

NORTH LINCOLNSHIRE COUNCIL

LICENSING COMMITTEE

**HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY
12 MONTH REVIEW**

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To propose that members of the Licensing Committee consider a review of the Hackney Carriage and Private Hire Licensing Policy.

2. BACKGROUND INFORMATION

- 2.1 The Hackney Carriage and Private Hire Licensing Policy was last reviewed in September 2014. As part of the 2014 review a penalty points scheme was introduced. It was agreed that the points scheme would be reviewed after being in force for a year.
- 2.2 Since the introduction of the penalty points scheme, Officers have issued a total of nineteen points against four drivers. In the same period, the Licensing (Miscellaneous) Sub-Committee have issued nineteen points to three drivers.
- 2.3 The aim of the penalty points scheme is to offer a middle ground between doing nothing and prosecution or revoking a person's licence.
- 2.4 There has been one appeal against the points being issued before the Sub-Committee, which was successful. Presenting an appeal before the Licensing Committee is both costly and time consuming. To cover the cost, a fee was introduced. The validity of such a fee has been questioned and on further examination, the ability to charge is ambiguous.
- 2.5 It is proposed that the appeal process be changed to make it more efficient and to remove the ambiguity over the fee. It is proposed that appeals against points should be considered by either the Licensing Manager or Head of Trading Standards and Licensing, or Assistant Director Technical and Environment Services. This will speed the process up, reduce costs and make the process more efficient.

This proposal will not have an impact on the drivers ability to have a fair hearing and reviews will still be referred to the Licensing (Miscellaneous) Sub-Committee, where members can consider the actions taken by officers. Appendix I of the policy has been amended to reflect the change in delegation.

- 2.6 Other minor changes have been made to the delegation within the policy as attached as Appendix A to this report. These changes include delegation to suspend a licence where the driver has not produced a medical certificate and the ability to review the procedure at hearings.

3. OPTIONS FOR CONSIDERATION

- 3.1 Option 1 – To approve the changes to the policy.
- 3.2 Option 2 – To approve some of the changes to the policy.
- 3.3 Option 3 – To reject the changes to the policy.

4. ANALYSIS OF OPTIONS

- 4.1 Option 1 – The changes to the policy have been identified as necessary to streamline the process and make it more efficient. The proposal will not impact on a person's right to a fair hearing as drivers will still have an opportunity to have the matter looked at again if they amass enough points to be referred to the Licensing (Miscellaneous) Sub-Committee.
- 4.2 Option 2 – There are three proposed changes to the delegation in the policy and a number of other minor changes, members may wish to approve one or more but not all. The matters not approved would still need to be referred to the Sub-Committee for consideration.
- 4.3 Option 3 – Rejecting the changes to the policy would result in all matters being referred to the Licensing (Miscellaneous) Sub-Committee for determination.

5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)

- 5.1 There are no financial, staffing, property or IT implications from this report.

6. OUTCOMES OF INTEGRATED IMPACT ASSESSMENT (IF APPLICABLE)

- 6.1 Not applicable.

7. **OUTCOMES OF CONSULTATION AND CONFLICTS OF INTEREST DECLARED**

7.1 Representatives from the three trade associations have been consulted on the proposed changes. While two of the associations are in favour of the changes one association is against the changes to the Penalty Points Scheme.

7.2 No conflicts of interest have been identified in this report.

8. **RECOMMENDATIONS**

8.1 That the scheme of delegation be reviewed in accordance with paragraph 3.1.

DIRECTOR OF PLACES

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Background Papers used in the preparation of this report – Hackney Carriage and Private Hire Policy