



Derby City Council

## **LICENSING COMMITTEE** **5 July 2018**

Report of the Strategic Director for  
Communities and Place

# **ITEM 8**

## **Update Review of the Penalty Points Scheme**

### **SUMMARY**

- 1.1 At the meeting on 23 November 2016, Council approved a change to the taxi licensing sub-committee decision-making process.
- 1.2 As part of this process, officers were instructed to review and present a further report, not later than 12 months after first implementation of the proposals, which considered the operational effectiveness of the measures introduced.

### **RECOMMENDATION**

- 2.1 To note the information set out in the report and appendices.
- 2.2 To approve the amendments to the Penalty Points System set out in the revised penalty points table attached at Appendix 4.

### **REASONS FOR RECOMMENDATION**

- 3.1 To continue to provide, in the public interest, a proactive and proportionate response to the public interest report findings, so far as they relate to taxi licensing administration, which also gives assurance to the public at large.
- 3.2 To continue to provide an objective approach to taxi licensing administration and decision making that is consistent, fair and transparent to both the public and the trade alike.

### **SUPPORTING INFORMATION**

- 4.1 At its meeting on 23 November 2016, Council considered a report from the Cabinet Member for Regulatory Services setting out proposals for a review of taxi licensing sub-committee decision making processes and procedures.

- 4.2 A number of changes were agreed, which included a firm commitment from Council for a transition of decision making powers from Licensing Committee to officers. The commitment gave officers the opportunity to develop, through to conclusion, the necessary prerequisites to secure the robustness of the principles and processes needed to allow them to implement, from an agreed date, a new system for making clear, consistent and robust decisions in the public interest. The agreed date for the introduction of this was 1 July 2017, to be reviewed within 12 months.
- 4.3 Amongst the prerequisites referred to in the preceding paragraph was the need to introduce a new penalty points system, a minimum requirement application threshold, changes and modifications to certain current practices and housekeeping around the current imposition of age limits and right to work legislation. All these measures required approval as a combined package of measures in order for the proposal to be successfully implemented.
- 4.4 The points system introduced is equally applicable to both existing and prospective licence holders, with a threshold maximum number of Derby points (12) above which, as applicable, a licence would be administratively suspended or revoked. The points system was designed to take account of all possible driving and criminal convictions and/or conduct/behavioural transgressions.
- 4.5 The Licensing Committee have received a number of update reports over the last twelve months on the changes that were introduced. This report focusses on the implementation of the penalty points system, the number of applications that have been considered using it and the number of subsequent Appeals that have been made to the Magistrates Court.
- 4.6 Statistical information on the number of applications dealt with by officers under the penalty points scheme from 1 July 2017 is set out at Appendix 2.
- 4.7 A number of Magistrates Court Appeals have been made lodged against the decisions made under the penalty points scheme and a summary of these are set out at Appendix 3.
- 4.8 The penalty points scheme has been kept under review to identify any additions that officers believe need to be made to it. A revised penalty points table is set out for consideration at Appendix 4.

## OTHER OPTIONS CONSIDERED

5.1 Not applicable.

This report has been approved by the following officers:

<b>Legal officer</b> <b>Financial officer</b> <b>Human Resources officer</b> <b>Estates/Property officer</b> <b>Service Director(s)</b> <b>Other(s)</b>	Olu Idowu n/a n/a n/a n/a
<b>For more information contact:</b>  <b>Background papers:</b> <b>List of appendices:</b>	Michael Kay, Acting Director of Public Protection - 01332 641940 <a href="mailto:michael.kay@derby.gov.uk">michael.kay@derby.gov.uk</a> None Appendix 1 – Implications Appendix 2 – Statistical information on the number of applications dealt with by officers under the penalty points scheme Appendix 3 – Appeals Lodged at Magistrates Court Against Penalty Points Decision Appendix 4 – Revised Derby Penalty Points System

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<b>IMPLICATIONS</b>
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**Financial and Value for Money**

- 1.1 No additional implications from this report.

**Legal**

- 2.1 No additional implications from this report.

**Personnel**

- 3.1 No additional implications from this report.

**IT**

- 4.1 No additional implications from this report.

**Equalities Impact**

- 5.1 No additional implications from this report.

**Health and Safety**

- 6.1 The report contains information that aims to improve public safety and protect vulnerable children and adults.

**Environmental Sustainability**

- 7.1 None.

**Property and Asset Management**

- 8.1 None.

**Risk Management and Safeguarding**

- 9.1 The report contains information that aims to protect vulnerable children, young people, adults and older people.

