



Leicester
City Council

WARDS AFFECTED
City Wide

Licensing Committee

25 August 2015

Introduction of Drivers Penalty Points Scheme

Report of the Director for Local Services and Enforcement

1 Purpose of Report

- 1.1 To seek Licensing Committee's views on the introduction of a penalty points scheme for taxi drivers.

2 Recommendations

- 2.1 Licensing Committee is asked to give its views on the introduction of a penalty points scheme for taxi drivers. These will be reported to the Assistant Mayor with responsibility for taxi licensing, who will decide on whether to adopt the scheme.

3 Background

- 3.1 At the present time there is no systematic mechanism for dealing with minor misconduct by taxi drivers. A penalty points scheme for taxi drivers would be designed as a means of addressing this.
- 3.2 Should licence holders commit offences, then depending on the circumstances, the licence holder may be prosecuted. In addition, subject to the outcome and the severity of the case, the licence holder may be brought before the Licensing Enforcement Sub-Committee to determine whether they should retain their licence. In certain circumstances, it may be decided that the offence is too minor to prosecute, or the Council may decide to deal with the matter in another way. For instance, in relation to driving an unroadworthy vehicle, the Council may prohibit the use of the vehicle until it is repaired. In other cases, unsatisfactory behaviour, which does not constitute an offence, for example persistently parking in inappropriate areas such as the pedestrian areas of Jubilee Square, often result in no action being taken. Other examples are shown in the table at Section 5.
- 3.3 At the present time officers decide on a case by case basis whether drivers whose conduct they consider to be unsatisfactory should be referred to the Enforcement Sub-Committee. This approach leaves room for inconsistency and does not adequately address the situation in which a number of less serious matters arise within a short period.

4 Proposed Penalty Points Scheme

- 4.1 The aim of a penalty point scheme would be to provide a consistent approach to dealing with unsatisfactory conduct, thereby improving driving standards. The scheme would act as a record of driver's behaviour and conduct so as to ascertain whether they were a fit and proper person to hold a licence. Its introduction would not prejudice the Council's ability to take other action, such as prosecution where this was considered appropriate. In addition, penalty points could be taken into account when deciding the duration of a licence issued to the driver on renewal.
- 4.2 It is proposed that the current system of enforcement would remain. At present any contravention of statutes, rules, regulations and conditions are dealt with in a number of ways. These include written notices, written warnings, suspension notices, or prosecution.
- 4.3 The proposed scheme would run separately from the current scheme of guidelines on convictions, which would continue to run in its present form.
- 4.4 Under the proposed scheme, unsatisfactory conduct would attract penalty points. These would be issued according to the agreed and published tariff. A draft outline of how the points tariff might look is shown below.
- 4.5 Points applied to a driver would remain on their record for three years from the date they are applied. This period is considered to be of sufficient length so as to allow any licensee who may find themselves accumulating penalty points to modify their conduct before facing the possibility of sanctions being taken against them. It is also consistent with the length of time penalty points remain on DVLA licences.
- 4.6 Penalty points would be issued by the Head of Regulatory Services. Decisions would take into account all of the circumstances and be based on documentary evidence, evidence provided by enforcement staff who were present when the infringement took place or written statements from members of the public. Drivers would be notified as soon as possible after the conduct being considered and would be given an opportunity to give an explanation of the circumstances of the allegations being made.
- 4.7 If a driver exceeds 12 penalty points in any three year period, they will be referred to the Enforcement Sub-Committee which would consider whether the driver was a fit and proper person to retain their hackney carriage and private hire driver's licence. The Enforcement Sub-Committee would be provided with the information which lead to the imposition of the penalty points and the driver would be given an opportunity to explain why they should still be considered a fit and proper person to hold a licence. Options available to the Committee would include revocation or suspension of the licence, imposition of additional conditions, such as further training, or to take no action.
- 4.8 The penalty points scheme would be reviewed after 12 months to assess whether it was achieving its objectives, whether it was working fairly, whether the

points tariff for each type of offence was reasonable and whether other categories of infringement needed to be added.

