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Meeting	LICENSING COMMITTEE
Time/Day/Date	6.30 pm on Wednesday, 15 February 2023
Location	Council Chamber, Council Offices, Coalville
Officer to contact	Democratic Services (01530 454512)

AGENDA

Item		Pages
1. APOLOGIES FOR ABSENCE		
2. DECLARATIONS OF INTEREST		
	Under the Code of Conduct members are reminded that in declaring interests you should make clear the nature of that interest and whether it is a disclosable pecuniary interest, registerable interest or other interest.	
3. MINUTES OF THE PREVIOUS MEETING		
	To confirm the minutes of the meeting held on 2 November 2022.	3 - 4
4. TAXI AND PRIVATE HIRE PENALTY POINTS SCHEME		
	The report of the Environmental Health Team Manager.	5 - 14

Circulation:

Councillor J Clarke (Chairman)
Councillor K Merrie MBE (Deputy Chairman)
Councillor E G C Allman
Councillor D Everitt
Councillor M French
Councillor S Gillard
Councillor M D Hay
Councillor G Houl
Councillor J Houl
Councillor V Richichi
Councillor R L Morris
Councillor A C Saffell
Councillor C A Sewell
Councillor S Sheahan
Councillor J G Simmons
Councillor N Smith
Councillor M B Wyatt

MINUTES of a meeting of the LICENSING COMMITTEE held in the Council Chamber, Council Offices, Coalville on WEDNESDAY, 2 NOVEMBER 2022

Councillors K Merrie MBE, E G C Allman, D Everitt, M French, M D Hay, G Hoult, L Gillard, R Canny, V Richichi, R L Morris, C A Sewell, S Sheahan, J G Simmons and M B Wyatt

Officers: Mr L Mansfield, Mr A Cooper, Ms K Woollett, Ms T Cooper, Ms R Haynes, Mr P Dennis and Wainwright

5. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors J Clarke, AC Saffell, J Hoult, N Smith and S Gillard.

6. DECLARATIONS OF INTEREST

There were no declarations of interest.

7. MINUTES OF THE PREVIOUS MEETING

Consideration was given to the minutes of the meeting held on 15 June 2022.

It was moved by Councillor G Hoult, seconded by Councillor J Simmons and

RESOLVED THAT:

The minutes of the meeting held on 15 June 2022 be agreed as a correct record of proceedings.

8. REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

The Environmental Health Team Manager presented the report to members and outlined the way in which the Council's policy had been reviewed and compared against the statutory standards.

It was noted that a consultation process had been carried out with various groups and organisations. Officers informed members that the next steps would be to finalise and publish the policy, make necessary changes to web pages and internal processes, to undertake staff training and to communicate the policy to the licensing trade.

Members thanked the licensing team for a comprehensive report.

Officers highlighted that more work was required before the penalty points system could be implemented. The penalty points system would be a more transparent system, compared with the current approach, whereby officers use professional judgment, as it would eradicate the potential for subjectivity. It was asked whether it would be possible for members to view the scheme prior to its implementation and officers confirmed that this would be acceptable.

A member questioned whether it would be easier to make it mandatory for the licence holder to subscribe to the DBS update service. Officers replied that there were more and more owners registering for the update service of their own volition and that this is something which officers had been promoting with drivers. It was considered that the cost implication of drivers not being signed up for the update service may prove to be a motivating factor in encouraging them to do so. It was confirmed it would not prove cheaper to mandate this. The authority check driver's ID which is built into the authority's charges.

A member questioned whether all drivers needed the same safeguarding training as not all drivers were involved in the transportation of school children. They also pointed out that drivers can be a really good source of information in terms of feeding back what they overhear whilst engaged in the transportation of school children and felt that a more robust training document would be better.

Officers responded that the syllabus for the safeguarding training was necessarily broad and acknowledged the importance of all of the authority's drivers sitting thorough safeguarding training.

Officers confirmed that as well as the knowledge test, formal training and reading the safeguarding essentials training, every driver is issued with a safeguarding essentials card which includes key contact numbers in order for them to report concerns. This is something which is over and above statutory requirements.