## **Corporate objectives and priorities for change**

- 10.1 The proposals set out in this report meet the Council's core vision of being safe, strong and ambitious, and the aim to be a modern, flexible and resilient Council.
- 10.2 The proposals set out in this report address the corporate objectives of:
- protecting vulnerable children, young people, adults and older people
  - promoting health and well-being
  - delivering our services differently

## Appendix 2

### Statistical information on the number of applications dealt with by officers under the penalty points scheme

- 63 x applications in total
  - 48 x private hire drivers
  - 12 x hackney carriage drivers
  - 3 x private hire vehicles
- 10 x new applications
  - 7 x private hire drivers
  - 3 x hackney carriage drivers
- 53 x existing licences
  - 41 x private hire drivers
  - 9 x hackney carriage drivers
  - 3 x private hire vehicles
- 3 x Late reporting of accident
  - 2 x private hire drivers
  - 1 x hackney carriage driver
- 1 x none reporting the sale of a vehicle
  - 1 x private hire driver
- 3 x non-wearing of badge
  - 1 x private hire driver
  - 2 x hackney carriage driver
- 1 x threatening behaviour
  - 1 x private hire driver
- 1 x vehicle suspension
- 3 x late reporting of address change
  - 2 x private hire drivers
  - 1 x hackney carriage driver
- 5 x late reporting of convictions, cautions etc.
  - 4 x private hire drivers
  - 1 x hackney carriage driver
- 5 x not providing info within time scale
  - 5 x private hire drivers
- 1 suspend NVQ

- 1 x private hire driver
- 15 x suspension for not providing info.
  - 15 x private hire drivers
- 3 x refuse convictions
  - 2 x private hire drivers
  - 1 x hackney carriage drivers
- 6 x refuse convictions and non- declaration
  - 5 x private hire drivers
  - 1 hackney carriage driver
- 3 x revocation of existing licence (not dealt with by committee previously)
  - 1 x Sept 17 refuse guide dog
  - 1 x Battery 2016 not report until 2018
  - 1 x Common Assault 2018



### Appendix 3

#### Appeals Lodged at Magistrates Court Against Penalty Points Decision

No.	Detail	Status
1	Appeal against refusal of licence under points scheme.	Appeal Dismissed
2	Appeal against requirement of a VIVA.	Appeal Withdrawn
3	Appeal against requirement of a VIVA.	Appeal Withdrawn
4	Appeal against requirement of a VIVA.	Appeal Withdrawn
5	Appeal against requirement of a VIVA.	Appeal Withdrawn
6	Appeal against revocation badge was revoked as it was a new notification under the penalty point scheme.	Appeal Withdrawn
7	Appeal against refusal of licence under points scheme.	Appeal due 12 July 2018
8	Appeal against refusal of licence under points scheme.	Appeal due 19 July 2018
9	Appeal against revocation of his badge due to caution for battery.	Appeal due 16 August 2018



### **Revised Derby Penalty Points System (revisions shown in red highlighted text)**

Suitability to hold a licence depends on a number of factors including the existence of criminal convictions, cautions, reprimands, warnings, fixed penalty notices, motoring offences (DVLA points) restorative justice disposals for offences, and complaints/non-compliances. The following tables indicate how the council will approach the determination of applications for a licence and the application of a Derby Points-Based system for the various factors that are taken into account when deciding if a licence is to be issued.

In respect of existing drivers any criminal convictions, cautions, reprimands, warnings, fixed penalty notices, motoring offences (DVLA points) restorative justice disposals for offences, and complaints/non-compliances during the currency of their licence post 1 July 2017 will be dealt with in accordance with the Derby Points-Based Scheme.

Cautions, reprimands, warnings, fixed penalty notices, restorative justice disposals for offences will be dealt with in exactly the same manner as a conviction for both new and existing applicants/drivers.

The system allows the Council, public, applicants and current licence holders to understand the circumstances in which persons will not be considered 'fit and proper' to hold a licence. The health, safety and wellbeing of the public is at the forefront of any decision making process. Any new applicant or existing licence holder with 12 Derby points will not be granted a licence. Drivers with 12 ((DVLA) Penalty points) at the time of application or renewal will not be granted a licence .Existing licenses will be revoked. With the council's fundamental public safety duty in mind, some offences/non-compliances are considered serious enough for a licence not to be issued. These are marked 'refused' in the following tables. In the case of current licence holders who acquire such convictions while licensed, 'refused' in the table means that a licence will be revoked. The Council will not consider any application from an individual who has had their licence revoked or refused until 12 months have expired since the date of revocation/refusal.

The Council takes a serious view of the false-declaration of information on any form used to apply/renew a licence. If false-declaration is identified your application will be refused. In addition prosecution will be considered.