5 Proposed Points Schedule

	Offence/Breach of Condition	Maximum Points Applicable
1	Providing false or misleading information on licence application form, or failing to provide relevant information.	3
2	Failure to use taxi meter for journeys within prescribed distance	5
3	Refusal to accept hiring without reasonable cause	5
4	Parking a vehicle in contravention of parking restrictions	4
5	Failure to display appropriate plates, or plate improperly secured, or failure to display door signs.	3
6	Failure to wear driver's badge	3
7	Failure to undertake 6 monthly vehicle examination	4
8	Driving a vehicle in an unroadworthy condition (eg prohibition notice)	5
9	Failure to notify Licensing Authority of a conviction	3
10	Making of false or misleading statement on licence application form	3
11	Failure to comply with the drivers' code of conduct.	1

6 Driver's Code of Conduct

- 6.1 The driver's code of conduct has been in force for many years, but has not been well publicised. It would need to be promoted prior to the introduction of the penalty points scheme. The Code of Conduct is as follows:

Drivers must

- Wear the identity badge at all times so that it can be seen by passengers
- Behave in a civil and orderly manner to passengers
- Maintain the vehicle in a clean and tidy condition
- Ensure the safety of passengers during the journey and when entering and leaving the vehicle
- Provide the hirer with a receipt on request
- Dress in a clean and respectable manner

Drivers must not

- Sound the horn to attract the hirer's attention
- Approach or call out to passengers to encourage hiring
- Smoke, eat or drink in the vehicle
- Allow any audio equipment to become a nuisance to passengers

7 Consultation

- 7.1 All hackney carriage, private hire vehicle, drivers and operator licence holders have been consulted on the proposals. This consultation ended on the 16th August which is after the production of this report. The outcome of the consultation will be reported to the Assistant Mayor, when he decides on the policy.

8 FINANCIAL, LEGAL AND OTHER IMPLICATIONS

8.1 Financial Implications

- 8.1.1 There are no quantifiable financial implications arising as a result of this report, although the impact upon staffing requirements of administering the new scheme would need to be monitored.

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8.2 Legal Implications

- 8.2.1 Two statutes create offences relating respectively to hackney carriages and private hire vehicles:

- i) Town Police Clauses Act 1847 (as amended)
- ii) Local Government (Miscellaneous Provisions) Act 1976 (as amended)

- 8.2.2 **Section 61 of the Local Government (Miscellaneous Provisions) Act 1976** - Suspension and revocation of drivers' licences.

(1) Notwithstanding anything in the Act of 1847 or in this Part of this Act, a district council may suspend or revoke or (on application therefor under section 46 of the Act of 1847 or section 51 of this Act, as the case may be) refuse to renew the licence of a driver of a hackney carriage or a private hire vehicle on any of the following grounds:—

(a) that he has since the grant of the licence—

(i) been convicted of an offence involving dishonesty, indecency or violence; or

(ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act; or

(b) any other reasonable cause.

(2) (a) Where a district council suspend, revoke or refuse to renew any licence under this section they shall give to the driver notice of the grounds on which the licence has been suspended or revoked or on which they have refused to renew such licence within fourteen days of such suspension, revocation or refusal and the driver shall on demand return to the district

council the driver's badge issued to him in accordance with section 54 of this Act.

(b) If any person without reasonable excuse contravenes the provisions of this section he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 1 on the standard scale.

(2A) Subject to subsection (2B) of this section, a suspension or revocation of the licence of a driver under this section takes effect at the end of the period of 21 days beginning with the day on which notice is given to the driver under subsection (2)(a) of this section. .

(2B) If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver under subsection (2) (a) of this section includes a statement that that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver.

(3) Any driver aggrieved by a decision of a district council under subsection (1) of this section may appeal to a magistrates' court.

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9 Report Author

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