



## Licensing Committee

at 6.30pm on Tuesday, 1 October 2019

in the Belle Vue Suite at the Belle Vue Square Offices, Skipton

**Committee Members: The Chairman (Councillor Myers) and Councillors Handley, Heseltine, Ireton, Jaquin, Madeley, Moorby, Metcalfe, Mulligan, Pighills, Solloway and Whitaker.**

### AGENDA

1. **Apologies for absence**
2. **Confirmation of Minutes** of meeting held on 11<sup>th</sup> June 2019.
3. **Public Participation** – In the event that any questions/statements are received or members of the public attend, the public participation session will proceed for a period of up to fifteen minutes.
4. **Declarations of Interest** – All Members are invited to declare at this point any interests they have in items appearing on this agenda, including the nature of those interests.

(Note: Declarations should be in the form of:

a “***disclosable pecuniary interest***” under Appendix A to the Council’s Code of Conduct, or “***other interests***” under Appendix B or under Paragraph 15 where a matter arises at the meeting which relates to a financial interest of a friend, relative or close associate.

A Member of Council who has a disclosable pecuniary interest must leave the room and not take part in the discussion or vote. When declaring interests under Appendix B or Paragraph 15 of the Code, Members must move to the public seating area, not vote, and speak only if members of the public are also allowed to speak at the meeting.)

5. **Vehicle Testing** – Report of the Licensing Manager. Attached.  
  
Purpose of Report – To provide members with an update of the progress with current vehicle testing tendering progress.
6. **Taxi Licensing Policy – Review of Penalty Points Scheme** – Report of the Licensing Manager. Attached.  
  
Purpose of Report – To provide Members with an update on the implementations of the Penalty Points Scheme for taxi drivers & vehicles and request amendments to the Scheme
7. **CCTV in Vehicles**– Report of the Licensing Manager. Attached.

Purpose of Report – To provide Members with an update of the progress in implementing the CCTV in vehicles policy.

8. Any other items which the Chairman decides are urgent in accordance with Section 100B(4) of the Local Government Act, 1972.

**Agenda Contact Officer:**

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23 September 2019

If you would like this agenda or any of the reports listed in a way which is better for you, please telephone (01756) 706494.

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- (i) the recording being conducted with the full knowledge of the Chairman of the meeting; and
- (ii) compliance with the Council's protocol on audio/visual recording and photography at meetings, a copy of which is available on request. Anyone wishing to record must contact the Agenda Contact Officer (details above) prior to the start of the meeting. Any recording must be conducted openly and not disrupt proceedings.

**Emergency Evacuation Procedure**

In case of an emergency or if the alarm sounds, leave the committee room and leave the building using the nearest available door. The assembly point is in the main square at the front entrance. An officer will take a roll call at that point. Please do not leave without telling the Chairman or the Democratic Services Section's representative.

## **LICENSING COMMITTEE**

11<sup>th</sup> June 2019

**Present** – Councillors Myers (Chairman), Handley, Heseltine, Ireton, Madeley, Metcalfe, Moorby, Pighills, Solloway and Whitaker.

**Officers** – Solicitor to the Council, Licensing Manager and Senior Democratic Services Officer.

Apologies for absence were received from Councillors Jaquin and Mulligan.

Start: 6.30pm

Finish: 7:35pm

The minutes of the Committee's meeting held on 22<sup>nd</sup> January 2019 were confirmed and signed by the Chairman.

**Matters Arising** – The Licensing Manager updated Members on the progress with the implementation of CCTV in vehicles and the daily check sheet. The specification for CCTV cameras was available to view on-line and the daily check sheet was almost ready to be issued to drivers. A programme of communication with the trade would be launched nearer the implementation date for CCTV in vehicles.

### **Minutes for Report**

LIC.222

### **PUBLIC PARTICIPATION**

On behalf of Peter Cunningham, from the Community Cohesion Team at North Yorkshire County Council, the Solicitor to the Council informed Members that the County had been working with the Craven Taxi Association to produce a questionnaire for the District's drivers. The questionnaire could be completed anonymously and it sought to gather information about potential abuse and prejudiced based incidents that taxi drivers had been subjected to. An update on the findings would be provided in due course.

LIC.223

### **LICENSING COMMITTEE WORK PROGRAMME**

The Licensing Manager submitted a report presenting a suggested work programme for the Licensing Committee from June 2019 to April 2020.

During the debate Members discussed the monopoly that one garage had in the District being responsible for all the testing of licensed vehicles and asked that a review of the current arrangements was carried out as soon as practicable. The taxi trade had been asking for some time that the domination of one garage ended as it was causing them problems in getting their vehicles tested in a timely manner. In the interim, the Solicitor to the Council indicated that a Service Level Agreement was being developed to ensure a commitment by the current service provider to meet certain standards set by the Council.

**Resolved** – (1) That, the work programme is endorsed subject to the following additions for January 2020:

- (a) review of taxi fees; and
- (b) options to increase the number of licensed accessible vehicles in Craven.