A driver, proprietor or operator who has incurred Derby points twice within a rolling 12 month period will have their licence suspended for 7 days;

A driver, proprietor or operator who has incurred Derby points 3 times in a rolling 18 month period will result in a licence being suspended for 14 days;

A driver, proprietor or operator who has incurred Derby points 4 times in a rolling 24 month period will result in a licence being suspended for 21 days.

Any driver, vehicle owner or operator accumulating 12 Derby points in a rolling 24 month period will have their case referred to a senior officer with a recommendation that, in the absence of any exceptional justification by the licence holder for such significant lapse in driving standard conduct, the licence will be revoked.

Derby points shown in the following tables in Part 1 will be doubled if a term of imprisonment is imposed following conviction. This includes suspended sentences.

Derby points shown in the following tables in Part 2 will stay on the licence holder's record for 3 years from the date on the notification.

The tables are not an exhaustive list of actions or outcomes. If the actions of a licence holder impact on the health, safety and wellbeing of the public, civil liberties or equality rights, prosecution will be considered in addition to Derby points being issued.

If an applicant or current licence holder believes that there are exceptional circumstances that should be considered, the onus is on that individual to provide the relevant details/documents believed to support the exceptionality to the council's Licensing Team, in writing. In the case of a new applicant, such detail must be provided with the application; alternatively for existing drivers, it may be provided, if requested by the council, or at the point the individual is notified that the matter is to be considered formally by a senior officer within the timescale detailed within the notification (usually 10 working days). In the case of existing licence holders, the information must be provided within the timescale detailed within the notification usually 10 working days.

Where an applicant or current licence holder has no current Derby points but demonstrates a pattern of repeated offending, consideration will be given to the refusal or revocation of licence/s

**PART 1.**

**Time since conviction – points are doubled if a term of imprisonment is imposed – DCC will not normally grant a licence to any applicant who has received criminal convictions, cautions, reprimands, warnings fixed penalty notices and/or restorative justice disposals for the offences marked with a \*.**

**Anybody who is subject to the requirements of a sex offender's register will not be considered for a licence:**

**a) whilst they are on the register**

**b) before the expiry of a 20 year period following the date of removal from the register.**

**For all offences marked 'refused' that do not result in a sexual offender's register requirement being imposed, after 10 years the offences will be subject to points on a sliding scale from 10 – 1 e.g. 11 years = 10 points, 12 years = 9 points, 13 years = 8 points etc. [The same principle will apply to convictions for sexual offences following the expiry of the period set out at (b), above.]**

<b>Type of Offence</b>	<b>1 year</b>	<b>2 years</b>	<b>3 years</b>	<b>4 years</b>	<b>5 years</b>	<b>6 years</b>	<b>7 years</b>	<b>8 years</b>	<b>9 years</b>	<b>10 years</b>
<b>Sexual Offences</b>										
<b>* Rape</b>	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
<b>* Assault – sexual</b>	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
<b>* Causing sexual activity without consent</b>	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
<b>* Rape &amp; other offences against children under 13</b>	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
<b>* Child sex offences</b>	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
<b>* Sexual offences relating to abuse of position of trust</b>	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
<b>* Familial child sex offences</b>	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
<b>* Sexual offences against persons with a mental disorder impeding choice</b>	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused

<b>* Sexual offences and Inducements etc. to persons with a mental disorder</b>	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
<b>* Sexual offences by care workers for persons with a mental disorder</b>	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
<b>* Indecent photographs of children</b>	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
<b>* Abuse of children through prostitution and pornography</b>	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
<b>* Prostitution</b>	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
<b>* Amendments relating to prostitution (see sexual offences Act 1956)</b>	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
<b>* Trafficking</b>	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
<b>* Preparatory Sexual Offences</b>	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
<b>* Unlawful sexual intercourse</b>	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
<b>* Sex with an adult relative</b>	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
<b>* Exposure</b>	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
<b>* Voyeurism</b>	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
<b>* Intercourse with an animal</b>	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused

* Sexual penetration of a corpse	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
* Sexual activity in a public lavatory	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused

**Time since conviction – points are doubled if a term of imprisonment is imposed – DCC will not normally grant a licence to any applicant who has received criminal convictions, cautions, reprimands, warnings fixed penalty notices and/or restorative justice disposals for the offences marked with a \*.**

**For all offences marked 'refused', after 10 years the offences will be subject to points on a sliding scale from 10 – 1 e.g. 11 years = 10 points, 12 years = 9 points, 13 years = 8 points etc.**

