

## Appendix B

### Options for Section 2 of the Taxi Enforcement policy

#### Option1

#### Enforcement Action Points Scheme

The Council generally will take a stepped approach to enforcement when:

- a Licence holder breaches a Licence condition
- a Licence holder commits an offence
- a complaint is received about the conduct of a Licence holder or condition of a vehicle
- there is a combination of the above

In these cases, the Licence holder will accrue points as outlined below.

#### Licence Conditions

	Points
Breach of a Hackney Carriage or Private Hire Vehicle Licence condition, or a Private Hire Driver Licence condition	3

#### Offences

	Points
A conviction for an offence under the Town Police Clauses Act 1847, Part II of the Local Government (Miscellaneous Provisions) Act 1976, Part IV of the Transport Act 1980, Part I of the Health Act 2006, Chapter 1 of Part 12 of the Equality Act 2010.	8
A simple caution for an offence under the Town Police Clauses Act 1847, Part II of the Local Government (Miscellaneous Provisions) Act 1976, Part IV of the Transport Act 1980, Part I of the Health Act 2006 or Chapter 1 of Part 12 of the Equality Act 2010.	6
Committing an offence under the Town Police Clauses Act 1847, Part II of the Local Government (Miscellaneous Provisions) Act 1976, Part IV of the Transport Act 1980, Part I of the Health Act 2006 or Chapter 1 of Part 12 of the Equality Act 2010, where legal proceedings are not instigated.	4
A conviction of any of the following: <ul style="list-style-type: none"><li>• An offence of a sexual nature,</li><li>• An offence involving possession, supply of drugs or related offence</li><li>• An offence involving dishonesty</li></ul>	12

<ul style="list-style-type: none"> <li>• An offence involving violence</li> <li>• An offence relating to alcohol and motor vehicles</li> </ul> Or two convictions within 5 years of an offence related drunkenness	
A road traffic offence committed that resulted in 1-5 points being attached to a drivers licence	6
A combination of road traffic offences committed that resulted in a total of 6 or more points being attached to a drivers licence within the past 1 year	6
Any combination of road traffic offences committed that resulted in more than 9 points being attached to a drivers licence	6
A road traffic offence committed that resulted in 6 or more points being attached to a drivers licence	12

### Complaints

	Points
Substantiated complaint regarding the conduct of the Licence holder (other than an offence) or the condition of a vehicle	4
A second or subsequent unsubstantiated complaint of a similar nature to the first in a 12-month period, regarding the conduct of the Licence holder (including an offence) or the condition of a vehicle**	3

*\*\*With regard to the first unsubstantiated complaint, the complaint will be investigated and the Licence holder will be invited to provide comments in writing, but in the absence of sufficient evidence to substantiate the complaint, no points will be accrued.*

### Offences witnessed by an Officer

	Points
Road traffic offence witnessed by an Officer (e.g. driving whilst using a mobile phone)	3

### Outcome

If any incident covers a number of areas (e.g. breach of statutory obligation and breach of Licence condition), the maximum number of points accrued will be capped at whichever area has the highest number of points. E.g. if a Licence holder is found to be breaching 2 conditions of a Licence, the number of points would be capped at 3 instead of 6 points being allocated.

The enforcement action that will be taken will generally be as follows:

Number of Points accrued in a rolling 12 month period	Action
3	Letter of warning and invitation to provide comments in writing
4-7	Interviewed by an Officer of the Licensing section and reminded of conduct expected
8-11	Interviewed by an Officer of the Licensing section and a final written warning given
12+	Referred to the Licensing Sub-Committee to consider the revocation or refusal to renew the relevant Licence.

Points will only cease to apply on the passing of 12 months from the date of the action by the Licence holder that resulted in the accrual of the points (i.e. date of offence, date of incident that resulted in complaint etc). If a Licence holder is referred to the Licensing Sub-Committee but no action is taken, the points will remain effective and the incident will again be considered if further points are accrued.

The above table gives an indication of the likely action that the Council will take. However, each case will be considered individually and in exceptional circumstances the Council may deviate from the above in order to take the appropriate enforcement action.

