

ESSENTIAL REFERENCE PAPER 'B'

PREVIOUS WORDING:

The Licensing Record Points Scheme will operate as follows:

1. The Council's Community Safety and Licensing Enforcement Policy will be fully considered by the enforcing Officer when determining the manner in which any breach of legislation or the requirements of this Policy are dealt with. Where it is decided that the use of the licensing record points system is appropriate, the points will be issued in accordance with this appendix. If this appendix allows a range of points for the particular incident, the enforcing Officer will determine the appropriate number of points proportionate to the offence.
2. Before points are issued, there must be sufficient evidence to prove the offence or breach of licensing requirements. If the licence holder disputes the offence or breach of licensing requirements, the matter will be resolved by reverting to the procedures detailed in this Policy.
3. A maximum of twelve points will be issued on any one occasion. This means that if on any occasion when it is proposed to impose points, a licence holder has committed more than one offence or breach of licence conditions, no more than twelve points will be imposed.
4. Points issued to either a proprietor or driver will be confirmed in writing within ten working days from the decision to impose points.
5. When issued, the points will remain "live" for a period of two years from the date they are imposed so that only points accumulated in a rolling twenty four months period will be taken into account. If a driver, proprietor or operator accumulates twelve or more points within a period of two years from the date they are imposed, he will be required to attend a disciplinary meeting with a Licensing Panel, where the appropriate action will be decided in accordance with this Policy.
6. Where a driver is brought before a Licensing Panel, the options available to them will include suspension or revocation of the driver's licence, where appropriate. If the Licensing Panel does not feel that the matter warrants suspension or revocation of the licence, they may extend the period for which the points are to remain "live" or instruct that a written warning to the driver is issued as to his future conduct.
7. Periods of suspension of a licence will be dependent on the nature of the breaches of the legislation or the requirements of this Policy and the compliance history of the licence holder.
8. Once the matter has been dealt with, the points will be removed if a suspension or revocation is imposed. If the "live" period is extended or a written warning given, however, the points will remain "live" for the normal two-year period, or for such extended period as imposed by the Panel.
9. A driver will retain the right to be represented at any meeting with the Licensing Panel, either legally or otherwise, and to state any mitigating circumstances he/she deems necessary.
10. Even though points have been issued by an Authorised Officer of the Council, if it is subsequently found that the driver has previously been issued with points, or has been formally cautioned, for similar offences, the Council reserve the right to cancel the points and deal with the matter in accordance with the Community Safety and Licensing Enforcement Policy.

11. The points system will operate without prejudice to the Council's ability to take other action under appropriate legislation or as provided for by this Policy.

UPDATED WORDING (Changes underlined and deletions in brackets):

The Licensing Record Points Scheme will operate as follows:

- 1 The Council's Licensing Enforcement Policy will be fully considered by the enforcing Officer when determining the manner in which any breach of legislation or the requirements of this Policy are dealt with. Where it is decided that the use of the licensing record points system is appropriate, the points will be issued in accordance with this appendix. If this scheme allows a range of points for the particular incident, the enforcing Officer will determine the appropriate number of points proportionate to the offence.
- 2 Before points are issued there must be, in the enforcing Officers opinion, sufficient evidence to prove the offence or breach of licensing requirements. (DELETED: If the licence holder disputes the offence or breach of licensing requirements, the matter will be resolved by reverting to the procedures detailed in this Policy.)
- 3 A maximum of twelve points will be issued on any one occasion. This means that if on any occasion when it is proposed to impose points, a licence holder has committed more than one offence or breach of licence conditions, no more than twelve points will be imposed.
- 4 Points issued to either a proprietor, driver or operator will be confirmed in writing within ten working days from the decision to impose points.
- 5 When issued, the points will remain "live" for a period of two years from the date they are imposed so that only points accumulated in a rolling twenty four month period will be taken into account. If a driver, proprietor or operator accumulates twelve or more points within a period of two years from the date they are imposed, he/she will be required to attend a Licensing Sub-Committee, where the appropriate action will be decided in accordance with (DELETED: this) Policy.
- 6 Where a driver is brought before a Licensing Sub-Committee, the options available to them will include suspension or revocation of the (DELETED: driver's) licence, where appropriate. If the Licensing Sub-Committee does not feel that the matter warrants suspension or revocation of the licence, they may extend the period for which the points are to remain "live" or instruct that a written warning is issued with regards to (DELETED: his) future conduct.
- 7 Periods of suspension of a licence will be dependent on the nature of the breaches and the compliance history of the licence holder.
- 8 Once the matter has been dealt with, the points will be removed if a suspension or revocation is imposed. However, if the "live" period is extended or a written warning given the points will remain "live" for the normal two-year period, or for such extended period as imposed by the Sub-Committee.
- 9 A driver will retain the right to be represented at any meeting with the Licensing Sub-Committee, either legally or otherwise, and to state any mitigating circumstances he/she deems relevant.
- 10 Even though points have been issued by an Authorised Officer of the Council, if it is subsequently found that the driver has previously been issued with points, or has been

formally cautioned or convicted, for similar offences, the Council reserve the right to cancel the points and deal with the matter in accordance with the Licensing Enforcement Policy.

- 11 The points system will operate without prejudice to the Council's ability to take other action under appropriate legislation or as provided for by Policy.
- 12 Where licensing points are issued a licence holder has ten working days, from the date of the letter notifying of the decision to issue points, to appeal that decision or the number of points given. Appeals must be made in writing to either:
licensing.enforcement@eastherts.gov.uk or Licensing Enforcement, East Herts Council, Wallfields, Pegs Lane, Hertford, Hertfordshire, SG13 8EQ.

Appeals will be decided by the Head of Housing and Health (or in his/her absence another Head of Service at east Herts Council) and the results will be notified to the appellant in writing.