<b>Type of Offence</b>	<b>1 year</b>	<b>2 years</b>	<b>3 years</b>	<b>4 years</b>	<b>5 years</b>	<b>6 years</b>	<b>7 years</b>	<b>8 years</b>	<b>9 years</b>	<b>10 years</b>
<b>Indecency Offences</b>										
<b>Indecent Exposure</b>	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
<b>Indecent Exposure to the Annoyance of Residents</b>	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
<b>Indecent Exposure with the intent to insult a female</b>	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
<b>Importuning / kerb crawling / soliciting</b>	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
<b>Gross indecency with a female</b>	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
<b>Gross indecency with a male</b>	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
<b>* Indecent assault on a female/male</b>	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
<b>* Indecent assault on a child under 16 years</b>	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
<b>Living off immoral earnings</b>	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
<b>* Possession of indecent images of a child</b>	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused



**Time since conviction – points are doubled if a term of imprisonment is imposed – DCC will not normally grant a licence to any applicant who has received criminal convictions, cautions, reprimands, warnings fixed penalty notices and/or restorative justice disposals for the offences marked with a \*.**

**For all offences marked refused, after 10 years the offences will be subject to points on a sliding scale from 10 – 1 e.g. 11 years = 10 points, 12 years = 9 points, 13 years = 8 points, etc.**

<b>Type of Offence</b>	<b>1 year</b>	<b>2 years</b>	<b>3 years</b>	<b>4 years</b>	<b>5 years</b>	<b>6 years</b>	<b>7 years</b>	<b>8 years</b>	<b>9 years</b>	<b>10 years</b>
<b>Violent Offences</b>										
<b>Common Assault</b>	Refused	Refused	Refused	5	4	3	2	1	0	0
<b>Assault – Section 47</b>	Refused	Refused	Refused	7	6	5	4	3	2	1
<b>Battery</b>	Refused	Refused	Refused	5	4	3	2	1	0	0
<b>Grievous Bodily Harm – Section 20 – wounding</b>	Refused	Refused	Refused	Refused	Refused	Refused	8	6	4	2
<b>* Grievous Bodily Harm – Section 18 – intent</b>	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
<b>Administering poison – section 23 &amp; 24</b>	Refused	Refused	Refused	Refused	Refused	Refused	Refused	8	6	4
<b>* Threats to Kill – Section 16</b>	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
<b>* Acts of Terrorism</b>	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
<b>Assault Police</b>	Refused	Refused	Refused	Refused	6	5	4	3	2	1
<b>Affray</b>	Refused	Refused	Refused	Refused	6	5	4	3	2	1
<b>* Riot</b>	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
<b>* Murder</b>	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused

* <b>Manslaughter</b>	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
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<b>* Manslaughter or Culpable Homicide Whilst Driving</b>	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
<b>Using Threatening, Abusive Words or Behaviour – Section 5</b>	Refused	Refused	Refused	7	6	5	4	3	2	1
<b>Urinating in public</b>	Refused	Refused	Refused	7	6	5	4	3	2	1
<b>* Racially, religiously, homophobic, trans phobic or other discrimination related aggravated offences</b>	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
<b>Breach of the Peace</b>	3	2	1	0	0	0	0	0	0	0
<b>Drunk and Disorderly in public</b>	3	2	1	0	0	0	0	0	0	0
<b>Obstruction/resist arrest – police /officer</b>	Refused	Refused	Refused	Refused	6	5	4	3	2	1
<b>* Robbery</b>	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
<b>Possess Offensive Weapon</b>	Refused	Refused	Refused	Refused	Refused	8	7	6	5	4
<b>* Possess Firearm – intent</b>	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
<b>Possess Firearm</b>	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	8	7
<b>Criminal Damage &lt;£5000</b>	Refused	Refused	Refused	8	7	6	5	4	3	2
<b>Criminal Damage &gt;£5000</b>	Refused	Refused	Refused	Refused	8	7	6	5	4	3
<b>Violent Disorder</b>	Refused	Refused	Refused	Refused	Refused	Refused	8	7	6	5
<b>* Arson</b>	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused

<b>Animal Welfare Act 2006 – Unnecessary Suffering</b>	Refuse	Refuse	Refuse	5	4	3	2	1	0	0
<b>Harassment (incl. Stalking)</b>	Refuse	Refuse	Refuse	Refuse	Refuse	8	7	6	5	4
<b>Possession of a bladed article</b>	Refuse	Refuse	Refuse	Refuse	Refuse	8	7	6	5	4
<b>Communication Network Offences</b>	Refuse	Refuse	Refuse	5	4	3	1	0	0	0

