

7. Update to Licensing Committee Following Introduction of Penalty Points Scheme and 10 Year Restriction on Licensing of Taxi and Private Hire Vehicles

REPORT OF: Head of Housing, Environmental Health & Building Control

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Wards Affected: All

Key Decision No

Purpose of Report

- 1 To advise and update the Licensing Committee following recent changes to the Taxi Licensing Policy, published on the Council's website, regarding the introduction of the Penalty Points Scheme for licensed drivers and operators and the restriction on licensing of vehicles over ten years old.

Summary

- 2 The Penalty Points scheme for drivers and operators was introduced on the 1st April 2017 to encourage compliance with Licensing Conditions and Legislation. Since its inception eighteen drivers have been penalised under the scheme.
- 3 With effect from 1st October 2017 the council will not licence Taxi and Private Hire vehicles over ten years old.

Recommendations

- 4 **This report is for information purposes only.**
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Background

Penalty Points Scheme

- 5 The Penalty Points scheme was introduced on the 1st April 2017 to encourage compliance with Licensing Conditions and Legislation. In general terms it has been well received by the Trade. To date there have been eighteen incidents which have resulted in points being issued.
- 6 The matters that these have related to have included failure to display door signs, failure to display licence plate, failure to be in possession of or display drivers badge, failure to inform the Licensing Department of damage caused to a licensed vehicle, change of address, failure to behave in an orderly manner and vehicle having a very dirty interior.

- 7 Only one driver has received points on more than one occasion. He currently has six points.
- 8 Currently the highest number of points issued for a single incident is seven. This was for multiple issues found when a vehicle was inspected during compliance checks on district. The average number of points issued is three.
- 9 Drivers do have the right of appeal to the Licensing Sub A Committee if they disagree with points being issued. To date none of the drivers have exercised this right.
- 10 Currently when a driver attends the Licensing Sub A Committee they may have their licence revoked, suspended or a specific condition added to their licence. Any sanctions imposed can be appealed to the Magistrates Court.
- 11 There has been the suggestion that the Penalty Point Scheme could be extended to allow Licensing Sub A to also apply points, this would mean that the driver's right of appeal would go straight to the Magistrates Court. Instead Members could apply specific conditions to a drivers licence for cases where on balance Members considered that the spirit of the regulations has been breached if not a full technical breach. This will show that we can demonstrate a separation between the officer operational work and the policy makers who are the Members, whilst meeting the open and transparency requirements. The Penalty Point Schemes operating elsewhere in the country is only used by licensing officers at part of their compliance checks.
- 12 A further report will be brought to the Committee on the penalty point scheme in 12 months time.

Vehicle Age Restriction Policy

- 13 When the Taxi policy was amended in October 2012 it was decided that there would be a ten year age restriction on licensed vehicles. This age restriction started from the 1st October 2017.
- 14 Applications to licence vehicles over 10 years old must be considered by the Council notwithstanding the policy. If vehicle proprietors disagree with the refusal of the Licensing Team to renew such licences (in accordance with the policy) they have the right to appear before Licensing Sub A Committee who will consider their representations.
- 15 One proprietor has appeared before the Licensing Committee applying to renew a licence on a vehicle over ten years old. This application was unsuccessful and the proprietor did not appeal the Committee's decision at the Magistrates Court.
- 16 Three Private Hire vehicle licences have not been renewed or transferred to a newer vehicle since the introduction of this policy.
- 17 Currently 74% of Hackney carriage vehicles are under 8 years old and 78.6% of Private Hire vehicles are under 8 years old. The older vehicles in the fleet are being taken out of service by their owners prior to the licence renewal dates.

- 18 In May 2017, prior to the Policy taking effect, the situation was that only 47.4% of Hackney carriage vehicles were under 8 years old and 55.3% of Private Hire vehicles were under 8 years old.
- 19 Poor air quality as a result of vehicle emissions is now a matter of public concern and the vehicle age restriction is an initial step to meet those concerns

Background papers

- 20 Mid Sussex District Council Taxi Licensing Policy
<http://www.midsussex.gov.uk/media/80110/taxi-licensing-policy-1st-october-2017.pdf>