LIC.224

**LICENSING ENFORCEMENT AND COMPLIANCE MONITORING**

The Licensing Manager submitted a report providing Members with an overview of enforcement and compliance monitoring that had been carried out from 1<sup>st</sup> April 2018 to 31<sup>st</sup> March 2019. The report also presented an enforcement / compliance timetable for 2019/2020.

Currently there were 176 Hackney Carriages, 18 Private Hire Vehicles and 13 Private Hire Operators in Craven. To ensure compliance with the Council's licensing conditions, the Licensing Team had carried out 4 joint operations with North Yorkshire Road Traffic Police and 2 alongside the North Yorkshire School Integrated Passenger Team. This resulted in 83 inspections of vehicles as well as 10 out of town vehicles being stopped and inspected.

April 2019 saw the introduction of the Penalty Points Scheme and this would provide invaluable data whilst providing a stepped enforcement process for minor misdemeanours.

During 2018/19 there had been a total of 19 complaints received from members of the public: 8 regarding driving standards; 4 about fares; 2 about alleged mobile phone use whilst driving; and 5 concerning driver conduct.

As a result of compliance enforcement, there had been 20 cases brought before the Licensing and Appeals Sub-Committee for determination.

In relation to premises licenced under the Licensing Act 2003, there were currently 530 licensed premises and routine checks were undertaken to ensure compliance with licence conditions. Only a small number of complaints were received and these are generally related to noise nuisance.

The District had 3 gambling establishments (betting shops) and they were checked for compliance in 2017, the next scheduled enforcement check would be in 2020.

**Resolved** – (1) That, the report is noted.

(2) That, the draft licensing compliance monitoring and enforcement plan for 2019/20 is endorsed.

LIC.225

**PRIVATE HIRE OPERATORS' LICENCES**

The Licensing Manager submitted a report asking for Members' views on enforcing new Private Hire Operators' licence conditions which were approved last year. Licenses were issued for 1 or 5 years and some of those licenses were not due for renewal until September 2023. This had inadvertently resulted in some Private Hire Operators operating under the new conditions being disadvantaged against those still operating under the old conditions.

Under the new conditions Private Hire Operators were prevented from using Hackney Carriages and drivers licensed in areas other than Craven. This appeared to mainly affect school contracts where sometimes Private Hire Operators needed to use additional Hackney Carriages and/or drivers to fulfil their contract obligations. This created an unintentional but nevertheless un-level playing field until all Private Hire Operators were operating under the new conditions.

Members considered all the options open to them and it was

**Resolved** – (1) That, the condition for Private Hire Operators relating to not using non Craven licensed vehicles/drivers is not enforced until 1<sup>st</sup> October 2023.

LIC.226

**NATIONAL LICENSING MATTERS - UPDATE**

The Legal Services Manager submitted a report providing Members with a general update on national licensing matters.

**Resolved – (1)** That, the report is noted.

LIC.227

**ANY OTHER BUSINESS**

- a) The Chairman raised the issue that the Licensing Committee had previously given an undertaking to the taxi trade that the informal Taxi Liaison Group would be reinstated to discuss specific issues and concerns. Members agreed that the Chairman and Vice-Chairman should represent the Licensing Committee at these meetings which would be held on an ad-hoc basis.
- b) The Solicitor to the Council reminded Members about the need for new Members to undertake licensing training before they could sit on the Licensing and Appeals Sub-Committee. A training session with James Button had been arranged for 1<sup>st</sup> October 2019 to which all Licensing Committee Members were invited.

Chairman.

## Licensing Committee – 1<sup>st</sup> October 2019



### Vehicle Testing

#### Report of the Licensing Manager

Ward(s) affected: All

1. **Purpose of Report** – To provide members with an update of the progress with current vehicle testing tendering progress.
2. **Recommendations** – Members are recommended to note the report.
3. **Background**
  - 3.1 All licensed vehicles in Craven are required to be tested by an authorised testing station. All vehicles undergo an MOT test annually and an enhanced licensed vehicle check (ELVC). Vehicles aged over 3 years are subject to an additional ELVC every 6 months.
  - 3.2 Currently one testing station is authorised to carry out the required testing. A request has been made by the trade and members to review the testing situation and look at appointing additional testing stations.
4. **Report**
  - 4.1 In consultation with legal services and still ongoing a procurement process is being drawn up. This will then be sent out to garages to complete. With the aim of having additional stations appointed and carrying out testing by early 2020.
5. **Implications**
  - 5.1 **Financial Implications** – There are no financial implications arising directly from this report. Testing is cost neutral and funded by licensing fees.
  - 5.2 **Legal Implications** – Vehicle testing is an important function and public safety is of paramount importance when considering garages to carry out vehicle testing.
  - 5.3 **Contribution to Corporate Priorities** – Promoting the wellbeing of Craven's communities
  - 5.4 **Risk Management** –. None
  - 5.5 **Equality Impact Assessment** – The Council's Equality Impact Assessment has not been carried out.
- 6 **Consultations with Others** – Legal Services

7 **Access to Information : Background Documents** – None

8 **Author of the Report** – Tim Chadwick – Licensing Manager 01756 706257

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.