**Time since conviction – points are doubled if a term of imprisonment is imposed – DCC will not normally grant a licence to any applicant who has received criminal convictions, cautions, reprimands, warnings fixed penalty notices and/or restorative justice disposals for the offences marked with a \*.**

**For all offences marked refused, after 10 years the offences will be subject to points on a sliding scale from 10 – 1 e.g. 11 years = 10 points, 12 years = 9 points, 13 years = 8 points, etc.**

<b>Type of Offence</b> <b>Drug Offences</b>	<b>1 year</b>	<b>2 years</b>	<b>3 years</b>	<b>4 years</b>	<b>5 years</b>	<b>6 years</b>	<b>7 years</b>	<b>8 years</b>	<b>9 years</b>	<b>10 years</b>
<b>Possessing controlled drugs (Class A)</b>	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	8	6
<b>Possessing controlled drugs (Class B)</b>	Refused	Refused	Refused	Refused	Refused	Refused	8	6	4	2
<b>Possessing controlled drugs (Class C)</b>	Refused	Refused	Refused	Refused	8	6	4	3	2	1
<b>* Possessing controlled drugs with intent to supply (Class A)</b>	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
<b>* Possessing controlled drugs with intent to supply (Class B)</b>	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
<b>* Possessing controlled drugs with intent to supply (Class C)</b>	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
<b>* Producing controlled drug (any Class)</b>	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
<b>* Importing Drugs</b>	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
<b>* Permitting Premises to be used</b>	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused

Time since conviction – points are doubled if a term of imprisonment is imposed – DCC will not normally grant a licence to any applicant who has received criminal convictions, cautions, reprimands, warnings fixed penalty notices and/or restorative justice disposals for the offences marked with a \*.

For all offences marked refused, after 10 years the offences will be subject to points on a sliding scale from 10 – 1 e.g. 11 years = 10 points, 12 years = 9 points, 13 years = 8 points, etc.

Type of Offence <b>Dishonesty Offences</b>	1 year	2 years	3 years	4 years	5 years	6 years	7 years	8 years	9 years	10 years
Theft	Refused	Refused	Refused	Refuse	Refuse	Refuse	Refuse	Refuse	7	6
Theft – Shop lifting	Refused	Refused	Refused	7	6	5	4	3	2	1
Theft – Employee	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	8	7
Theft – from vehicle	Refused	Refused	Refused	7	6	5	4	3	2	1
* Burglary & Theft – Dwelling	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
* Burglary & Theft – Non dwelling	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
* Burglary – Aggravated	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
* Fraud Act Offences	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
* Handling	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
* Receiving	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
* Forgery	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
* Conspiracy to defraud	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
False accounting	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	8	6

<b>Going equipped</b>	Refused	Refused	Refused	Refused	6	5	4	3	2	1
<b>Taking/driving or attempting to steal a vehicle</b>	Refused	Refused	Refused	7	6	5	4	3	2	1
<b>Allow to be carried in a stolen vehicle</b>	Refused	Refused	Refused	7	6	5	4	3	2	1
<b>* Perverting the course of Justice</b>	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
<b>Extracting Electricity</b>	Refuse	Refuse	8	7	6	5	4	3	2	1
<b>Benefit Fraud (dishonest)</b>	Refuse	Refuse	Refuse	Refuse	Refuse	Refuse	Refuse	8	6	4
<b>Benefit Fraud</b>	Refuse	9	8	7	6	5	4	3	2	1
<b>Witness intimidation</b>	Refuse	Reuse	Refuse	Refuse	Refuse	8	6	4	2	1
<b>Prison Act 1952 – Bring/Throw/Otherwise Convey article into/out of a prison</b>	Refuse	Refuse	Refuse	8	6	5	4	3	2	1
<b>* Cheat the public revenue (common law)</b>	Refuse	Refuse	Refuse	Refuse	Refuse	Refuse	Refuse	Refuse	Refuse	Refuse
<b>* Procuring execution of valuable security by deception (Theft Act 1968)</b>	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
<b>* Obtaining property by deception</b>	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
<b>Security industry offences (Private Security Industry Act 2001)</b>	Refuse	Refuse	Refuse	Refuse	refuse	8	6	4	2	1

