REGULATORY & APPEALS COMMITTEE – 6 SEPTEMBER 2016

Title of paper:	Introduction of Driver Improvement Penalty Scheme	
Director:	Andrew Errington Director for Community Protection	**Wards affected:** ALL
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Date of consultation with Portfolio Holder(s) (if relevant)	N/A	

Relevant Council Plan Key Theme:	
Strategic Regeneration and Development	☐
Schools	☐
Planning and Housing	☐
Community Services	☒
Energy, Sustainability and Customer	☐
Jobs, Growth and Transport	☒
Adults, Health and Community Sector	☐
Children, Early Intervention and Early Years	☐
Leisure and Culture	☐
Resources and Neighbourhood Regeneration	☐

Summary of issues (including benefits to citizens/service users):

This report asks members to consider the proposal for the introduction of a Driver Improvement Penalty Points Scheme (DIPPS).

Recommendations:

1	Members approve the introduction of the DIPPS in the format detailed in the appendices attached to this report.
2	Members allow the changes to be made to the scheme by the Director of Community Protection, Chief Licensing Officer, together with the Licensing Manager, in consultation with the Chair of the Regulatory & Appeals Committee and the Opposition Spokesperson.

1 REASONS FOR RECOMMENDATIONS

1.1 The purpose of the scheme is to increase the offer to citizens and visitors alike by raising standards of service and also increasing the awareness of drivers to their responsibilities and the standards expected of a Nottingham City Council licensed driver.

2 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)

2.1 Nottingham City Council (The Council) has a responsibility to ensure that all drivers of Nottingham City Council licensed vehicles adhere to minimum standards and to apply these in a consistent and transparent manner. The standards concerned are defined by legislation, licence conditions, byelaws adopted by the Council and in this Scheme. Together they identify what is expected and required of the trade and help to ensure a consistent approach is taken to reach those expectations.

2.2 The Driver Improvement Penalty Points Scheme (DIPPS) is a new non-statutory enforcement tool designed to enable Authorised Officers of Nottingham City Council to issue penalty points to those drivers licensed by the Council who knowingly and persistently fail to meet the required standards, and acts as a first step in ensuring compliance with conditions and legislation. It also serves as an early warning system to drivers who see fit to ignore their responsibilities or fail to meet the requirements of their licence.

2.3 The Council is the Licensing Authority responsible for the licensing of hackney carriage and private hire driver, vehicle and operator licenses within its boundaries. It is the statutory duty of the Council to ensure that all drivers are 'fit and proper persons and carry out their trade in accordance with licensing legislation and locally prescribed conditions. The Scheme will assist in the assessment of whether a driver meets the ongoing "fit and proper person" requirement and may ultimately result in a driver' licence being reviewed.

2.4 The aim of the Scheme is to improve overall driver compliance with legislation and licence conditions in order to secure overall improvements in driver behaviour, customer service and passenger safety whilst addressing low level breaches of standards or legislation. Whilst such breaches on their own may not merit enforcement action more regular or serious breaches may be an indication that a driver is no longer "fit and proper" to hold a licence.

2.5 The Scheme will achieve this by providing drivers with a transparent incremental enforcement approach for repeated breaches of conditions and other defined standards. The scheme will also enable Authorised Officers to give cumulative consideration for repeated breaches.

2.6 The Scheme will not preclude the Council from taking alternative enforcement action if it is more appropriate to the circumstances of the individual case.

2.7 **Scheme Overview**

2.8 Penalty points will act as a formal reprimand endorsed on a Nottingham City Council combined drivers record to show that a breach of standards has occurred.

2.9 Drivers may receive a maximum of twelve points per three year rolling period before their licence will be reviewed. This means that points will be "spent" after the third year. Drivers will be able to check the number of points on their licence by contacting the Licensing Team details of which are available on the Nottingham City Council website.

2.10 A Penalty Points Notice (PPN) **Appendix B** will only be issued where an Authorised Officer of Nottingham City Council has reasonable grounds to believe a driver is

breaching a standard(s) contained within the scheme and has sufficient evidence to support such a breach.

2.11 A schedule of standards to which this Scheme can be found at **Appendix A** and a driver will be issued with a copy of this with the penalty point notice.

2.12 A driver can complain about the issue of a notice by way of Nottingham City Councils 'Have Your Say' procedure.

2.13 Where a driver has exceeded their points limit within a three year period they will be requested to attend an Officer Review Meeting (ORM). The driver will may be accompanied at the meeting by a representative or solicitor if desired.

2.14 At the meeting, the driver will be able to explain and comment upon the matters being considered by the Reviewing Officer in relation to breaches of the Scheme. The Reviewing Officer may also wish to discuss any other relevant information e.g. passenger complaints

2.15 Depending on the individual circumstances of each case the Reviewing Officer will be able to choose from the following actions:

- Take No Action
- Issue a Recorded Warning
- Refuse to Renew Licence
- Suspend Licence
- Revoke a Licence

It should be noted that breach of a Traffic Regulation Order (TRO), pedestrianised or restricted area will be dealt with through the Enforcement, Convictions and Fitness Policy and will receive one of the following minimum sanctions:

- First breach – 2 weeks minimum suspension
- Second breach – 4 weeks minimum suspension
- Third breach – Revocation of Hackney or Private Hire Drivers licence, on the grounds of no longer constituting a fit and proper person

2.16 The driver will be notified in writing of the result of the meeting. Any driver aggrieved by a decision of the Reviewing Officer to either suspend, revoke or refuse to renew a drivers licence will have the right to appeal to the Magistrates' Court.

3 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

3.1 No other options considered

4 FINANCE COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY/VAT)

4.1 There are no specific financial implications however there will be an impact on staff requirements to administer the scheme. The effect of this will undergo continuous monitoring.

5 LEGAL AND PROCUREMENT COMMENTS (INCLUDING RISK MANAGEMENT ISSUES, AND LEGAL, CRIME AND DISORDER ACT AND PROCUREMENT IMPLICATIONS)

5.1 The proposal is within the Council's power and appears to be reasonable

5.2 Any person aggrieved by the issue of a penalty notice will have the right to complain through the Nottingham City Council 'Have Your Say' process within 21 days of issue

6 STRATEGIC ASSETS & PROPERTY COMMENTS (FOR DECISION RELATING TO ALL PROPERTY ASSETS AND ASSOCIATED INFRASTRUCTURE) (AREA COMMITTEE REPORTS ONLY)

6.1 None.

7 EQUALITY IMPACT ASSESSMENT

7.1 The proposal if introduced would be applied to all drivers and would not directly affect the user.

8 LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION

8.1 None.

9 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

9.1 Local Government (Miscellaneous Provisions) Act 1976 (as amended)
Town & Police Clauses Act1847 (as amended)