### **Hackney Carriage and Private Hire Driver Points Based Enforcement Scheme**

Points based enforcement is a method by which licensed drivers, operators or owners can be issued with points against their Council Licence by authorised officers of the Council. Points would be used for less serious breaches of licence conditions or legislation. The issuing of points formalises the previous practice of issuing warnings. The aim is to encourage licence holders to comply with all legislation, licence conditions and behave in an acceptable manner at all times, thereby improving the professionalism and reputation of the Hackney Carriage and Private Hire trade. The points system would operate in addition to all existing enforcement options and would have regard to the principles of the councils 'General Enforcement Policy'.

- 1.0 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, Councils Byelaws and the Rules, Regulations and Conditions set by the Licensing Committee.
- 2.0 Should operators, drivers or proprietors of vehicles commit an offence or breach those rules, regulations or conditions of licence, persons involved are asked to attend the offices for an interview, at which they have the full opportunity to state their case. Once investigations are completed, letters are sent out 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 and Appeals Sub Committee and /or prosecution.
- 3.0 The aim of a penalty point scheme is to work in conjunction with other enforcement options. It provides a formalised stepped enforcement plan. The purpose of the scheme is to record misdemeanours and to act as a record of drivers, vehicle proprietors and operator's behaviour and conduct so as to ascertain whether they are a fit and proper person. It does not prejudice the Council's ability to take other actions.
- 4.0 The primary objective of the penalty point scheme is to improve levels of compliance and help improve the standards, safety and protection of the travelling public.
- 5.0 Penalty points remain on the licensee's record for twelve months. The period is 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.

## Issue of Penalty Points

- 6.0 Complaints from the public concerning significant breaches of conduct will be subject to investigation by officers and may be reported to the Licensing and Appeals Sub Committee for the issue of discretionary points.
- 7.0 Where a licensee accumulates 12 or more penalty points in any 12 month period, the matter will be referred to the Council's Licensing and Appeals Sub Committee for the Licensing and Appeals Sub Committee to decide whether the licensee remains a fit and proper person. The Licensing and Appeals Sub Committee may then suspend or revoke a licence, or issue a warning to the Licensee, depending on the circumstances. Periods of suspension of a licence by Members will be dependent on the nature of the breaches of the legislation/conditions and the compliance history of the individual. Suspension periods will normally vary between 7 to 31 days.
- 8.0 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, operator or a driver will be confirmed in writing normally within 10 working days of the conclusion of the investigation into the contravention.
- 9.0 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.
- 10.0 Any disputes regarding the issuing of penalty points will be referred to the Licensing and Appeals Sub Committee who will have the discretion to award a greater number of points than displayed on the tariff, if the complaint is upheld. Drivers or Operators must appeal against points awarded by officers to the Licensing and Appeals Sub Committee within 21 days of them being issued, should the decision by the Licensing Manager be challenged
- 11.0 If points are issued to a proprietor/driver or operator by the Council for a matter which is also a criminal offence, e.g. bald tyres, no badge, those person (s) will not be the subject of a prosecution for that offence by the Council.

### Penalty Points Scheme

|   | <b>Details of the misconduct</b>  | <b>Points Applicable</b> | <b>Driver</b> | <b>Vehicle Owner or Operator</b> |
|---|---|--------------------------|---------------|----------------------------------|
| 1 | Providing false or misleading information on licence application form / failing to provide relevant information or pay the relevant fee (including dishonoured cheques) | 6                        | ✓             | ✓                                |
| 2 | Failure to notify, in writing, the Council of a change of address within 7 calendar days  | 3                        | ✓             | ✓                                |