Furnishing a false statement (Criminal Justice Act 1967)	Refuse	Refuse	8	7	6	5	4	3	2	1
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<b>PART 2</b>	
<b>Type of Offence</b>	
<b>Traffic Offences</b>	
Under 6 (DVLA)Penalty Points (non- serious offence)	Issue /renew with addition of Derby points that replicate points issued by DVLA
Under 6 (DVLA)Penalty Points (including one serious offence)	Review by Officer + referral to Taxi licensing sub-committee
6 – 9 (DVLA) Penalty Points (non- serious offence)	<del>Review by Officer + 1 Point</del> Review by Officer + referral to Taxi licensing sub-committee
6 – 9 (DVLA) Penalty Points (including one serious offence)	<del>Review by Officer &amp; Appropriate Driving Test Within 6 Months + and/or BTEC + Derby Points</del> Review by Officer + referral to Taxi licensing sub-committee
10 -11 (DVLA) Penalty Points	<del>Review by Officer &amp; Appropriate Driving Test within 3 months + and/or BTEC + Derby Points</del> Review by Officer + referral to Taxi licensing sub-committee
12 (DVLA) Penalty Points	Refuse/Revoke
Disqualification – minor or totting up (DVLA) Penalty Points	Licence Revoked –Consideration of grant requires 6 months clear of any criminal convictions, cautions, reprimands, warnings fixed penalty notices and/or restorative justice disposals for any traffic offences following restoration of the DVLA licence
Disqualification – Serious or totting up (DVLA) Penalty Points	Licence Revoked – Consideration of grant requires 3 years clear of any criminal convictions, cautions, reprimands, warnings fixed penalty notices and/or restorative justice disposals following restoration of the DVLA licence  Disqualification for drink & drugs offences requires 5 years clear of any criminal convictions, cautions, reprimands, warnings fixed penalty notices and/or restorative justice disposals for the offences following restoration of DVLA licence.

Type of Offence	
Traffic Offences	
<b>Minor Offences:</b> For the purposes of this guidance offences listed in the table below shall be considered ‘serious’ motoring offences if they incur 6 or more penalty points. Related offences of aiding, abetting, counselling or procuring (ending in ‘2’), causing or permitting (ending in ‘4’) and inciting (ending in ‘6’) shall be treated as being in the same category.	
<b>CU10</b>	Using a vehicle with defective brakes
<b>CU20</b>	Causing or likely to cause danger by reason of use of unsuitable vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition.
<b>CU30</b>	Using a vehicle with defective tyre(s)
<b>CU40</b>	Using a vehicle with defective steering
<b>CU50</b>	Causing or likely to cause danger by reason of load or passengers
<b>CU80</b>	Using a mobile phone while driving a motor vehicle
<b>MS10</b>	Leaving a vehicle in a dangerous position
<b>MS20</b>	Unlawful pillion riding
<b>MS30</b>	Play street offences
<b>MS70</b>	Driving with uncorrected defective eyesight
<b>MW10</b>	Contravention of special roads regulations (excluding speed limits)
<b>PC10</b>	Undefined contravention of pedestrian crossing regulations
<b>PC20</b>	Contravention of pedestrian crossing regulations with moving vehicle
<b>PC30</b>	Contravention of pedestrian crossing regulations with stationary vehicle
<b>SP20*</b>	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)
<b>SP30*</b>	Exceeding statutory speed limit on a public road
<b>SP40*</b>	Exceeding passenger vehicle speed limit
<b>SP50*</b>	Exceeding speed limit on a motorway
<b>TS10</b>	Failing to comply with traffic light signals

<b>TS20</b>	Failing to comply with double white lines
<b>TS30</b>	Failing to comply with a 'Stop' sign
<b>TS40</b>	Failing to comply with direction of a constable/warden
<b>TS50</b>	Failing to comply with traffic sign (excluding 'stops' signs, traffic lights or double white lines)
<b>TS60</b>	Failing to comply with a school crossing patrol sign
<b>TS70</b>	Undefined failure to comply with a traffic direction sign

