

General Licensing Committee		Agenda Item: 5
Meeting Date	27 January 2015	
Report Title	Proposed minor changes to Local Conditions	
Cabinet Member	Cllr Kenneth Pugh, Cabinet Member for Community Safety and Health	
SMT Lead	Brian Planner	
Head of Service	Brian Planner	
Lead Officer	Ian Mackenzie	
Key Decision	No	
Classification	Open	
Forward Plan	Reference number: N/A	
Recommendations	<ol style="list-style-type: none"> 1. That the penalty points for the handheld use of a mobile phone while driving are increased from 3 to 6 penalty points. 2. That a minimum size of a Top Sign of 400mm (16 inches) is included in the conditions. 	

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 there are a few minor changes that are recommended to the Local Conditions to help maintain the quality of the service.

2 Background

- 2.1 A number of revisions to the Licensing Policy and Local Conditions were considered and agreed at a meeting of this Committee in July 2014. Through applying the conditions there a few further amendments that are recommended to meet the changing needs and maintain the quality of the service. These proposed changes were discussed at the operators liaison meeting on 7th January.

3 Proposal

Review of Penalty Points

- 3.1 The Council has adopted a penalty points scheme as an effective means of applying the conditions at a local level. This acts as a first step in ensuring compliance with the conditions, and serves as an “early warning” system to drivers and owners or operators who see fit to ignore their responsibilities or fail to meet the requirements of the conditions. Points are accumulated on a sliding scale dependent upon the type of offence or breach of licence conditions. These penalty points then remain "live" for a period of three years from the date they are imposed so that only points accumulated in, for example, a rolling 36 months period are taken into account. If a driver, proprietor or operator accumulates, for example, twelve or more points within a period of three years from the date they are imposed, he/she would then be brought before the Licensing Committee who would have a range of penalty options open to them, depending on the circumstances.
- 3.2 The penalty point system has worked well in helping to maintain standards with the Hackney Carriage Inspector being able to issue points for breaching the conditions and some drivers having accrued 12 or more points have come before the Licensing Committee.
- 3.3 A copy of the list of breaches and associated penalty points is attached as Appendix 1.
- 3.4 A particular breach that the Hackney Carriage Inspector is concerned happens too often is the handheld use of a mobile phone while driving. At present this breach would accrue 3 penalty points. To act as a further deterrent it is recommended that this breach is increased to 6 penalty points.

Top Signs

- 3.5 Under the current conditions the location of the top sign and the wording that it may contain are specified. However, the size of the top sign is not specified with the result that some are small and not easily viewed.
- 3.6 It is therefore proposed that a minimum size of 400mm (16 inches) is included in the conditions. The operators present at the liaison meeting considered this a sensible requirement.

4 Alternative Options

- 4.1 An alternative option would be to make no amendments to the existing conditions which could lead to problems with enforcement and ensuring a safe and effective Hackney Carriage and Private Hire service.

5 Consultation Undertaken or Proposed

- 5.1 Consultation has been undertaken with operators at a Liaison meeting held on 7th January 2014. In addition copies of this committee report are sent to all operators.

6 Implications

Issue	Implications
Corporate Plan	Contributes to the overall priority of making swale a better place.
Financial, Resource and Property	None identified at this stage.
Legal and Statutory	Any increase in the hackney carriage fare structure would need to be advertised in local newspapers for setting out the procedure and period for objections.
Crime and Disorder	No particular implications although the Hackney Carriage and Private Hire service supports the night time economy.
Sustainability	Hackney Carriages play an important role in the provision of public transport in the Borough and provide a positive impact to sustainable transport.
Health and Wellbeing	None identified at this stage.
Risk Management and Health and Safety	None identified at this stage.
Equality and Diversity	None identified at this stage.

7 Appendices

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

- Appendix 1: Penalty Points Table.

8 Background Papers

None.

Appendix 1

BREACHES	PENALTY POINTS
Carrying more passengers than permitted by the vehicle licence	4
Code of Conduct	4
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 display badge in such a position as is clearly visible	4
Failure to move up on a taxi rank (HC)	3
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	3
Illegally plying for hire	6
Interfering with a taximeter	6
Obstruction of authorised officer	3
Overcharging (HC)	4
Over ranking at a taxi rank (HC)	3
Refusal to carry passengers without reasonable excuse (HC)	4
Smoking or failing to prevent smoking in licensed vehicle If a passenger	6 3
Sounding horn while stationary	3
Unattended vehicle on taxi rank (HC)	2
Unnecessarily prolonged journey	4

(HC) Hackney Carriage only

All other offences will be dealt with according to the regulations