|    |  |       |   |   |
|----|--|-------|---|---|
| 3  | Refusal to accept hiring without reasonable cause  | 6     | ✓ | ✓ |
| 4  | Unreasonable prolongation of journeys or any misconduct regarding the charging of fares  | 6     | ✓ |   |
| 5  | Plying for hire by Private hire drivers or Hackney Carriage drivers plying for hire outside the district   | 9     | ✓ | ✓ |
| 6  | Private hire vehicle parking or waiting on a taxi rank   | 9     | ✓ | ✓ |
| 7  | Inappropriate behaviour at a taxi rank,  | 1-12* | ✓ | ✓ |
| 8  | Leaving a taxi unattended at a rank  | 4     | ✓ |   |
| 9  | Using unlicensed vehicle or using a licensed vehicle without insurance or without a valid VCT  | 12    | ✓ | ✓ |
| 10 | Failure to produce relevant documents within timescales when requested by an Authorised Officer  | 4     | ✓ | ✓ |
| 11 | Unsatisfactory condition of vehicle, interior or exterior  | 4     | ✓ | ✓ |
| 12 | Failure to undergo the 6 monthly VCT on time   | 6     |   | ✓ |
| 13 | Failure to provide proof of insurance cover when requested   | 6     | ✓ | ✓ |
| 14 | Failure to produce Hackney Carriage or Private Hire vehicle for re-testing when required   | 4     |   | ✓ |
| 15 | Using a vehicle subject to a suspension order issued by an Authorised Officer or a police officer  | 12    | ✓ | ✓ |
| 16 | Using a vehicle for which the licence has been suspended or revoked  | 12    | ✓ | ✓ |
| 17 | Failure to report, in writing, within 72 hours, accident or damage to licensed vehicle, which would cause the vehicle to breach licence conditions | 4     | ✓ | ✓ |
| 18 | Carrying more passengers than stated on the vehicle licence  | 6     | ✓ |   |
| 19 | Failure to display external/internal licence plate in a fixed position or failure to display appropriate door signs                                | 6     | ✓ | ✓ |
| 20 | Carrying an offensive weapon in the vehicle  | 12    | ✓ |   |
| 21 | Failure to notify a transfer of Private Hire or Hackney Carriage vehicle licence within 14 days of transfer  | 4     |   | ✓ |
| 22 | Failure to carry fire extinguisher   | 4     |   | ✓ |
| 23 | Failure to carry first aid kit   | 3     |   | ✓ |
| 24 | Displaying unsuitable or inappropriate sited signs or unauthorised advertisements in or on the vehicle   | 3     | ✓ | ✓ |

|    | <b>Details of the misconduct</b>   | <b>Maximum* Points Applicable</b> | <b>Driver</b> | <b>Vehicle Owner or Operator</b> |
|----|--|-----------------------------------|---------------|----------------------------------|
| 25 | <del>Failure to use authorised roof light</del>  | 4                                 | ✓             | ✓                                |
| 26 | Failure to maintain records in a suitable form of the commence and cessation of work of each driver each day | 4                                 |               | ✓                                |
| 27 | Failure to produce on request records of drivers' work activity  | 4                                 |               | ✓                                |

|    |   |                                   |               |                                  |
|----|---|-----------------------------------|---------------|----------------------------------|
| 28 | Using a non approved or non-calibrated taximeter (HC)   | 6                                 | ✓             | ✓                                |
| 29 | Obstruction of an authorised officer or police officer wishing to examine a licensed vehicle  | 12                                | ✓             | ✓                                |
| 30 | Evidence of smoking in vehicle  | 3                                 | ✓             | ✓                                |
| 31 | Evidence of food or drink in Vehicle when a passenger(s) is/are present   | 3                                 | ✓             | ✓                                |
| 32 | Displaying any feature on private hire vehicle that may suggest that it is a Hackney Carriage   | 6                                 | ✓             | ✓                                |
| 33 | Using a vehicle, the appearance of which suggests that it is a Taxi   | 6                                 | ✓             | ✓                                |
| 34 | Failure to carry an assistance dog without requisite medical exemption certificate  | 12                                | ✓             | ✓                                |
| 35 | Driver not holding a current DVLA licence   | 12                                | ✓             | ✓                                |
| 36 | Failure to have the driver's badge clearly displayed  | 4                                 | ✓             |                                  |
| 37 | Failure to notify, in writing, a change in medical circumstances  | 6                                 | ✓             | ✓                                |
| 38 | Unsatisfactory appearance of driver   | 4                                 | ✓             |                                  |
| 39 | Failure to observe rank discipline (HC)   | 3                                 | ✓             |                                  |
| 40 | Failure to maintain proper records of private hire vehicles   | 3                                 |               | ✓                                |
| 41 | Failure to keep or produce records of Private Hire bookings or other documents required to be kept or produced  | 6                                 |               | ✓                                |
| 42 | Misleading use of the words 'Taxi' or 'Cab' on advertising materials  | 3                                 |               | ✓                                |
| 43 | Failure to issue receipt on request .   | 6                                 | ✓             | ✓                                |
| 44 | Using a licensed vehicle in a dangerous condition   | 9                                 | ✓             | ✓                                |
| 45 | Failure to return vehicle licence plate within 7 days after due notice following expiry, revocation or suspensions of such licence                          | 4                                 |               | ✓                                |
| 46 | Unsatisfactory behaviour or conduct of a driver.  | 1-12*                             | ✓             |                                  |
| 47 | Failure to notify the Council in writing, of any motoring or criminal convictions within 21 days or conviction or cautions during period of current licence | 6                                 | ✓             | ✓                                |
| 48 | Failure to behave in a civil and orderly manner, or bringing the trade into disrepute.  | 1-12*                             | ✓             | ✓                                |
| 49 | Failure to provide reasonable assistance to a passenger   | 1-12*                             | ✓             | ✓                                |
|    | <b>Details of the misconduct</b>  | <b>Maximum* Points Applicable</b> | <b>Driver</b> | <b>Vehicle Owner or Operator</b> |
| 50 | Failure to display a correct up to date fare card (HC)  | 3                                 | ✓             | ✓                                |
| 51 | Carrying two or more separate fares without the appropriate consent   | 9                                 | ✓             |                                  |
| 52 | Failure to carry a legal spare wheel (or appropriate alternative) and the necessary tools to fit the spare wheel  | 4                                 | ✓             | ✓                                |

