ie recalculated the amount of points and reduced the number of breaches by grouping together some breach

where appropriate. To support the inclusion of each breach within the Policy, Officers have also added justifications for each breach.

- 3.4 The views of licence holders were also taken into account following a recent workshop with Members and licence holders.
- 3.5 For Members information the main revised policy and procedure has not changed since Officers presented it in June. The only changes have been made to the appendix (list of breaches/infringements).
- 3.6 Members may recall that one of the Officer recommendations (within the June 2014 report) was to amend the scheme to run over a 12 month period rather than 24 months. The reasons for this recommendation was the trade felt it was unfair as there would be a higher risk that licence holders would be referred to committee and face further sanctions.
- 3.7 Officers would now suggest that this recommendation is retracted as having reviewed the scheme, along with Members and trade representatives, it was acknowledged that the most effective cycle would be one of 24 months and the points have been imposed appropriately for the scheme to be at its most effective.
- 3.8 The proposed revised Penalty Point Policy and Procedure (along with list of breaches/infringements) can be found at Appendix A.
- 3.9 If Members were minded to approve the Penalty Point Policy and Procedure, a grace period of one month would be sought from implementing the scheme to issuing penalty points. During this period Officers would provide advice and guidance to licence holders who commit a breach/infringement under the proposed policy.

4. **CONSULTATION**

- 4.1 A further two week consultation on the revised Penalty Point Policy and Procedure has taken place with all licence holders. Members will be aware that they were also included in that consultation.
- 4.2 As a result of the further consultation, Officers received one written representation, which can be found at Appendix B (the contents of the representations were discussed at length at the workshop and the amendments have been made accordingly)
- 4.3 Following the consultation, Officers invited any interested licence holders to a workshop on the 24th July 2014, to discuss the Penalty Point Policy and Procedure in detail. Members were also invited to the workshop

- 4.4 For Members information, three Operators attended the workshop along with four Members.
- 4.5 During the workshop each breach/infringement was discussed at length along with the proposed penalty points to be imposed. Where it was felt necessary to amend the proposed penalty points the decision to amend was, in most cases, taken unanimously.

5. **RECOMMENDATION**

- 5.1 For Members to consider approving the revised Penalty Point Policy and Procedure found at Appendix A, and in doing so agree to replacing the existing Penalty Point Scheme currently found in the “Blue Book”.
- 5.2 To implement the scheme from the 1st November 2014, with a grace period of one month before enforcement of the scheme is introduced.