A member enquired as to what provision was made for those with a disability and officers responded that at present, there are 9 wheelchair accessible vehicles which are licensed and that this is more than sufficient. It was noted that one of these can also carry 2 wheelchairs. That said it is hoped that by offering a discounted licence fee for wheelchair accessible vehicles, the number of licensed wheelchair accessible vehicles will increase.

It was moved by Councillor S Sheahan, seconded by Councillor E Allman and

RESOLVED THAT

- 1) The outcome of the Policy Review and consultation process be considered.
- 2) The Draft Hackney Carriage and Private Hire Policy be approved. Responsibility be delegated to the Environmental Health Team Manager to implement the policy and to make changes to the Knowledge Test.

The meeting commenced at 6.00 pm

The Chairman closed the meeting at 7.04 pm

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

LICENSING COMMITTEE – 15 FEBRUARY 2023



Title of Report	DRAFT TAXI AND PRIVATE HIRE PENALTY POINTS SCHEME	
Presented by	Lee Mansfield Environmental Health Team Manager	
Background Papers	<u>NWLDC Hackney Carriage and Private Hire Licensing Policy 2022 2027</u>	Public Report: Yes
Financial Implications	All of the proposed policy changes will be implemented within existing budgeted resources.	
	Signed off by the Section 151 Officer: Yes	
Legal Implications	The Statutory Standards document sets out a framework of policies that, under section 177(4) of the Policing and Crime Act 2017, licensing authorities “must have regard” to when exercising their functions. The process of review, consultation and devising revised policy will satisfy this legal requirement.	
	Signed off by the Monitoring Officer: Yes	
Staffing and Corporate Implications	The workload associated with the review of the policy shall be undertaken within existing resources.	
	Signed off by the Head of Paid Service: Yes	
Purpose of Report	To present a draft penalty points scheme	
Recommendations	THAT LICENCING COMMITTEE: <ol style="list-style-type: none"> 1. APPROVE THE DRAFT TAXI AND PRIVATE HIRE PENALTY POINTS SCHEME 2. DELEGATE THE IMPLEMENTATION OF THE SCHEME TO THE ENVIRONMENTAL HEALTH TEAM MANAGER 3. DELEGATE AUTHORITY TO MAKE CHANGES TO THE PENALTY POINTS TARIFF TO THE ENVIRONMENTAL HEALTH TEAM MANAGER 	

1.0 Background

- 1.1 The overriding aim of the licensing authority is to protect the safety of the public. The licensing authority is concerned to ensure:
- That a person is a fit and proper person.
 - That the person does not pose a threat to the public.
 - That the public are safeguarded from a dishonest person.
 - The safeguarding of children and young persons and the vulnerable.
- 1.2 Licensing Committee approved the Hackney Carriage and Private Hire Licensing Policy 2022-27 at its meeting on 2 November 2022. The penalty points scheme is documented at paragraph 5.9 of the Hackney Carriage and Private Hire Licensing Policy 2022-27, listed as a background paper.
- 1.3 Whilst approving the introduction of a new penalty points scheme in 2023, Licensing Committee asked for further details of the proposed scheme to be discussed at a future meeting. The purpose of this report is to present the further detail.
- 1.4 The aim of the penalty points scheme is to provide a means of managing a licence holder's behaviour during the term of the licence by identifying those licensees who repeatedly breach policy, conditions or byelaws. The introduction of a penalty points scheme is expected to introduce more consistency and transparency to managing a licence holder's behaviour.

2.0 The Penalty Points Scheme

- 2.1 The Council will investigate reports of non-compliance with licence conditions and byelaws. The Council will also undertake proactive compliance monitoring.
- 2.2 Penalty points will be applied by the Council when satisfied that a breach has been identified by means of written notice being given to the licensee setting out the number of points that have been applied.
- 2.3 Points issued to either the owner of a vehicle, operator or driver will be confirmed in writing within 10 working days from the date of the decision. Any penalty points that are awarded will be recorded on the relevant computer record. Normally, the maximum tariff will be applied, but where there are mitigating circumstances, a lesser number of penalty points may be issued. The points tariff can be found at Appendix 1.
- 2.4 Where an individual licensee reaches 12 penalty points, in a rolling 36-month period, the matter will be referred to the Council's Hackney Carriage and Private Hire Sub Committee for the Sub Committee to consider the licensee's continued fitness to hold a licence.
- 2.5 Penalty points will be removed from the record after 36 months. Points may be removed following a Sub Committee hearing.
- 2.6 At a Hackney Carriage and Private Hire Sub Committee hearing, the Sub Committee can decide to:
- (a) quash or reduce the penalty points;
 - (b) confirm the penalty points; or
 - (c) increase the penalty points based upon the evidence.

