

East Herts Council Report

Licensing Committee

Date of meeting: 23 June 2021

Report by: Rosalyn Morris and Claire Mabbutt -
Licensing Enforcement Officers

Report title: Review and revision of the Licensing
Records Points Scheme

Ward(s) affected: All

Summary

- The Licensing Records Points Scheme (LRPS) has made up part of the East Herts Taxi policy for many years. It has allowed Officers to issue Licensing Record Points (LRP) to drivers who have fallen below expected standards and failed to comply with certain requirements.
- Over the years there have been a number of changes to the legislation and guidance that the Government has issued to local authorities so as part of this review those matters will be considered.

RECOMMENDATIONS FOR LICENSING COMMITTEE: That

- A. Members review and comment on the proposals detailed in this report; and**
- B. Officers are instructed to carry out an 8 week public consultation regarding the proposed changes.**

1.0 Proposal(s)

- 1.1 That the report is received by Members of the Licensing Committee.

2.0 Background

- 2.1 East Herts Council is responsible for the regulation of the Hackney Carriage and Private Hire trade within the boundaries of the district of East Herts.
- 2.2 It has been given the powers to implement its own policies, conditions and schemes to ensure that the public are kept safe.
- 2.3 The policies, conditions and schemes should be reviewed regularly and updated as and when necessary to ensure that they remain effective.
- 2.4 The introduction of the LRPS was to work alongside the other enforcement options available to officers, providing a formalised stepped enforcement plan. The scheme acts as a record of the licence holders behaviour and conduct so as to ascertain whether they are a fit and proper person to continue to hold a licence with East Herts Council.

3.0 Reason(s)

- 3.1 The current scheme does not only deal with the misdemeanours that occur regularly such as drivers not wearing their badges, but deals with serious issues such as drivers using a vehicle while uninsured which could be dealt with under the relevant section of the legislation by way of prosecution. By reviewing the scheme a decision can be reached on if the scheme should be used solely for those everyday misdemeanours or whether it should be used to

cover all aspects of the legislation in addition to using our statutory powers.

- 3.2 The existing scheme did not make it clear how the number of points would be determined where there was a range of points available. The intention was to allow a stepped approach when dealing with certain matters but this was not documented within the scheme itself.
- 3.3 The proposed scheme shows clearly that there is a stepped approach to the issuing of points, for example on the 1st occasion of a breach of the policy the driver may receive 3 licensing record points. If the driver is subsequently found to be doing the same again, within a set time period, they would then be issued with a further 6 licensing record points and so on.
- 3.4 The new scheme includes the most common areas that licence holders breach rather than just including the sections from the relevant pieces of legislation. Breaches of the legislation carry their own penalties which are usually a far better deterrent than the use of Licensing Record Points.
- 3.5 Section 9.3 of the Department for Transport, Statutory Taxi and Private Hire Vehicle Standards states that licensing authorities should ensure that drivers are aware of the policies that they must adhere to and that they are properly informed of what is expected of them and the repercussions for failing to do so.
- 3.6 The use of a points-based system will allow for minor breaches to be recorded and considered in context while referring those with persistent or serious breaches to the Head of Housing and Health, in consultation with the Chair of the Licensing Committee and The Service Manager- Licensing and Enforcement. This has the benefit of consistency in

enforcement and is consistent with other delegations in relation to taxi licensing.

- 3.7 The revision of the LRPS will help the authority target compliance and enforcement activity which will provide a further source of intelligence when considering the renewal of licenses and any additional training that may be required.
- 3.8 **Appendix A** shows the current Licensing Record Point Scheme which is administered by officers.
- 3.9 **Appendix B** shows the proposed revised Licensing Record Points Scheme.
- 3.10 Officers are seeking members' comments regarding the proposed revised LRPS before putting the document out for trade and public consultation.
- 3.11 The consultation will consist of as a minimum:
- Consultation page created on East Herts website;
 - Direct contact with every holder of an East Herts issued driver, vehicle or operator licence;
 - Every neighbouring authority responsible for issuing hackney carriage and private hire licences;
 - Representatives of the Night Time Economy;
 - Residents and community groups;
 - Care homes, hospices, hospitals and similar within East Herts;
 - All local and county councillors;
 - Use of the council's social media accounts to publicise the consultation.
- 3.12 The results of that consultation will be brought back to Licensing Committee for consideration on 13th October 2021.

4.0 Options

- 4.1 Cease to operate a LRPS.
- 4.2 Continue to operate the existing LRPS.
- 4.3 Consult on the proposed scheme without amendments.
- 4.3 Make amendments to the proposed scheme and consult.

5.0 Risks

- 5.1 Policies, conditions and schemes that are not reviewed regularly or updated as and when necessary so that they remain effective will leave the authority open to legal challenges.
- 5.2 Failure to address gaps within the current scheme could be detrimental to the authority's defence of any legal challenge.
- 5.3 If the authority does not have robust policies and procedures in place then it is unable to limit, as far as is possible, the risks to the public.

6.0 Implications/Consultations

Community Safety

See paragraph 5.3

Data Protection

No changes are proposed to how data will be held or handled so no additional implications.

Equalities

None as these are standards which apply to all licence holders.

Environmental Sustainability

None

Financial

None as implementing any changes will be possible within existing budgets or fees can be adjusted to balance any shortfall.

Health and Safety

None

Human Resources

None

Human Rights

None

Legal

None

Specific Wards

No

7.0 Background papers, appendices and other relevant material

7.1 **Appendix A** – Current Licensing Record Point Scheme.

7.2 **Appendix B** – Proposed revised Licensing Record Point Scheme.

7.3 Department for Transport, Statutory Taxi and Private Hire Vehicle Standards:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/928583/statutory-taxi-and-private-hire-vehicle-standards-english.pdf

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