

MINUTES of a meeting of the LICENSING COMMITTEE held in the Council Chamber, Council Offices, Coalville on WEDNESDAY, 15 FEBRUARY 2023

Present: Councillor J Clarke (Chairman)

Councillors K Merrie MBE, E G C Allman, D Everitt, M French, M D Hay, G Hault, V Richichi, C A Sewell, S Sheahan, J G Simmons and M B Wyatt

Officers: Mr L Mansfield, Mr A Cooper, Ms K Woollett and Ms R Haynes.

**9. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors R Morris, N Smith, A C Saffell, S Gillard and J Hault

**10. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**11. MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on the 2 November 2022 were considered.

It was moved by Councillor V Richichi, seconded by Councillor J Simmons and

RESOLVED THAT:

The minutes of the meeting held on the 2 November 2022 were an accurate record of proceedings.

**12. TAXI AND PRIVATE HIRE PENALTY POINTS SCHEME**

The Environmental Health Team Manager presented the report and highlighted that the aim of the penalty points scheme would be as a means of managing a licence holder's behaviour during the term of the licence.

It was noted that the purpose of the scheme would be to provide more consistency and transparency to refer a licence holder to a sub committee.

A member enquired why it was a rolling 36 month period and officers advised that this had been a scheme contained with the best practice code and that this had not been altered. It was confirmed that it would be possible to adopt a different scheme although officers expressed a preference to utilise the scheme that had been devised by the Department of Transport.

A member asked if it was correct that the licence couldn't be revoked unless it was referred to the sub committee but officers clarified that the points scheme would not supersede the ability for a licensing officer to make a decision under the delegated authority which they currently hold. It was confirmed that should a serious allegation be made against a licence holder, the team would not cause an undue delay by convening a sub committee. If there had been sufficient evidence provided in support of serious allegations, the matter would be dealt with quickly in order that there would be no public safety risk and a suspension or revocation would be enacted with immediate effect.

A member requested clarification as to whether the driver could appeal the awarding of points and also whether, should a driver be brought before the sub committee as they had attained the maximum trigger of 12 points, should the licence committee decide not to

Chairman's initials

revoke the licence, would the points then be wiped out or reduced. Officers advised that it would be an individual decision to allocate points and that there would be a process by which the licence holder could appeal. With regards to the 12 points, officers advised that a licensing sub committee could decide upon the licence holder's fitness to retain their licence despite them having 12 points. Other available options would be to keep the 12 points on the licence or to reduce it. A member highlighted that this would lead to a duality in the purpose of the licensing committee: firstly, to consider appeals whereby an officer decision led to revocation of the licence and secondly to consider revocation of the licence when the points total had been reached.

A member expressed apprehension that officers' advice concerning a licence holder being many points over the trigger compared with a few points over would leave the licensing sub committee with "less room to move" and suggested that this sounded like guidance to how the sub committee should reach their decision, when this should be based on the principal of someone being a fit and proper person. Officers responded that a higher points tariff would be indicative of ongoing poor conduct over a period of time and that the scheme suggested the bar at which an independent panel should consider that behaviour.

A member expressed discomfort with the way in which the allocation of points would take place and felt that the seriousness which the allocation of points was awarded in line with did not correlate. Officers agreed that this may be the case and that the committee had the ability to change the scheme, although noted that this had been the scheme which was published nationally.

A member questioned whether it would be possible for family members of the licence holder to stand in for them should they be unable to work and asked what the consequences of this would be. Officers advised that should the family member not hold a taxi licence then this would result in a prosecution against that individual. It was confirmed that this penalty points scheme would not cover this as it would not be a condition of licence, the driver would need to be licensed in order to receive a penalty. Officers confirmed that it had been clarified in the wider taxi and private hire document that it would be a criminal offence to drive a licensed vehicle without holding the appropriate licence. Officers advised that operators would usually ensure only licensed drivers drive their vehicles and that there would always be risk that this could happen with the occasional rogue driver. It was confirmed that the council had robust procedures in place and also obtained a lot of intelligence from other licensed drivers. Should it be observed there had been an unlicensed driver driving a licensed vehicle, officers were very confident that others in the trade would report this. Members expressed that they would feel better if this scenario would be included in the tariff table.

A member wished to know should points be incurred whether neighbouring licensing authorities would be informed and if all licence holders would be given this appendix. Officers responded that neighbouring authorities would not be notified of points awarded to licence holders unless it resulted in a revocation or refusal. It was confirmed that all local authorities now record revocations or refusals on a national database. It was confirmed that if/when the scheme would be implemented, all licence holders would receive a copy of the scheme.

A member asked if licence holders and taxi drivers had been consulted in the compilation of the points document and officers advised that there had been no local changes to the national document so they had not been.

A member sought clarification that should something occur which had not been outlined within the points system, whether it would then be referred to the licensing sub committee. Officers confirmed that this was correct and it would appear in the licensing officers report as an investigation.

It was moved by Councillor V Richichi, seconded by Councillor S Sheahan and

RESOLVED THAT:

1. The Draft Taxi and Private Hire Penalty Points Scheme be approved.
2. The implementation of the scheme be delegated to the Environmental Health Team Manager.
3. Authority to make changes to the penalty points tariff be delegated to the Environmental Health Team Manager.

The meeting commenced at 6.30 pm

The Chairman closed the meeting at 7.00 pm

Chairman's initials