2.7 Any licensee who is awarded penalty points has the right of appeal, in respect of the individual points, to the Environmental Health Team Manager or Licensing Team Leader up to 10 working days after the confirmation notice is received. The decision to be made will be to;

- (a) quash or reduce the penalty points;
- (b) confirm the penalty points; or
- (c) increase the penalty points based upon the evidence.

Any appeal application must be made in writing and received by the licensing team within 10 days of the penalty points confirmation letter being received by the licence holder. The appeal application must contain the following:

- a) Name of the licence holder;
- b) The date of the penalty points confirmation letter appealed against and details of the licence it relates to;
- c) Particulars of the penalty points appealed against;
- d) The grounds of appeal

2.8 Where an individual licensee reaches 12 penalty points, in a rolling 36-month period he matter is referred to a Hackney Carriage and Private Hire Sub Committee. If the Sub Committee chooses sanctions such as suspension, revocation, or refusal to renew (in the case of a renewal application), there is also a right of appeal to the Magistrates' Court.

3.0 Financial Implications

3.1 The proposed scheme will be administered within existing resources.

3.2 The investigation of alleged poor behaviour and the communication of the investigations findings is a task that is already undertaken by the Licensing Enforcement Officers.

3.3 The new task of recording the number of penalty points on a licence holders file will take approximately 5 minutes and will be undertaken by the Licensing Assistant.

3.4 Referring licence holders to a Licensing Sub-Committee following a history of poor behaviour is a task that is already undertaken by the Licensing Enforcement Officers. The introduction of the scheme is not anticipated to result in an increase in referrals. The aim of the scheme is to introduce more objectivity, transparency and consistency to the referral process.

Policies and other considerations, as appropriate	
Council Priorities:	

	<ul style="list-style-type: none"> - Support for businesses and helping people into local jobs - Our communities are safe, healthy and connected
Policy Considerations:	Detailed within the body of the report
Safeguarding:	This scheme aims to safeguard the most vulnerable in society.
Equalities/Diversity:	No negative impact.
Customer Impact:	Applicants and licence holders will be impacted by policy changes.
Economic and Social Impact:	All customers will benefit from compliant licence holders.
Environment and Climate Change:	No impact noted.
Consultation/Community Engagement:	A local consultation process was carried out prior to Licensing Committee approving the new policy in November 2022
Risks:	The Standards document sets out a framework of policies that, under section 177(4) of the Policing and Crime Act 2017, licensing authorities “must have regard” to when exercising their functions. The process of review, consultation and devising revised policy will satisfy this legal requirement. There is a risk of challenge if the Council does not give proper regard to the Standards.
Officer Contact	<p>Andrew Cooper Licensing Team Leader andy.cooper@nwleicestershire.gov.uk</p> <p>Lee Mansfield Environmental Health Team Manager lee.mansfield@nwleicestershire.gov.uk</p>

Appendix 1 - Penalty Points Tariff Table

Offence/Breach of Condition		Maximum Points Applicable	Driver	Vehicle Owner or Operator
1	Obstruction of an Authorised Officer or Police Officer wishing to examine a licensed vehicle	12	✓	✓
2	Failure to behave in a civil and orderly manner	12	✓	✓
3	Using a vehicle subject to a suspension order issued by an Authorised Officer or a Police Officer	12	✓	✓
4	Using a vehicle for which the licence has been suspended or revoked	12	✓	✓
5	Driver not holding a current DVLA licence	12	✓	✓
6	Using unlicensed vehicle or vehicle without insurance	12		✓
7	Carry more passengers than stated on the vehicle licence	12	✓	
8	Carrying an offensive weapon in the vehicle	12	✓	
9	Refusal to accept hiring without reasonable cause e.g., drunk or rude customer	12	✓	
10	Failure to give required mobility assistance	12	✓	✓
11	Failure to carry an assistance dog without requisite exemption	12	✓	✓

