

## Driver Penalty Points Scheme

### Preamble

Hackney Cabs and Private Hire Vehicles are an important part of Leicester's public transport system. Taxi drivers play an important role in the City's economy providing a safe and secure means of transport for local residents, workers and visitors to Leicester.

The City Council's strategic aims are to ensure that the hackney cab and private hire sectors remains integrated in our sustainable transport network and that they continue to move passengers to destinations safely whilst contributing to the economy with minimal environmental impact.

Our objectives are to ensure that the taxi sectors are:

- **Customer Focused:** Provide best value and high levels of customer service
- **Safe:** Provide services in a safe manner to passengers, other road users, the public generally and the drivers themselves
- **Resilient:** The sectors operate on a fully commercial basis without being undermined by unfair trading and conduct by licensed and other operatives.

The Driver Penalty Points Scheme is an element in maintaining and improving service standards.

The Scheme seeks to provide a consistent approach to dealing with unacceptable conduct such as failures to abide by the Council's Code of Conduct, the licence conditions or minor offences where revocation, suspension, prosecution may be disproportionate.

### The Driver Penalty Points Scheme - Procedure

Authorised officers of Leicester City Council may record penalty points against a driver's record if they become aware of conduct that breaches the Council's Code of Conduct for Taxi Drivers, the licence conditions and/or statutory provisions for the operation of taxis [generally referred to as 'LCC Taxi Service Standards'].

The authorisation to issue a warning and place points on a driver's licence record is given to Licensing Enforcement Officers, Licensing Officers, their managers and any other officers designated in the Scheme of Authorisation.

The points placed on record will be based as per the published tariff. This tariff may be amended from time to time in order to maintain and improve service standards in changed circumstances.

A driver, who is discovered to have contravened Leicester City Council's Code of Conduct, other licence conditions or other contraventions will be notified by an authorised officer of the contravention and the points that have/will be placed on record.

A driver who disputes that they have contravened requirements will be invited to submit a written submission/representation. The driver will be asked to do this within 14 days of the warning being received. Any representation, whenever received, will be placed on file.

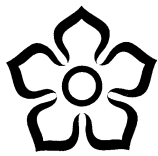
The Licensing Team Manager or an officer authorised by the Head of Regulatory Services will review the officer's report and any written submissions and may decide that the penalty points should be removed or a different number recorded. The driver will be informed if this happens.

There is no further review or appeal against the warning and the placing of penalty points on record.

If, in any period of 3 years, twelve points or more have accumulated on a driver's record then the Licensing Team Manager or an officer authorised by the Head of Regulatory Services will review the driver's conduct record. They will refer the driver to the Licensing Enforcement Sub-Committee for his/her fitness to hold a licence with Leicester City Council to be considered unless this would be significantly disproportionate given the nature and incidence of the contraventions and the driver has provided adequate assurances for meeting LCC requirements.

The Licensing Enforcement Sub-Committee will be provided with a report setting out the driver's record of conduct, the warnings issued and points awarded, any substantiating or corroborating evidence and any written submissions received.

Where there is CCTV footage of the incident/s being brought before The Licensing Enforcement Sub-Committee, then the driver will have the opportunity to view the footage



at the Council's offices before the hearing subject to such conditions as may be required to protect third parties rights under the Data Protection Act 1998.

The driver will have the opportunity to make written and verbal submissions to the Licensing Enforcement Sub-Committee.

The Licensing Enforcement Sub-Committee will review the driver's record and consider whether he/she is a fit and proper person to hold a licence and decide whether any action should be taken, for example suspension or revocation of the licence, imposition of additional conditions such as further training.

The driver has a right of appeal to the Magistrates Court against any decision of the Committee.

The Driver Penalty Points Scheme runs alongside the Council's system of enforcement for contraventions of statutes, rules, regulations and conditions. Enforcement measures include written notices, written warnings, suspension notices, and/or prosecution.

There will be no negative effect for driver's renewal applications in relation to the grant of a 1, 2 or 3 year licence until the accumulation of 12 points on the driver's record where this will be reviewed by the Licensing Team Manager or an officer authorised by the Head of Regulatory Services to determine.

The Penalty Points Policy & Procedure document to be published on the Leicester City Council website and updated as and when required.

## The Driver Penalty Points Scheme - Tariff

The maximum points which could be awarded in any case are:

	<b>Offence<sup>1</sup>/Breach of Condition</b>	<b>Maximum Points Applicable</b>
1	Providing false or misleading information on licence application form, or failing to provide relevant information.	4
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)	4
9	Failure to notify Licensing Authority of a conviction	4
10	Failure to comply with the drivers' code of conduct.	1

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<sup>1</sup> 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)

## **Leicester City Driver's Code of Conduct**

### **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