



Leicester
City Council

WARDS AFFECTED
Castle

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:
Licensing and Public Safety Committee

22 September 2016

Summary Update of Penalty Points Scheme

Report of the Director of Neighbourhood and Environmental Services

1. Purpose of Report

- 1.1. To update the Licensing and Public Safety Committee on the council's penalty points scheme

2. Recommendations

- 2.1. Members are asked to note the report.

3. Background

- 3.1. The penalty points scheme relates to licensed drivers of hackney carriages and private hire vehicles. It came into effect on 1st December 2015 on a one year trial basis, and will be reviewed by the City Mayor for determination.
- 3.2. The aim of a penalty points scheme is to provide a consistent approach to dealing with unsatisfactory conduct by licensed drivers, thereby improving driving standards. The scheme acts as a record of a driver's behaviour and conduct to ascertain whether they are a fit and proper person to hold a licence. The scheme does not prejudice the Council's ability to take other action, such as prosecution where this is considered appropriate. If a driver has been given penalty points, it may reduce the duration of the next driver's licence that we issue on renewal.
- 3.3. The current system of enforcement remains unchanged. Any contravention of statutes, rules, regulations and conditions are dealt with in a number of ways, including written notices, written warnings, suspension notices, and prosecution.
- 3.4. The penalty points scheme is separate to the guidelines on convictions, which continues to run in its present form.

- 3.5. The penalty points scheme deals with unsatisfactory conduct. Points may be issued according to the agreed and published tariff. The points tariff is as follows:

	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 (e.g. prohibition notice)	4
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

- 3.6. Points given to a driver remain on their record for three years from the date they are applied. This was 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.
- 3.7. Penalty points are currently issued by the Head of Regulatory Services. Decisions take into account all of the circumstances and are based on documentary evidence, evidence provided by enforcement staff that were present when the infringement took place or written statements from members of the public. Drivers are notified as soon as possible after the alleged conduct took place and are given an opportunity to give an explanation of the circumstances of the allegations being made.
- 3.8. If a driver exceeds 12 penalty points in any three year period, they will be referred to the Licensing 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.

- 3.9. The penalty points scheme will be reviewed after 12 months to assess whether it is achieving its objectives, whether it is working fairly, whether the points tariff for each type of offence is reasonable and whether other categories of infringement need to be added.

4 Penalty points issued

- 4.1 In a period of eight months a total of 60 licensees have received penalty points. These are summarised below:

Offence	Number of Licensees issued
Failure to undertake 6 monthly vehicle examination	21
Parking a vehicle in contravention of parking restrictions	31
Driving a vehicle in an unroadworthy condition (eg prohibition notice)	3
Failure to display appropriate plates, or plate improperly secured, or failure to display door signs.	5

- 4.2 Appendix A gives more detail about the penalty points that have been issued to date.

5 Financial, Legal and Other Implications

Financial Implications

- 5.1 There are no significant financial implications arising from this report.

Colin Sharpe, Head of Finance, ext. 37 4081

Legal Implications

- 5.2 There are no legal implications arising from the court decision.

Nicki Agalamanyi, Solicitor Advocate - Legal Services

6 Other Implications

OTHER IMPLICATIONS	YES/ NO	Paragraph/References Within the Report
Equal Opportunities	No	
Policy	Yes	This policy is on a trial basis and will be reviewed by the City Mayor prior to a final determination.
Sustainable and Environmental	No	
Crime and Disorder	No	
Human Rights Act	No	
Elderly/People on Low Income	No	
Corporate Parenting	No	
Health Inequalities Impact	No	

7 Background Papers

None

8 Consultations

All hackney carriage, private hire vehicle, drivers and operator licence holders were consulted on the initial proposals. This consultation ended on the 16th August 2015.

9 Report Author

Bobby Smiljanic, Licensing Team Manager
0116 4543042
Bobby.Smiljanic@leicester.gov.uk