## Option 2

### Table of Enforcement Actions

To achieve a stepped approach to enforcement, the Council will generally take the following action when:

- a licence holder breaches a licence condition
- a licence holder commits an offence
- a complaint is received about the conduct of a licence holder or condition of a vehicle
- there is a combination of the above

<b>1</b>	<b>For any of the following:</b>
i)	A breach of a licence condition;
ii)	A road traffic offence witnessed by an Officer of the Licensing & Enforcement team (e.g. driving whilst using a mobile phone);
iii)	Two unsubstantiated complaints of a similar nature in a 12-month period**;
iv)	Any road traffic offence or combination of offences that resulted in the accrual of penalty points except where the number of points accrued means that the licence holder falls within 4.
<b>Action</b>	<b>Letter of warning and invitation to provide a formal response in writing</b>

<b>2</b>	<b>For any of the following:</b>
i)	A simple caution for an offence under the Town Police Clauses Act 1847, Part II of the Local Government (Miscellaneous Provisions) Act 1976, Part IV of the Transport Act 1980, Part I of the Health Act 2006, Chapter 1 of Part 12 of the Equality Act 2010;
ii)	Substantiated complaint regarding the conduct of the Licence holder (other than an offence) or the condition of a vehicle;
iii)	An offence under the Town Police Clauses Act 1847, Part II of the Local Government (Miscellaneous Provisions) Act 1976, Part IV of the Transport Act 1980, Part I of the Health Act 2006, Chapter 1 of Part 12 of the Equality Act 2010 where legal proceedings are not instigated;
iv)	Two licence conditions are breached or two road traffic offences are witnessed by an Officer of the Licensing section (e.g. driving whilst using a mobile phone), or one of each occurs within a 12 month period;
v)	Three unsubstantiated complaints of a similar nature in a 12-month period.
<b>Action</b>	<b>Interviewed by an Officer of the Licensing &amp; Enforcement team and reminded of expected standards</b>

<b>3</b>	<p><b>For any of the following:</b></p> <ul style="list-style-type: none"> <li>i) A conviction for an offence under the Town Police Clauses Act 1847, Part II of the Local Government (Miscellaneous Provisions) Act 1976, Part IV of the Transport Act 1980, Part I of the Health Act 2006, Chapter 1 of Part 12 of the Equality Act 2010;</li> <li>ii) The Licence holder commits an action resulting in them falling under i)-ii) or ii)-iii) where they have been interviewed by an Officer of the Licensing section in the previous 12-month period and reminded of expected standards.</li> <li>iii) Four unsubstantiated complaints of a similar nature within a 12-month period.</li> </ul>
<b>Action</b>	<b>Interviewed by an Officer of the Licensing &amp; Enforcement team and a final written warning given</b>

<b>4</b>	<p><b>For any of the following:</b></p> <ul style="list-style-type: none"> <li>i) The Licence holder commits an action resulting in them falling under 1 i)-ii) or 2 ii)-iii) where they have been interviewed by an Officer of the Licensing section in the previous 12-month period and a final written warning has been given;</li> <li>ii) Five unsubstantiated complaints of a similar nature within a 12-month period; Or, in accordance with the Council's grounds for disbarment:</li> <li>iii) An unspent conviction of any offence of a sexual nature;</li> <li>iv) An unspent conviction of any offence involving possession, supply of drugs or related offence;</li> <li>v) An unspent conviction of any offence involving dishonesty;</li> <li>vi) An unspent conviction for any offence involving violence;</li> <li>vii) A second conviction within 5 years of an offence related drunkenness;</li> <li>viii) An unspent conviction of any offence relating to alcohol and motor vehicles;</li> <li>ix) An offence committed that resulted in 6 or more points being attached to a driver's licence;</li> <li>x) Any combination of offences committed that result in a total of 6 or more points being attached to a driver's licence within the past 1 year;</li> <li>xi) Any combination of offences committed that result in more than 9 points being attached to a driver's licence;</li> <li>xii) Two or more convictions for offences under the Town Police Clauses Act 1847, Part II of the Local Government (Miscellaneous Provisions) Act 1976, Part IV of the Transport Act 1980, Part I of the Health Act 2006, Chapter 1 of Part 12 of the Equality Act 2010 other than those that are spent under the Rehabilitation of Offenders Act 1974.</li> </ul>
<b>Action</b>	<b>Referred to the Licensing Sub-Committee to consider the revocation or refusal to renew the relevant licence</b>

*\*\* With regard to the first unsubstantiated complaint, the complaint will be investigated and the Licence holder will be invited to provide comments in writing, but in the absence of sufficient evidence to substantiate the complaint, no warning letter will be sent.*

The above gives an indication of the likely action that the Council will take. However, each case will be considered individually and, in exceptional circumstances, the Council may deviate from the above in order to take the appropriate enforcement action.