

**NORTH LINCOLNSHIRE COUNCIL**

**LICENSING COMMITTEE**

**HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY  
PENALTY POINTS SCHEME APPEAL FEE**

**1. OBJECT AND KEY POINTS IN THIS REPORT**

- 1.1 To seek approval from the Licensing Committee to introduce an administrative fee payable when drivers appeal against the penalty points imposed on the licence.

**2. BACKGROUND INFORMATION**

- 2.1 The Penalty Points Scheme was introduced with the revised Hackney Carriage and Private Hire Licensing Policy in September 2014. The aim of the scheme was to introduce a cost effective method of dealing with drivers, proprietors and operators who have committed an offence or breached their licence conditions.
- 2.2 At the point of writing this report, only four drivers have been issued with penalty points. Depending on the seriousness of the offence or breach, drivers are normally given a warning.
- 2.3 The scheme allows a driver, proprietor or operator to appeal the imposition of penalty points where they consider that the Officer was wrong to impose them. The Licensing (Miscellaneous) Sub-Committee may then overturn the decision.
- 2.4 Each appeal to the Licensing (Miscellaneous) Sub-Committee is costly. The Officer must gather all the evidence to be presented before the sub-committee and prepare and deliver the report. This work takes a number of hours. At the hearing, five members are in attendance with representation from Legal and Democratic Services.
- 2.5 It is proposed to charge a £100.00 fee for each appeal. Officer time alone would be double this figure. Should the appeal be successful, then it is proposed that the appeal fee would be refunded to the driver.
- 2.6 The introduction of a fee would discourage frivolous appeals and help to ensure only genuine issues are referred to the Sub-committee for their consideration.

2.7 Appeals to the Magistrates Court require a fee to be paid. For an appeal under the Licensing Act 2003 a fee of £410.00 is payable while a fee of £205.00 is payable in other cases. These fees are non-refundable.

### **3. OPTIONS FOR CONSIDERATION**

3.1 Option 1 – To introduce an appeal fee.

3.2 Option 2 – To continue to allow drivers to appeal without paying a fee.

### **4. ANALYSIS OF OPTIONS**

4.1 Option 1 – The introduction of a fee would result in only genuine appeals being presented before the committee. Before points are attached to a licence a warning is normally issued. Drivers are made aware of what the legal requirements are. In serious cases, alternative action is available. Where an applicant is successful in their appeal, then it is proposed that the fees should be refunded.

4.2 Option 2 – Allowing an appeal without payment to continue will increase the costs of the licensing function. This could result in an increase in fees for all drivers.

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

5.1 Charging an administrative fee for appeals would assist in covering the costs associated with the process. Such a fee would not cover the whole cost of a hearing. There are no staffing, property or IT implications from this report.

### **6. OTHER IMPLICATIONS (STATUTORY, ENVIRONMENTAL, DIVERSITY, SECTION 17 - CRIME AND DISORDER, RISK AND OTHER)**

6.1 There are no statutory, environmental, diversity or section 17 issues associated with this report.

### **7. OUTCOMES OF INTEGRATED IMPACT ASSESSMENT**

7.1 An integrated impact assessment has not been carried out.

## 8. **OUTCOMES OF CONSULTATION**

- 8.1 No consultation has been carried out regarding this report as yet. Should the report be approved consultation will be carried out with the trade and a further report will be presented to the Licensing Committee.

## 9. **RECOMMENDATIONS**

- 9.1 That the administrative appeal fee at paragraph 2.5 be approved subject to consultation.

DIRECTOR OF PLACES

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**Background Papers used in the preparation of this report: Consultation File**