

Name of meeting and date: **Licensing & Safety Committee 11th February 2015**

Title of report: **Assessment Criteria and Convictions Policy for Licensed Drivers (2)**

Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Not Applicable
Is it in the Council's Forward Plan ?	Not Applicable
Is it eligible for "call in" by Scrutiny ?	Not Applicable
Cabinet member portfolio	Regeneration, Environment & Transportation

Electoral [wards](#) affected and ward councillors consulted: **ALL**

Public or private: **Public**

1 SUMMARY

1.1 To consider the revision of the Policy on the relevance of criminal conduct, unsavoury conduct and complaints against Licence Holders and Applicants for licences.

2 INTRODUCTION

To consider paragraph 20 of the Assessment Criteria and Convictions Policy for Licensed Drivers

3 BACKGROUND

3.1 Kirklees Council adopted the policy at the last Licensing & Safety Committee on October 15th 2014.

3.2 The Licensing regime exists to ensure that the safety of the public is protected. As a result it is necessary for the Council to have a robust assessment criteria and convictions policy that adequately deals with any issue that might undermine the safety of the public. A copy of the Policy is attached to the previous agenda item.

3.3 Members may recall that at the last Committee discussions took place regarding paragraph 20 of the criteria with the Committee voting by a majority to reject a tabled amendment and to adopt the policy with this paragraph as it was written.

3.4 Since the Policy was adopted there have also been a number of criticisms and representations including a petition made by the trade to the Cabinet meeting on Wednesday 5th November 2014 regarding paragraph 20 which provides ...

20. Motoring offences and penalty points

The following is a guide to the number of penalty points a court may impose, it does not reflect the fact that some offences may incur a disqualification.

These codes are recorded from information supplied by the courts (accurate at the time of this document). 11

Existing drivers who have accumulated 9 or more points on their DVLA driving licence will have their private hire/hackney carriage driver licence suspended, until the driver has successfully undertaken a private hire or hackney carriage DSA driving test, at their own expense.

3.5 The trade believe that suspension of a drivers badge at 9 points is too harsh and that the suspension period could be for a lengthy period as there is a long waiting list for DSA taxi driver tests. Members of the trade will be present at Committee to address this issue with Members but briefly they wish to see this paragraph removed from the policy. It is understood that the Trade reps may also have some alternative proposals to put to Members

3.6 As a result of the petition that was presented to cabinet in November 2014 the Leader, Cllr David Sheard referred the matter back to this Committee for reconsideration.

3.7 There has also been newspaper and social media articles regarding this matter and there has been enormous public support for the scheme.

3.8 The Licensing & Safety Committee and Regulatory Panel has delegated authority determine such matters.

4 OPTIONS

4.1 Officers were requested to look and see whether there were waiting lists for the DSA test and what options might be available. On checking the booking situation for DSA tests it was the case that there was a waiting list of approximately 6 – 9 weeks depending on which testing station was preferred, Huddersfield or Heckmondwike.

4.2 A number of options have been identified and these are set out below:-

- Keep policy paragraph as currently is
- Remove policy paragraph completely
- Remove risk of suspension whilst driver retakes DSA test
- Create and implement a in house driving test for drivers with 9 points (to avoid delays) this could be either with or without suspension
- Only suspend if driver fails driving test

5. RESOURCE IMPLICATIONS

5.1 None

6. DECISION REQUESTED

6.1 The Licensing Committee is requested to consider paragraph 20 of the policy and determine whether, to keep, delete or amend paragraph 20.

For further information on this report please contact Catherine Walter on 456868 or catherine.walter@kirklees.gov.uk