Type of Offence	
Traffic Offences	
<b>Serious Offences:</b> <b>For the purposes of this guidance offences listed in the table below shall be considered ‘serious’ motoring offences.</b> <b>Related offences of aiding, abetting, counselling or procuring (ending in ‘2’), causing or permitting (ending in ‘4’) and inciting (ending in ‘6’) shall be treated as being in the same category.</b>	
AC10	Failing to stop after an accident
AC20	Failing to give particulars or to report an accident within 24 hours
AC30	Undefined accident offences
BA10	Driving while disqualified by order of court
BA30	Attempting to drive while disqualified by order of court
CD10	Driving without due care and attention
CD20	Driving without reasonable consideration for other road users
CD30	Driving without due care and attention /reasonable consideration
CD40	Causing death through careless driving when unfit through drink
CD50	Causing death by careless driving when unfit through drugs
CD60	Causing death by careless driving with alcohol level above the limit
CD70	Causing death by careless driving then failing to supply a specimen for analysis
CD80	Causing death by careless, or inconsiderate driving
CD90	Causing death by driving: unlicensed, disqualified or uninsured drivers.
DD40	Dangerous driving
DD60	Manslaughter or culpable homicide while driving a vehicle
DD80	Causing death by dangerous driving
DD90	Furious driving
DR10	Driving or attempting to drive with alcohol level above the limit
DR20	Driving or attempting to drive while unfit through drink
DR30	Driving or attempting to drive then failing to supply a specimen for analysis
DR40	In charge of a vehicle while alcohol level above limit
DR50	In charge of a vehicle while unfit through drink
DR60	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive
DR70	Failing to provide a specimen for breath test
DR80	Driving or attempting to drive when unfit through drugs
DR90	In charge of a vehicle when unfit through drugs
IIN10	Using a vehicle uninsured against third party risks
LC20	Driving otherwise than in accordance with a licence
LC30	Driving after making a false declaration about fitness when applying for a licence
LC40	Driving a vehicle having failed to notify a disability
LC50	Driving after a licence has been revoked or refused on medical grounds
MS50	Motor racing on the highway
MS80	Refusing to submit to an eyesight test
MS90	Failing to give information as to the identity of a driver
TT99	Disqualification under ‘totting-up’ procedure. If the total of penalty points reached 12 or more within three years, the driver is liable to be disqualified. Where a driver who has accrued sufficient points for disqualification, but does not receive a disqualification the council will treat it as by a disqualification for the most serious of offences.

UT50	Aggravated taking of a vehicle
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Type of Complaints/Non Compliance Driver	Actions	Outcome
Poor driving standards – Minor Offences Serious Offences	Officer investigation Officer investigation	3 Derby points 6 Derby points  If two complaints for poor standards of driving (minor offence) or one complaint of a serious offence then the appropriate Driving Test will need to be undertaken within 3 months. If the test is not completed within 3 months the driver will be suspended until the test and confirmation of successful pass is provided to the Licensing Team. Drivers suspended for more than 12 months will have their licences revoked.
Inappropriate language/comments/rudeness	Officer investigation	Referral to sub-committee
Plying for Hire (Private Hire)	Officer investigation	Prosecution+ Derby Points as detailed in the convictions policy
Forming a rank	Officer investigation	1 Derby point
Parked in a Hackney Carriage Rank (Private Hire)	Officer investigation	4 3 Derby points and/or prosecution
Failure to comply with requests from authorised officer, police, VOSA etc.	Officer Investigation	6 Derby points
Failure to notify Licensing Team of change of address within 7 days	Officer Investigation	1 Derby point
Failure to notify Licensing Team of Convictions, cautions, warnings, reprimand, fixed penalties restorative justice, bail conditions, charge within 14 days	Officer investigation	3 Derby points + Offence dealt with as detailed in the convictions policy
Failure to notify Licensing Team of medical conditions within 7 days	Officer investigation	Medical to be completed within 1 month by specified medical practitioner. If not completed within 1 month the driver will be suspended until the medical and confirmation of medical fitness is provided to the Licensing Team. Drivers suspended for more than 12 months will have their licences revoked.
Notification by Medical Practitioner that unfit to act as a HC/PH driver	Officer investigation	New = refusal  Existing = revocation

<b>Failure to provide required documentation e.g. DBS, charge sheet, bail conditions, driving licence, insurance certificate etc.</b>	Officer investigation	2 Derby points + 1 month to provide documentation. If not provided within 1 month the driver will be <b>issued with 2 Derby points &amp;</b> suspended until the required documentation is provided to the Licensing Team. Drivers suspended for more than 12 months will have their licences revoked.
<b>Failure to provide required documentation for NVQ</b>		2 Derby points + suspension of drivers licence until the required documentation is provided to the Licensing Team. Drivers suspended for more than 12 months will have their licences revoked.
<b>Incorrect driving licence details</b>	Officer investigation	3 Derby points + 1 month to provide updated documentation. If not completed within 1 month the driver will be suspended until the required documentation is provided to the Licensing Team. Drivers suspended for more than 12 months will have their licences revoked.
<b>Inconsiderate/disorderly conduct (threatening words or behaviour)</b>	Officer investigation	Referral to sub-committee
<b>Refusing an assistance dog or wheelchair without valid exemption</b>	Officer investigation	Revocation
<b>Failure to display an exemption certificate relating to assistance animals or medical conditions</b>	Officer investigation	3 Derby points
<b>Not assisting passengers with luggage/shopping etc.</b>	Officer investigation	2 Derby points
<b>Failure to attend/lateness for hire without justifiable cause</b>	Officer investigation	1 Derby point
<b>Carrying an animal not connected to the passenger</b>	Officer investigation	1 Derby point
<b>Not wearing plainly and distinctively a drivers badge</b>	Officer investigation	3 Derby points and/or prosecution
<b>Carrying more passengers than licensed for</b>	Officer investigation	6 Derby points
<b>Carrying more wheelchairs than allowed</b>	Officer investigation	6 Derby points
<b>Wheelchairs refuse/insecure</b>	Officer investigation	Revocation <b>and/or prosecution</b>
<b>Cause injury to passenger</b>	Officer investigation	7 Derby points
<b>Incorrect operation of fare meter</b>	Officer investigation	5 Derby points