|    |   |            |   |   |
|----|---|------------|---|---|
| 53 | Failure to attend punctually at appointed time and place without sufficient cause   | 4          | ✓ | ✓ |
| 54 | A licensed vehicle with a bald or dangerous or defective tyre   | 4 per tyre | ✓ | ✓ |
| 55 | Failure to submit licence renewal application including documents and attendance at a vehicle inspection  | 6          | ✓ | ✓ |
| 56 | Failure to display an applicable fare card AND the Councils valid fare card together  | 3          | ✓ | ✓ |
| 57 | Waiting or stopping on a double yellow area, bus stop or private land (without the owner's permission) unless requested by a paying customer present in the vehicle | 3          | ✓ |   |
| 58 | Driving whilst using a mobile phone   | 12         | ✓ |   |
| 59 | Appeal of points by way of Licensing Sub-Committee  | 4-12*      | ✓ | ✓ |
| 60 | Failure to display appropriate signage regarding use of CCTV in licensed vehicle  | 3          | ✓ | ✓ |
| 61 | Failure to complete Daily Vehicle Inspection Sheet  | 3          | ✓ | ✓ |
| 62 | Falsify information on Daily Vehicle Inspection Sheet   | 3          | ✓ | ✓ |

\*- discretionary points up to a maximum of 6 points can be issued by officers, but greater awards of points can only be issued by the Licensing and Appeals Sub Committee.

Officers may refer any mandatory award of points to Members where there are aggravating features to any case

Ticks indicate potential recipients of points for infringements, but are not limited to those only. Certain cases may result in drivers and/or proprietors and/or operators receiving penalty points. Points may be awarded to one or several persons depending upon the circumstances of the case, but each case will be considered on its individual merits.

**Key:**

|        |   |
|--------|---|
| Green  | Increase on previous points total   |
| Purple | An amendment to the details of misconduct   |
| Red    | Introduction of a new misconduct and possible points to be attached to the misconduct |

## Appendix R



### **Hackney Carriage and Private Hire Driver Points Based Enforcement Scheme**

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- 11.0 If points are issued to a proprietor/driver or operator by the Council for a matter which is also a criminal offence, e.g. bald tyres, no badge, those person (s) will not be the subject of a prosecution for that offence by the Council.

## Penalty Points Scheme

|    | <b>Details of the misconduct</b>  | <b>Points<br/>Applicable</b> | <b>Driver</b> | <b>Vehicle<br/>Owner or<br/>Operator</b> |
|----|---|------------------------------|---------------|--|
| 1  | Providing false or misleading information on licence application form / failing to provide relevant information or pay the relevant fee (including dishonoured cheques) | 6                            | ✓             | ✓  |
| 2  | Failure to notify, in writing, the Council of a change of address within 7 calendar days  | 3                            | ✓             | ✓  |
| 3  | Refusal to accept hiring without reasonable cause   | 6                            | ✓             | ✓  |
| 4  | Unreasonable prolongation of journeys or any misconduct regarding the charging of fares   | 6                            | ✓             |  |
| 5  | Plying for hire by Private hire drivers or Hackney Carriage drivers plying for hire outside the district  | 12                           | ✓             | ✓  |
| 6  | Private hire vehicle parking or waiting on a taxi rank  | 9                            | ✓             | ✓  |
| 7  | Inappropriate behaviour at a taxi rank,   | 1-12*                        | ✓             | ✓  |
| 8  | Leaving a taxi unattended at a rank   | 4                            | ✓             |  |
| 9  | Using unlicensed vehicle or using a licensed vehicle without insurance or without a valid VCT   | 12                           | ✓             | ✓  |
| 10 | Failure to produce relevant documents within timescales when requested by an Authorised Officer   | 4                            | ✓             | ✓  |
| 11 | Unsatisfactory condition of vehicle, interior or exterior   | 4                            | ✓             | ✓  |
| 12 | Failure to undergo the 6 monthly VCT on time  | 6                            |               | ✓  |
| 13 | Failure to provide proof of insurance cover when requested  | 6                            | ✓             | ✓  |
| 14 | Failure to produce Hackney Carriage or Private Hire vehicle for re-testing when required  | 4                            |               | ✓  |
| 15 | Using a vehicle subject to a suspension order issued by an Authorised Officer or a police officer   | 12                           | ✓             | ✓  |
| 16 | Using a vehicle for which the licence has been suspended or revoked   | 12                           | ✓             | ✓  |
| 17 | Failure to report, in writing, within 72 hours, accident or damage to licensed vehicle, which would cause the vehicle to breach licence conditions                      | 4                            | ✓             | ✓  |
| 18 | Carrying more passengers than stated on the vehicle licence   | 6                            | ✓             |  |
| 19 | Failure to display external/internal licence plate in a fixed position or failure to display appropriate door signs   | 6                            | ✓             | ✓  |
| 20 | Carrying an offensive weapon in the vehicle   | 12                           | ✓             |  |
| 21 | Failure to notify a transfer of Private Hire or Hackney Carriage vehicle licence within 14 days of transfer   | 4                            |               | ✓  |
| 22 | Failure to carry fire extinguisher  | 4                            |               | ✓  |
| 23 | Failure to carry first aid kit  | 3                            |               | ✓  |
| 24 | Displaying unsuitable or inappropriate sited signs or unauthorised advertisements in or on the vehicle  | 3                            | ✓             | ✓  |