12	Unreasonable prolongation of journeys or any misconduct regarding the charging of fares	12	✓	
13	Failure to issue receipt on request	12	✓	
14	Driving while using a mobile phone	12	✓	
15	Plying for hire by Private Hire vehicle	9	✓	✓
16	Failing to notify the issuing authority within 2 working days of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence.	9	✓	✓
17	Failing to notify the issuing authority within 10 Working days of any other offence not listed at 16	6	✓	✓
18	Submission of false or misleading information to North West Leicestershire District Council.	6	✓	✓
19	Unsatisfactory behaviour or conduct of driver	6	✓	
20	Failure to provide proof of insurance within 7 days	6	✓	✓
21	Displaying any feature on Private Hire vehicle that may suggest that it is a taxi	6		✓
22	Using a vehicle, the appearance of which suggests that it is a taxi	6		✓
23	Failure to submit a licence renewal application including documents and attendance at a	6	✓	✓

	vehicle inspection			
24	Failure to attend (no show) a vehicle inspection (visual / mechanical)	6		✓
25	Using a non-approved or non-calibrated taximeter	6	✓	✓
26	Failure to keep or produce records of Private Hire bookings or other documents required to be kept or produced	6		✓
27	Failure to give assistance, when requested, with loading/unloading luggage to or from any building or place	6	✓	
28	Failure to notify, in writing, a change in medical circumstances	6	✓	✓
29	Failure to notify in writing the Council of changes of address within 10 working days.	3	✓	✓
30	Failure to report to an authorised Officer within 72 hours a collision or damage to a licensed vehicle which would cause a vehicle to breach the licence conditions	3	✓	✓
31	Failure to display drivers' badge	3	✓	
32	Failure to return vehicle licence plate within 10 working days after due notice, following expiry, revocation or suspension of such licence	3		✓
33	Fail to attend punctually to a fare at appointed time and place without sufficient cause	3	✓	✓
34	Use a licensed vehicle with a bald tyre	3 / tyre	✓	✓

35	Failure to use authorised roof light	3	✓	
36	Failure to hold current vehicle tax	3		✓
37	Failure to produce relevant documents within a reasonable time when requested by an authorised officer	3	✓	✓
38	Unsatisfactory condition of vehicle – Interior or Exterior	3	✓	✓
39	Failure to produce Hackney Carriage or Private Hire vehicle for testing or inspection when required	3	✓	✓
40	Misuse of taxi rank	3	✓	
41	Failure to display external or internal licence plate or signs as required	3	✓	✓
42	Failure to notify transfer of Hackney Carriage or Private Hire Licence	3		✓
43	Failure to carry an approved first aid kit	3	✓	✓
44	Displaying unsuitable or inappropriate sited signs or advertisements in or on the vehicle	3		✓
45	Evidence of smoking or using e cigarette in vehicle	3	✓	
46	Unsatisfactory appearance of	3		

	driver		✓	
47	Failure to observe rank discipline	3	✓	
48	Failure to display fare/tariff card in vehicle	3	✓	✓
49	Failure to display passenger notice in vehicle	3	✓	✓
50	Misleading use of the words "Taxi" or "Cab" on advertising materials	3		✓
51	Failure to maintain records in a suitable form from the commencement to the cessation of work of each driver each day	3		✓
52	Failure to produce on request records of drivers work activity	3		✓
53	Failure to maintain proper records of Private Hire vehicle within 21 days	3		✓
54	Unlawful waiting or stopping on a double yellow area, bus stop or private land (without the owner's permission)	3	✓	

Ticks indicate potential recipients of penalty points for infringements. N.B certain infringements may result in drivers, proprietors or operators receiving penalty points. Points may be awarded to one or several persons depending upon the nature of the infringement; however, each case must be determined on its own merits. Certain matters are specific to hackney carriages, private hire drivers or private hire operators.

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