4. Appendix

Reason	Location	Date Issued	HCV or PHV	Decision Date	Outcome
Parking Contravention	Jubilee Square	20/12/15	PHV	08/01/16	4 Points issued
Parking Contravention	Horsefair Street	22/01/16	HCV	01/03/16	4 Points issued
Parking Contravention	Horsefair Street	22/01/16	HCV	01/03/16	4 Points issued
Parking Contravention	Jubilee Square	23/01/16	HCV	01/03/16	4 Points issued
Parking Contravention	Jubilee Square	23/01/16	HCV	01/03/16	4 Points issued
Parking Contravention	Jubilee Square	23/01/16	HCV	01/03/16	4 Points issued
Parking Contravention	Horsefair Street	24/01/16	PHV	01/03/16	4 Points issued
Parking Contravention	Belvoir Street	24/01/16	HCV	01/03/16	4 Points issued
Parking Contravention	Jubilee Square	03/02/16	PHV	01/03/16	4 Points issued
Parking Contravention	Jubilee Square	03/02/16	HCV	01/03/16	4 Points issued
Failure to attend 6 Monthly	N/A	17/02/16	PHV	12/04/16	4 Points issued
Failure to attend 6 Monthly	N/A	17/02/16	PHV	12/04/16	4 Points issued
Parking Contravention	Highcross Street	22/02/16	HCV	14/06/16	4 Points issued
Parking Contravention	Highcross Street	22/02/16	HCV	12/04/16	4 Points issued
Parking Contravention	Highcross Street	22/02/16	HCV	12/04/16	4 Points issued
Parking Contravention	Highcross Street	22/02/16	HCV	12/04/16	4 Points issued
Parking Contravention	Highcross Street	22/02/16	HCV	12/04/16	4 Points issued
Parking Contravention	East Park Road	03/03/16	PHV	03/05/16	4 Points issued
Parking Contravention	Highcross Street	03/03/16	PHV	03/05/16	4 Points issued
Parking Contravention	Granby Street	07/03/16	PHV	03/05/16	4 Points issued
Failure to attend 6 Monthly	N/A	14/03/16	PHV	03/05/16	4 Points issued
Failure to attend 6 Monthly	N/A	14/03/16	PHV	03/05/16	4 Points issued
Failure to attend 6 Monthly	N/A	14/03/16	PHV	03/05/16	4 Points issued
Failure to attend 6 Monthly	N/A	14/03/16	PHV	03/05/16	4 Points issued
Parking Contravention	Horsefair Street	14/03/16	HCV	03/05/16	4 Points issued
Parking Contravention	Welford Road	11/03/16	PHV	03/05/16	4 Points issued
Parking Contravention	Welford Road	11/03/16	PHV	03/05/16	4 Points issued
Driving Unroadworthy vehicle	VTS	06/04/16	PHV	14/06/16	4 Points issued
Driving Unroadworthy vehicle	VTS	06/04/16	PHV	14/06/16	4 Points issued
Failure to display Plate/Signs	VTS	06/04/16	PHV	14/06/16	3 Points issued
Failure to attend 6 Monthly	N/A	14/04/16	PHV	14/06/16	4 Points issued
Failure to attend 6 Monthly	N/A	14/04/16	PHV	14/06/16	4 Points issued
Failure to attend 6 Monthly	N/A	14/04/16	PHV	14/06/16	4 Points issued
Failure to attend 6 Monthly	N/A	14/04/16	PHV	14/06/16	4 Points issued
Failure to attend 6 Monthly	N/A	14/04/16	PHV	14/06/16	4 Points issued
Parking Contravention	Jubilee Square	14/04/16	PHV	14/06/16	4 Points issued
Parking Contravention	Jubilee Square	14/04/16	PHV	14/06/16	4 Points issued
Parking Contravention	Jubilee Square	14/04/16	PHV	14/06/16	4 Points issued
Parking Contravention	Jubilee Square	21/04/16	PHV	14/06/16	4 Points issued
Parking Contravention	Jubilee Square	21/04/16	PHV	14/06/16	4 Points issued
Parking Contravention	Jubilee Square	21/04/16	PHV	14/06/16	4 Points issued
Parking Contravention	Jubilee Square	21/04/16	HCV	14/06/16	4 Points issued
Failure to display Plate/Signs	Millstone Lane	10/05/16	PHV	05/07/16	3 Points issued
Failure to display Plate/Signs	Albion St/Belvoir St	13.05.16	PHV	05/07/16	3 Points issued
Failure to display Plate/Signs	Elmcroft Avenue	13.05.16	PHV	05/07/16	3 Points issued
Failure to attend 6 Monthly	N/A	13/05/16	PHV	05/07/16	4 Points issued
Failure to attend 6 Monthly	N/A	13/05/16	PHV	05/07/16	4 Points issued
Failure to attend 6 Monthly	N/A	13/05/16	PHV	05/07/16	4 Points issued
Failure to attend 6 Monthly	N/A	13/05/16	PHV	05/07/16	4 Points issued
Failure to attend 6 Monthly	N/A	13/05/16	PHV	05/07/16	4 Points issued
Failure to attend 6 Monthly	N/A	13/05/16	PHV	05/07/16	4 Points issued
Failure to attend 6 Monthly	N/A	13/05/16	PHV	05/07/16	4 Points issued
Failure to attend 6 Monthly	N/A	13/05/16	PHV	05/07/16	4 Points issued
Parking Contravention	Granby Street	03/06/16	HCV	05/07/16	4 Points issued
Failure to display Plate/Signs	Granby Street	07.06.16	PHV	05/07/16	3 Points issued
Failure to attend 6 Monthly	N/A	13/06/16	HCV	09/08/16	2 Points issued
Failure to attend 6 Monthly	N/A	13/06/16	PHV	09/08/16	4 Points issued
Failure to attend 6 Monthly	N/A	13/06/16	PHV	09/08/16	4 Points issued
Driving Unroadworthy vehicle	Vehicle Testing Station	18.06.16	PHV	09/08/16	4 Points issued
Parking Contravention	Bishop Street	23/06/16	PHV	09/08/16	4 Points issued