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AGENDA

GENERAL LICENSING COMMITTEE MEETING

Date: Wednesday, 8 July 2015

Time: 7.00 pm

Venue: Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT

Membership:

Councillors Tina Booth, Lloyd Bowen, Roger Clark, Paul Fleming, June Garrad, Lesley Ingham (Chairman), Prescott (Vice-Chairman), Ben Stokes, Anita Walker and Ghlin Whelan

Quorum = 3

Pages

1. Apologies for Absence and Confirmation of Substitutes

2. Minutes

To approve the Minutes of the Meeting held on 27 January 2015 (Minute Nos. 447 - 451) as a correct record.

3. Public Session

The Council operates a scheme of public speaking at meetings of the General Licensing Committee. Requests to speak at the meeting must be registered with Democratic Services by 4.30pm on Friday 3 July 2015 and must be related to an item on the agenda. Each speaker has a maximum of three minutes to speak.

4. Declarations of Interest

Councillors should not act or take decisions in order to gain financial or other material benefits for themselves or their spouse, civil partner or person with whom they are living with as a spouse or civil partner. They must declare and resolve any interests and relationships.

The Chairman will ask Members if they have any interests to declare in respect of items on this agenda, under the following headings:

(a) Disclosable Pecuniary Interests (DPI) under the Localism Act 2011. The nature as well as the existence of any such interest must be declared. After declaring a DPI, the Member must leave the meeting and not take part in the discussion or vote. This applies even if there is provision for public speaking.

(b) Disclosable Non Pecuniary (DNPI) under the Code of Conduct adopted by the Council in May 2012. The nature as well as the existence of any such interest must be declared. After declaring a DNPI interest,

the Member may stay, speak and vote on the matter.

Advice to Members: If any Councillor has any doubt about the existence or nature of any DPI or DNPI which he/she may have in any item on this agenda, he/she should seek advice from the Director of Corporate Services as Monitoring Officer, the Head of Legal or from other Solicitors in Legal Services as early as possible, and in advance of the Meeting.

Part B Report for the General Licensing Committee to decide

5. Proposed Revisions to Penalty Points Scoring

1 - 6

Issued on Monday, 29 June 2015

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact DEMOCRATIC SERVICES on 01795 417330**. To find out more about the work of this Committee, please visit www.swale.gov.uk

Corporate Services Director, Swale Borough Council,
Swale House, East Street, Sittingbourne, Kent, ME10 3HT

General Licensing Committee	
Meeting Date	8 July 2015
Report Title	Proposed revisions to penalty points scoring
Cabinet Member	Cllr Ken Pugh, Cabinet Member for Community Safety & Health
SMT Lead	Dave Thomas
Head of Service	Dave Thomas
Lead Officer	Ian MacKenzie
Key Decision	No
Classification	Open
Forward Plan	Reference number: N/A
Recommendations	1. That the proposed revisions to the penalty points scoring are approved.

1 Purpose of Report and Executive Summary

- 1.1 As part of the ongoing review and management of the Hackney Carriage and Private Hire service, revisions to the number of penalty points awarded for infringements of the Councils Local Conditions are recommended.
- 1.2 The purpose of the revisions is to ensure the system is up to date and fit for purpose, in offering a deterrent to discourage drivers and operators from adopting poor practices and ensuring the level of service provided to the public is of a high standard.
- 1.3 The current points system was last reviewed in full by the Hackney Carriage and Private Hire Vehicles Committee in February 2011.

2 Background

- 2.1 There are currently twenty one potential infringements listed, with penalty points ranging from two points to six for individual infringements.
- 2.2 If a driver “accrues” twelve points or more in a three year period, they will be summoned to meet the Licensing Committee for a decision to be taken as to whether or not their Hackney Carriage/Private Hire Licence should be suspended for a period of time.

- 2.3 The system works well in maintaining standards and encourages drivers and operators to provide a high level of service. The system acts as an “early warning” to drivers and operators who are failing to meet the required standards.
- 2.4 Three drivers have accumulated more than twelve points in the last three years and have been brought in to the Licensing Committee for appropriate sanctions to be taken.
- 2.5 It is important to keep the system up to date and ensure the points for individual breaches reflect the severity of the infringement. Having reviewed the current points system, the Hackney Carriage Inspector has proposed the changes identified in the table at **Appendix I**.
- 2.6 The proposed points are designed to reflect the severity of individual infringements and the Council’s responsibility for maintaining standards within the industry locally.

3 Proposals

- 3.1 The proposal is to amend the changes identified in **Appendix I**.

4 Alternative Options

- 4.1 The alternative option would be to keep the points at the current level. This option is not recommended as that would not bring the scoring system up to date and proportionate to the potential infringements.

5 Consultation Undertaken or Proposed

- 5.1 Representatives of local drivers and operators were advised at the Liaison Meeting on 24th June 2015, that revisions to the scoring are to be presented to the General Licensing Committee. No objections were received.

6 Implications

Issue	Implications
Corporate Plan	Supports A Borough To Be proud Of and A Community To Be Proud Of.
Financial, Resource and Property	None identified at this stage

Legal and Statutory	Enforcement of the licensing conditions is undertaken under the Council By-laws, Local Government (Miscellaneous provision) Act 1976, Town Police Clauses Act 1847 and other statutory requirements which support the list of contraventions listed in the report.
Crime and Disorder	No specific implications. However the Hackney Carriages and Private Hire service supports the night time economy and maintaining standards is an important aspect of the Borough Council's function.
Sustainability	Hackney carriages play an important role in the provision of public transport in the Borough and provide a positive impact to sustainable transport for the Borough.
Health and Wellbeing	None identified at this time.
Risk Management and Health and Safety	None identified at this time.
Equality and Diversity	None identified at this time.

7 Appendices

7.1 The following documents are to be published with this report and form part of the report:

- **Appendix I: Penalty Points Table**

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Appendix I

BREACHES	PENALTY POINTS	Possible Amended Points
Carrying more passengers than permitted by the vehicle licence	4	
Code of Conduct	4	6
Display of flags and other promotional material	3	
Failure to comply with the dress code	6	
Failure to convey or assist with carrying luggage	3	
Failure to wear a badge in such a position as is clearly visible	4	6
Failure to move up on a taxi rank (HC)	3	4
Failure to notify the Council of change of address within 7 days	2	
Failure to set meter	3	
False declaration on application/renewal of licence	6	
Handheld use of mobile phone while driving	6	
Illegally plying for hire	6	
Interfering with a taximeter	6	9
Obstruction of authorised officer	3	6
Overcharging (HC)	4	6
Over ranking at a taxi rank (HC)	3	
Refusal to carry passengers without reasonable excuse (HC)	4	6
Smoking or failing to prevent smoking in licensed vehicle	6	
If a passenger	3	
Sounding horn while stationary	3	
Unattended vehicle on taxi rank (HC)	2	
Unnecessarily prolonged journey	4	6

(HC) Hackney Carriage only

All other offences will be dealt with according to the regulations

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