

MINUTES OF THE LICENSING COMMITTEE

12 October 2011

Present:

Councillor R.W. Sider (Chairman)
Councillor C.M. Frazer (Vice-Chairman)

Councillors:

A. Ayub	M. Bushnell	A.C. Harman
C.A. Bannister	R.B. Colison-Crawford	Mrs I. Napper
	Mrs S.A. Dunn	

Apologies: Councillors J.A. Dale, Mrs D.L. Grant, A.J. Mitchell and Mrs M.W. Rough.

255/11 Minutes

The minutes of the meeting held on 15 September 2011 were approved as a correct record.

256/11 [To approve the introduction of a Penalty Points Scheme for taxi and private hire licensing enforcement work](#)

The Environmental Health Manager (Commercial) recalled that the Licensing Committee, at its meeting on 17 August 2011, recommended that Council approve the introduction of a [Penalty Points Scheme \(PPS\)](#), subject to consultation with the local taxi and private hire trade.

The consultation took place between 26 August and 23 September 2011 and three representations were received. The Environmental Health Manager (Commercial) summarised the representations and his response to them. It was not necessary to amend the scheme based on these representations.

At the meeting on 17 August 2011 the Licensing Committee resolved to add a clause into the PPS which stated that if any licensee accrued 12 or more penalty points in any 12 month period then their licence would be immediately suspended pending a Licensing Sub-Committee hearing. The Environmental Health Manager (Commercial) explained that there was no statutory requirement or legal scope for such a provision within the PPS.

Under sections 60(3), 61(3) and 62 of the Local Government (Miscellaneous Provisions) Act 1976, a taxi or private hire driver, licensed vehicle owner or private hire operator had the right to appeal, within 21 days, against a decision by the Council to suspend their licence. This was a statutory right. The suspension of a licence would only come into effect once the 21 days had elapsed and no appeal had been made, or following an abandoned or unsuccessful appeal.

The only provision for the Council to impose an immediate suspension was in a situation where there were concerns in the interests of public safety.

RESOLVED to recommend that Council:

1. approves the proposed Penalty Points Scheme for the enforcement of Hackney Carriage and Private Hire drivers, vehicles and operators as shown in Appendix A to the Report of the Head of Environmental Health and Building Control Services and
2. agrees appropriate additions be made to the Scheme of Delegations to Officers to give:
 - a. delegated powers to administer the Penalty Points Scheme and issue penalty points in accordance with the Scheme to the Head of Environmental Health and Building Control Services and
 - b. delegated powers to determine appeals lodged in respect of penalty points issued in accordance with the Scheme to the Head of Environmental Health and Building Control Services in consultation with the Chairman of the Licensing Committee.

257/11 **[Work and decisions of Licensing Sub-Committees](#)**

The decisions of Licensing Sub-Committees between 3 August 2011 and 12 October 2011 were reported.

RESOLVED that this information be noted.