



**Proposed Private Hire & Hackney Carriage Licensing Penalty Points Scheme**

**Rochdale MBC Licensing**

 **November 2013**

1. Introduction

1.1 Hackney Carriage and Private Hire Operators, Drivers and Vehicles are principally governed by the Local Government (Miscellaneous Provisions) Act 1976, Town Police Clauses Act 1847, Council’s Byelaws and the Rules, Regulations and Conditions set by the Council Cabinet/Committee.

1.2 Without prejudice to any other course of action or remedy available to the Council, the Penalty Points Scheme is to be used by the Council to deal with breaches, infringements of legislation and/or unacceptable behaviour committed by those licensed as Private Hire Drivers, Hackney Carriage Drivers, Vehicle Proprietors and Private Hire Operators.

2. Purpose of the Scheme

2.1 The Council’s key responsibility under the licensing legislation is to ensure that only fit and proper persons become and remain as hackney carriage or Private Hire Drivers or Operators. This is to ensure the safety of those using these services and the public in general. The Penalty Points Scheme is designed to identify those drivers, vehicle proprietors or operators who repeatedly behave in a manner which, if taken as a whole, indicates that they are not fit and proper persons to hold a licence.

2.2 Essentially, the Penalty Points Scheme intends to record misdemeanours and to act as a record of driver’s behaviour and conduct to ascertain whether a person is fit and proper to hold the relevant licence.

2.3 The Penalty Point Scheme is also to work in conjunction with other enforcement options. It provides a formalised stepped enforcement plan. It intends to improve the level of compliance and intends to help improve the standards, safety and protection of not only of the licensed drivers/ persons, but also the travelling members of the public, safeguarding their welfare and interests.

3. Operation of the Scheme

3.1 Should Operators, Drivers or Proprietors of Vehicles commit an offence or breach those rules, regulations or conditions of licence, persons involved will be interviewed and then once investigations are completed, notice/letters will be sent detailing the outcome and a permanent record kept on the persons file. The outcome of investigations may result in no further action being taken, penalty points being awarded, a formal warning, referral to the Licensing Panel and/or prosecution.

3.2 Complaints from the public concerning significant breaches of conduct will be subject to investigation by Officers and may be reported to the Licensing Panel for the issue of discretionary points.

3.3 Penalty points remain for twelve months. The period is on a roll forward basis, so as to allow any older points to be considered as spent and therefore excluded from the running total recorded against any individual licensee.

3.4 Where a licensee accumulates 12 or more penalty points in any 12 month period, the matter will be referred to the Council’s Licensing Panel for the Panel to decide whether the driver is a fit and proper person.The Licensing Panel may then issue a warning to the Licensee or impose other sanctions such as the suspension or revocation of a licence, depending upon the circumstances. Periods of suspension of a licence by a Panel will be dependent on the nature of the breaches of the legislation/conditions and the compliance history of the individual.

3.5 Penalty Points will remain current for 12 months from the date the penalty points were issued. Points issued to either the proprietor of a vehicle or a driver or the operator will be confirmed in writing within 10 working days from the discovery of the contravention.

3.6 The system will operate without prejudice to the Council’s ability to take other action that it is entitled to take under legislation, byelaws and regulations.

3.7 Any disputes regarding the issuing of penalty points will be referred to the Licensing Panel who will have the discretion to award a greater number of points than displayed on the tariff, if the complaint is upheld. The licensee must appeal any points issued by Officers to the Licensing Panel within 21 clear days from the date the penalty points were issued.

3.8 If points are issued to a proprietor/driver for a matter which is also a criminal offence, e.g. bald tyres, not wearing a badge etc, those person(s) will not then be the subject of a prosecution by the Council.

4. Future Changes to the Scheme

4.1 This Scheme may be subject to changes. In particular, the infringements dealt with may be added to or deleted. The number of points that an infringement attracts may also be changed. The Licensing Service Manager has authority to make such changes, in consultation with the Council’s Cabinet/Committee.