

**NORTH LINCOLNSHIRE COUNCIL**

**LICENSING COMMITTEE**

**LICENSING PROCEDURE AT MEETINGS**

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

- 1.1 To approve a procedure to be used at meetings of the Licensing (Miscellaneous) Sub Committee when considering appeals submitted by Hackney Carriage and Private Hire drivers against the imposition of penalty points by the council on the individuals licence.

**2. BACKGROUND INFORMATION**

- 2.1 The Licensing Committee, at its meeting on 18 September 2014, formally approved the revised Hackney Carriage and Private Hire Licensing Policy. Amongst the changes approved, was the introduction of a penalty points scheme for drivers. 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 Depending on the seriousness of the offence or breach, drivers are normally given a warning.
- 2.3 However, where the Licensing Authority has deemed that an offence requires the imposition of points on the drivers licence, 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.
- 2.4 Upon the receipt of an appeal, the Licensing (Miscellaneous) Sub-Committee will be convened to hear the appeal.
- 2.5 However, no procedure is currently in place that would allow the sub-committee to consider an appeal.
- 2.6 This procedure is attached as appendix 1

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

- 3.1 Option 1 – To adopt a procedure to allow the Licensing (Miscellaneous) Sub Committee to hear appeals against the imposition of penalty points.
- 3.2 Option 2 – To not adopt a procedure.

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

- 4.1 Option 1 – The adoption of a procedure would result in the Licensing (Miscellaneous) Sub Committee having a structure in place to listen to the views of the appellant and Licensing Authority, before reaching a decision.
- 4.2 Option 2 – Failure to adopt a procedure may result in the appellant not receiving a fair hearing or the laws of natural justice not being applied.

### **4. RESOURCES AND OTHER IMPLICATIONS**

#### 4.1 Financial

- 4.1.1 There are no financial implications arising from this report.

#### 4.2 Staffing

- 4.2.1 There are no staffing implications arising from this report

#### 4.3 Statutory

- 4.3.1 The procedure complies with requirements of the Licensing Act 2003

#### 4.4 Environmental and other

- 4.4.1 There are no environmental or other implications arising from this report

### **5. OUTCOMES OF CONSULTATION**

- 5.1 Appropriate Legal Officers, Licensing Officers and Democratic Services Officers have been consulted on the proposed revised procedure.

## 6. RECOMMENDATIONS

- 6.1 That the council's licensing procedure contained in appendix 1 of the report be approved and adopted, and be used at relevant meetings with immediate effect.

DIRECTOR OF POLICY AND RESOURCES

Civic Centre  
Ashby Road  
SCUNTHORPE  
North Lincolnshire  
DN16 1AB

Author: Matthew Nundy

Date: 8 June 2015

### **Background Papers used in the preparation of this report**

Licensing Act 2003

North Lincolnshire Council's Hackney Carriage and Private Hire Licensing Policy

## **NORTH LINCOLNSHIRE COUNCIL**

### **LICENSING (MISCELLANEOUS) SUB COMMITTEE**

#### **PROCEDURE FOR THE ISSUE OF PENALTY POINTS ON A HACKNEY CARRIAGE / PRIVATE HIRE VEHICLE DRIVERS LICENCE**

1. Chairman's introduction and outline of procedure.
2. Chairman invites all parties in attendance to identify themselves and state in what capacity they are attending the hearing.
3. Summary of the nature of the imposition of points on the Hackney Carriage / Private Hire Vehicle Drivers Licence by the Director of Places (or his representative)
4. Statement of case by the Appellant (this may be the Hackney Carriage / Private Hire Vehicle Driver or representative and witnesses may be called if appropriate).
5. Questions by the Licensing Officer.
6. Questions from the members of the sub-committee.
7. Statement of case by the Licensing Officer (witnesses may be called if appropriate).
8. Questions by the Appellant and/or representative.
9. Questions from the members of the sub-committee.
10. Summing up by both parties and the Appellant having the right to the last word.
11. Both parties withdraw from hearing whilst members of the sub-committee consider the matter.
12. Both parties recalled and the sub-committee's decision(s) conveyed.