|    | <b>Details of the misconduct</b>  | <b>Maximum*<br/>Points<br/>Applicable</b> | <b>Driver</b> | <b>Vehicle<br/>Owner or<br/>Operator</b> |
|----|---|---|---------------|--|
| 25 | Failure to use a roof top sign (HC)   | 4   | ✓             | ✓  |
| 26 | Failure to maintain records in a suitable form of the commence and cessation of work of each driver each day  | 4   |               | ✓  |
| 27 | Failure to produce on request records of drivers' work activity   | 4   |               | ✓  |
| 28 | Using a non approved or non-calibrated taximeter (HC)   | 6   | ✓             | ✓  |
| 29 | Obstruction of an authorised officer or police officer wishing to examine a licensed vehicle  | 12  | ✓             | ✓  |
| 30 | Evidence of smoking in vehicle  | 3   | ✓             | ✓  |
| 31 | Evidence of food or drink in Vehicle when a passenger(s) is/are present   | 3   | ✓             | ✓  |
| 32 | Displaying any feature on private hire vehicle that may suggest that it is a Hackney Carriage   | 6   | ✓             | ✓  |
| 33 | Using a vehicle, the appearance of which suggests that it is a Taxi   | 6   | ✓             | ✓  |
| 34 | Failure to carry an assistance dog without requisite medical exemption certificate  | 12  | ✓             | ✓  |
| 35 | Driver not holding a current DVLA licence   | 12  | ✓             | ✓  |
| 36 | Failure to have the driver's badge clearly displayed  | 4   | ✓             |  |
| 37 | Failure to notify, in writing, a change in medical circumstances  | 6   | ✓             | ✓  |
| 38 | Unsatisfactory appearance of driver   | 4   | ✓             |  |
| 39 | Failure to observe rank discipline (HC)   | 3   | ✓             |  |
| 40 | Failure to maintain proper records of private hire vehicles   | 3   |               | ✓  |
| 41 | Failure to keep or produce records of Private Hire bookings or other documents required to be kept or produced  | 6   |               | ✓  |
| 42 | Misleading use of the words 'Taxi' or 'Cab' on advertising materials  | 3   |               | ✓  |
| 43 | Failure to issue receipt on request .   | 6   | ✓             | ✓  |
| 44 | Using a licensed vehicle in a dangerous condition   | 9   | ✓             | ✓  |
| 45 | Failure to return vehicle licence plate within 7 days after due notice following expiry, revocation or suspensions of such licence                          | 4   |               | ✓  |
| 46 | Unsatisfactory behaviour or conduct of a driver.  | 1-12*                                     | ✓             |  |
| 47 | Failure to notify the Council in writing, of any motoring or criminal convictions within 21 days or conviction or cautions during period of current licence | 6   | ✓             | ✓  |
| 48 | Failure to behave in a civil and orderly manner, or bringing the trade into disrepute.  | 1-12*                                     | ✓             | ✓  |
| 49 | Failure to provide reasonable assistance to a passenger   | 1-12*                                     | ✓             | ✓  |