<b>Tampering of fare meter</b>	Officer investigation	5 Derby points
<b>Charging more than displayed on the fare meter</b>	Officer investigation	5 Derby points +/- Prosecution
<b>Charging more than displayed on table of fares</b>	Officer investigation	5 Derby points +/- Prosecution
<b>Non-use fare meter (hackney Carriage)</b>	Officer investigation	5 Derby points +/- Prosecution
<b>Charging more than agreed before the journey (Private Hire &amp; Hackney Carriage)</b>	Officer investigation	5 Derby points +/- Prosecution
<b>Not supplying a receipt on request</b>	Officer investigation	2 Derby point
<b>Driving a vehicle suspended twice or more within a 12 month rolling period</b>	Officer investigation	3 Derby points per trigger + consideration by senior officer
<b>Smoking in a smoke free place (Health Act 2006)</b>	Officer investigation	5 Derby points +/- prosecution
<b>Breach of licence conditions (not covered above)</b>	Officer investigation	Review by Officer + referral to Taxi licensing sub-committee
<b>Dirty/unkempt vehicle</b>	Officer investigation	1 Derby point
<b>Vehicle body/mechanical defects</b>	Officer investigation	<ol style="list-style-type: none"> <li>1. Advice = 0 Derby point</li> <li>2. Refer for further inspection = 2 Derby points</li> <li>3. Suspension = 3 Derby points</li> </ol>



<b>Type of Complaints/Non Compliance Driver Vehicle</b>	<b>Actions</b>	<b>Outcome</b>
<b>Non Compliance with vehicle colour (HC)</b>	Officer investigation	1 Derby point +1 month to present vehicle with correct colour finish if not completed within 1 month the vehicle will be suspended until the vehicle is presented to the Licensing Team. Vehicle suspended for more than 12 months will have its licence revoked.
<b>Failure to comply with requests from authorised officer, police, VOSA etc.</b>	Officer Investigation	6 Derby points
<b>Failure to Comply with vehicle signage and livery</b>	Officer investigation	1 Derby point– Vehicle suspended if signage missing. Vehicle suspended for more than 12 months will have its licence revoked.
<b>Unauthorised signs/stickers</b>	Officer investigation	1 Derby point
<b>Dirty/unkempt vehicle</b>	Officer investigation	1 Derby point
<b>Vehicle body/mechanical defects</b>	Officer investigation	4. Advice = 0 Derby point 5. Refer for further inspection = 2 Derby points 6. Suspension = 3 Derby points
<b>Failure to comply with vehicle sale/transfer procedure</b>	Officer investigation	1 Derby point
<b>Unauthorised modifications</b>	Officer Investigation	1 Derby point + vehicle suspended if modification impacts on health, safety and wellbeing of the public. Vehicle suspended for more than 12 months will have its licence revoked.
<b>Failure to report an accident within 72 hours</b>	Officer Investigation	2 Derby points
<b>Driving a vehicle suspended twice or more within a 12 month rolling period</b>	Officer investigation	3 Derby points per trigger + consideration by senior officer

<b>Type of Complaints/Non Compliance Operator</b>	<b>Actions</b>	<b>Outcome</b>
<b>Failure to notify Licensing Team of Convictions, cautions, warnings, reprimand, fixed penalties and restorative justice within 14 days</b>	Officer investigation	3 Derby points + Offence dealt with as detailed in the convictions policy
<b>Contributing/condoning driver/vehicle non-compliance</b>	Officer investigation	Revocation
<b>Not keeping required records</b>	Officer investigation	6 Derby points
<b>Not keeping premises clean</b>	Officer investigation	1 Derby point
<b>Failure to comply with requests from authorised officer, police, VOSA etc.</b>	Officer Investigation	6 Derby points
<b>Failure to notify the Licensing Team of change of operator details</b>	Officer investigation	2 Derby points
<b>Failure to display notices and licences</b>	Officer investigation	3 points
<b>Failure to notify Licensing Team of change of operator (Private Hire ) within 7 Days</b>	Officer investigation	1 Derby point