|    | Details of the misconduct   | Maximum*<br>Points<br>Applicable | Driver | Vehicle<br>Owner or<br>Operator |
|----|---|----------------------------------|--------|---------------------------------|
| 50 | Failure to display a correct up to date fare card (HC)  | 3                                | ✓      | ✓                               |
| 51 | Carrying two or more separate fares without the appropriate consent   | 9                                | ✓      |                                 |
| 52 | Failure to carry a legal spare wheel (or appropriate alternative) and the necessary tools to fit the spare wheel  | 4                                | ✓      | ✓                               |
| 53 | Failure to attend punctually at appointed time and place without sufficient cause   | 4                                | ✓      | ✓                               |
| 54 | A licensed vehicle with a bald or dangerous or defective tyre   | 12                               | ✓      | ✓                               |
| 55 | Failure to submit licence renewal application including documents and attendance at a vehicle inspection  | 6                                | ✓      | ✓                               |
| 56 | Failure to display an applicable fare card AND the Councils valid fare card together  | 3                                | ✓      | ✓                               |
| 57 | Waiting or stopping on a double yellow area, bus stop or private land (without the owner's permission) unless requested by a paying customer present in the vehicle | 3                                | ✓      |                                 |
| 58 | Driving whilst using a mobile phone   | 12                               | ✓      |                                 |
| 59 | Appeal of points by way of Licensing Sub-Committee  | 4-12*                            | ✓      | ✓                               |
| 60 | Failure to display appropriate signage regarding use of CCTV in licensed vehicle  | 3                                | ✓      | ✓                               |
| 61 | Failure to complete Daily Vehicle Inspection Sheet  | 3                                | ✓      | ✓                               |
| 62 | Falsify information on Daily Vehicle Inspection Sheet   | 3                                | ✓      | ✓                               |
| 63 | Displaying unauthorised signage on a vehicle/failure to request authorisation of signage  | 4                                | ✓      | ✓                               |
| 64 | Using a licensed vehicle on the highway following a MOT failure with a dangerous defect   | 6-12*                            | ✓      | ✓                               |

\*- discretionary points up to a maximum of 6 points can be issued by officers, but greater awards of points can only be issued by the Licensing and Appeals Sub Committee.

Officers may refer any mandatory award of points to Members where there are aggravating features to any case

Ticks indicate potential recipients of points for infringements, but are not limited to those only. Certain cases may result in drivers and/or proprietors and/or operators receiving penalty points. Points may be awarded to one or several persons depending upon the circumstances of the case, but each case will be considered on its individual merits.

## Licensing Committee – 1<sup>st</sup> October 2019



**CRAVEN**  
IN THE YORKSHIRE DALES  
D I S T R I C T

## TAXI LICENSING POLICY – REVIEW OF PENALTY POINTS SCHEME

Report of the Licensing Manager

Ward(s) affected: All

1. **Purpose of Report** – This report is to provide Members with an update on the implementations of the Penalty Points Scheme for taxi drivers & vehicles and request amendments to the Scheme
2. **Recommendations** – Members are recommended to:
  - 2.1 Note the use of the Scheme 1 April 2019 – 1 September 2019
  - 2.2 Approve the amendments to the scheme
    - 2.2.1 by introducing additional categories set out in the Appendix B
    - 2.2.2 by increasing the penalty points as set out in Appendix B to be implemented from 15<sup>th</sup> October 2019.
  - 2.3 Require that a report be submitted to the Licensing Committee in twelve months detailing the impact of the system on levels of compliance including details of the number of points recorded against licence holders and reasons why.
3. **Background**
  - 3.1 On 1 June 2018 the revised taxi licensing policy came into force and as part of the policy, members determined that a penalty points scheme to deal with infringements of licensing conditions, licensing legislation or misconduct by taxi drivers should be introduced.
  - 3.2 On 22<sup>nd</sup> January 2019 members approved the penalty points scheme that was proposed.
  - 3.3 On the 1<sup>st</sup> of April the penalty scheme was implemented.
  - 3.4 The aim of a penalty point scheme is to provide a consistent approach to dealing with unsatisfactory conduct, thereby improving standards within the taxi trade. The scheme works to act as a record of a licence holder's behaviour and conduct so as to provide a clear picture of whether that person continues to be considered to be a 'fit and proper' person to hold a licence. The Licensing Manager retains discretion to refer matters to the Licensing and Appeals Sub Committee outside of the points scheme where it is considered appropriate.
  - 3.5 The current scheme is attached at Appendix A.

- 3.6 When a licensee accumulates 12 or more penalty points in any 12 month period, the matter is referred to the Council’s Licensing and Appeals Sub Committee for the Licensing and Appeals Sub Committee to decide whether the licensee remains a fit and proper person. The Licensing and Appeals Sub Committee may then take no further action, suspend or revoke a licence, or issue a warning to the licence holder, depending on the circumstances. Periods of suspension of a licence by Members will be dependent on the nature of the breaches of the legislation/conditions and the compliance history of the individual. Suspension periods will normally vary between 7 to 31 days.
- 3.7 Penalty Points remain current for 12 months from the date the issued. Points issued to either the proprietor of a vehicle, operator or a driver will be confirmed in writing normally within 10 working days of the conclusion of the investigation into the contravention.

**4.0 Report**

- 4.1 Since its introduction 79 penalty points have been issued for a number of infringements, see Figure 1.

Figure 1:

| Number of points | Issue  |
|------------------|--|
| 6                | Failure to display door signs                                    |
| 6                | Failure to display door signs                                    |
| 6                | Failure to display door signs                                    |
| 6                | failure to display any signs                                     |
| 6                | Providing false of misleading informaiton on an application form |
| 6                | No Signage   |
| 6                | No plate   |
| 6                | No Signage   |
| 6                | no door signs  |
| 6                | failure to notify within 21 days speeding                        |
| 6                | failure to notify within 21 days speeding                        |
| 6                | Providing false of misleading informaiton on an application form |
| 4                | Unsatisfactory condition of vehicle, interior or exterior        |
| 3                | failure to notify within 21 days change of address               |

- 4.2 While officers have a discretion at all times to refer matters to members. To show transparency and highlight the seriousness of some infringements it is proposed that points be increased on a couple of infringements. The proposed increases are set out coloured green in Appendix B.
- 4.3 Since the penalty points introduction there have been minor misconduct incidents that in Officer opinion do not usually warrant an immediate referral to members in the first instance but are not covered by the current scheme. The proposed additions are shown in red at Appendix B.

4.3.1 Additionally penalty points are suggested to be introduced for drivers using a vehicle following major defects been recorded on a MOT certificate following an MOT test. This is also shown in red at Appendix B.

**5.1 Financial Implications** – There are no quantifiable financial implications arising as a result of this proposal although the impact upon staffing requirements of administering the system will need to be monitored as well as the impact on the Licensing and Appeals Sub Committee dealing with any appeals received against the awarding of points.

**5.2 Legal Implications** – 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, Councils Byelaws and the Rules, Regulations and Conditions set by the Licensing Committee.

Many Licensing Authorities have now adopted such schemes in an attempt to drive up standards in the taxi trade and deal with what are considered minor infringements. Repeated failure to comply with what may be considered minor issues by a licence holder demonstrates a lack of fit and properness to be licensed which is not a minor issue.

**5.3 Contribution to Corporate Priorities** – Promoting the wellbeing of Craven's communities.

**5.4 Risk Management** –.

**5.5 Equality Impact Assessment** – The Council's Equality Impact Assessment has not been carried out.

**5.6 Consultations with Others** – Legal Services

**6. Access to Information : Background Documents** – Craven Taxi Licensing Policy

**7. Author of the Report** – Tim Chadwick – Licensing Manager 01756 706343

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.

**Appendices** – Appendix A –Penalty Points Scheme  
Appendix B – Proposed Penalty Points Scheme

**Licensing Committee – 1<sup>st</sup> October 2019**



**CCTV IN VEHICLES**

Report of the Licensing Manager  
Ward(s) affected: All

1. **Purpose of Report** – To provide members with an update of the progress in implementing the CCTV in vehicles policy
2. **Recommendations** – Members are recommended to:
  - (1) Note the report.
  - (2) Amend the Hackney Carriage and Private Hire Licensing Policy at 6.14 in the report in order that CCTV in vehicles does not become mandatory in April 2020.
  - (3) Require that a report is brought back to Licensing Committee following consultation on CCTV in vehicles.

3. **Background**

3.1 Members will be aware that the Council’s Hackney Carriage and Private Hire Licensing Policy includes a requirement for CCTV in vehicles:

6.14 The installation of an approved taxi camera system will be mandatory from April 2020, however once a specification has been approved along with guidelines, procedures and any training has been undertaken installation will be encouraged before this date.

3.2 Members will also be aware that there has been increased interest nationally on the issue of CCTV in vehicles, in particular following the Surveillance Camera Commissioner’s response to the Department of Transport consultation on national standards. The detail of the Surveillance Camera Commissioner’s response was reported to Members at Licensing Committee on 11 June 2019 (Legal Update).

4. **Report**

4.1 In developing the specification and guidelines required under the Policy and in light of the Surveillance Camera Commissioner’s consultation response on national standards further advice on the Council’s Policy has been sought from the Council’s Information Governance Manager.

- 4.2 The Council's Information Governance Manager noted that under the draft Hackney Carriage and Private Hire Licensing Policy it was proposed that CCTV in vehicles was not mandatory. It was this draft that was consulted upon.
- 4.3 Members adopted the Hackney Carriage and Private Hire Licensing Policy with a mandatory requirement for CCTV in vehicles.
- 4.4 The advice received from the Council's Information Governance Manager is that a specific consultation should be undertaken prior to the adoption of any mandatory CCTV in vehicles policy.
- 4.5 It is important that the consultation responses are considered before a decision is made in relation to CCTV in vehicles. It is proposed that the consultation responses will be reported to Licensing Committee to enable an informed decision.
5. **Implications**
- 5.1 **Financial Implications** – There are no financial implications arising directly from this report.
- 5.2 **Legal Implications** – It is important that the Council can justify any mandatory policy on CCTV in vehicles.
- 5.3 **Contribution to Corporate Priorities** – Promoting the wellbeing of Craven's communities.
- 5.4 **Risk Management** –. None
- 5.5 **Equality Impact Assessment** – The Council's Equality Impact Assessment has not been carried out.
- 6 **Consultations with Others** – Legal Services
- 7 **Access to Information : Background Documents** – None
- 8 **Author of the Report** – Tim Chadwick – Licensing Manager 01756 706257

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.