

Proposed Penalty Points Scheme

APPENDIX 11

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.

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 will be at the forefront of any decision making process. Any new applicant or existing licence 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.

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; 3 times in a rolling 18 month period will result in a licence being suspended for 14 days; 3 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 should be revoked. Derby points will stay on the licence holder's record for 3 years from the date on the notification.

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

The tables are not an exhaustive list of actions or outcomes. Where actions impact on the health, safety and wellbeing of the public civil liberties, or equality rights prosecution will be considered.

If an applicant or current licence holder believes that there are exceptional circumstances that should be considered, the onus is on the 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 penalty points but demonstrates a pattern of repeated offending, consideration will be given to the refusal or revocation of licence/s.

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.]

[illegible]

* Voyeurism	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused
* Intercourse with an animal	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.

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

[illegible]

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

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.

[illegible]

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.

[illegible]

Going equipped	Refused	Refused	Refused	Refused	6	5	4	3	2	1
Taking/driving or attempting to steal a vehicle	Refused	Refused	Refused	7	6	5	4	3	2	1
Allow to be carried in a stolen vehicle	Refused	Refused	Refused	7	6	5	4	3	2	1
* Perverting the course of action	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused

Type of Offence Traffic Offences	
Type of Penalty Points(DVLA)	Action

Under 6 (DVLA)Penalty Points (non- serious offence)	Issue/renew
Under 6 (DVLA)Penalty Points (including one serious offence)	Review by Officer
6 – 9 (DVLA) Penalty Points (non- serious offence)	Review by Officer + 1 Point
6 – 9 (DVLA) Penalty Points (including one serious offence)	Review by Officer & Appropriate DVSA Driving Test Within 6 Months + and/or BTEC
10 -11 (DVLA) Penalty Points	Review by Officer & Appropriate DVSA Driving Test within 3 months + and/or BTEC
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	<p>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</p> <p>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.</p>

Type of Offence
Traffic Offences
Minor Offences:

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.

CU10	Using a vehicle with defective brakes
CU20	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.
CU30	Using a vehicle with defective tyre(s)
CU40	Using a vehicle with defective steering
CU50	Causing or likely to cause danger by reason of load or passengers
CU80	Using a mobile phone while driving a motor vehicle
MS10	Leaving a vehicle in a dangerous position
MS20	Unlawful pillion riding
MS30	Play street offences
MS70	Driving with uncorrected defective eyesight
MW10	Contravention of special roads regulations (excluding speed limits)
PC10	Undefined contravention of pedestrian crossing regulations
PC20	Contravention of pedestrian crossing regulations with moving vehicle
PC30	Contravention of pedestrian crossing regulations with stationary vehicle
SP20*	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)
SP30*	Exceeding statutory speed limit on a public road
SP40*	Exceeding passenger vehicle speed limit
SP50*	Exceeding speed limit on a motorway
TS10	Failing to comply with traffic light signals
TS20	Failing to comply with double white lines

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

Type of Offence
Traffic Offences

Serious Offences:
For the purposes of this guidance offences listed in the table below shall be considered 'serious' motoring offences.

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.

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

Type of Complaints/Non Compliance Driver	Actions	Predicted Outcome
Poor driving standards – Minor Offences	Officer investigation	3 Derby points

Serious Offences	Officer investigation	<p>6 Derby points</p> <p>If two complaints for poor standards of driving (minor offence) or one complaint of a serious offence then the appropriate DVSA 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.</p>
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	1 Derby point
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 change of operator (Private Hire) within 7 Days	Officer investigation	1 Derby point
Failure to notify Licensing Team of Convictions, cautions, warnings, reprimand, fixed penalties and restorative justice 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 unit to act as a HC/PH driver	Officer investigation	<p>New = refusal</p> <p>Existing = revocation</p>
Failure to provide required documentation e.g. charge sheet, driving licence, insurance certificate	Officer investigation	2 Derby points + 1 month to provide documentation. If not provided 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.
Failure to provide required documentation for NVQ		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.
Incorrect driving licence details	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.
Failure to report an accident within 72 hours	Officer Investigation	2 Derby points
Inconsiderate/disorderly conduct (threatening words or behaviour)	Officer investigation	7 Derby points
Refusing an assistance dog without valid exemption	Officer investigation	Revocation
Failure to display an exemption certificate relating to assistance animals or medical conditions	Officer investigation	3 Derby Points
Not assisting passengers with luggage/shopping etc.	Officer investigation	2 Derby Points
Not following lost property procedure	Officer investigation	1 Derby Point
Failure to attend/lateness for hire without justifiable cause	Officer investigation	1 Derby Point
Carrying an animal not connected to the passenger	Officer investigation	1 Derby Point
Not wearing plainly and distinctively a drivers badge	Officer investigation	3 Derby Points or Prosecution
Carrying more passengers than licensed for	Officer investigation	6 Derby points

Carrying more wheelchairs than allowed	Officer investigation	6 Derby points
Wheelchairs refuse/insecure	Officer investigation	Revocation
Cause injury to passenger	Officer investigation	7 Derby Points
Incorrect operation of fare meter	Officer investigation	5 Derby Points
Tampering of fare meter	Officer investigation	5 Derby Points
Charging more than displayed on the fare meter	Officer investigation	5 Derby Points +/-or Prosecution
Charging more than displayed on table of fares	Officer investigation	5 Derby Points +/-or Prosecution
Non-use fare meter (hackney Carriage)	Officer investigation	5 Derby Points +/-or Prosecution
Charging more than agreed before the journey (Private Hire & Hackney Carriage)	Officer investigation	5 Derby Points +/-or Prosecution
Not supplying a receipt on request	Officer investigation	2 Derby Point
Driving a vehicle suspended twice or more within a 12 month rolling period	Officer investigation	3 Derby Points per trigger + consideration by senior officer

Type of Complaints/Non Compliance Vehicle	Actions	Predicted Outcome
--	---------	-------------------

Non Compliance with vehicle colour (HC)	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.
Failure to comply with requests from authorised officer, police, VOSA etc.	Officer Investigation	6 Derby points
Failure to Comply with vehicle signage and livery	Officer investigation	1 Derby Point– Vehicle suspended if signage missing. Vehicle suspended for more than 12 months will have its licence revoked.
Unauthorised signs/stickers	Officer investigation	1 Derby Point
Dirty/unkempt vehicle	Officer investigation	1 Derby Point
Vehicle body/mechanical defects	Officer investigation	<ol style="list-style-type: none"> 1. Advice = 0 Derby Point 2. Refer for further inspection = 2 Derby Points 3. Suspension = 3 Derby Points
Failure to comply with vehicle sale/transfer procedure	Officer investigation	1 Derby Point
Unauthorised modifications	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.

Type of Complaints/Non Compliance Operator	Actions	Predicted Outcome
--	---------	-------------------

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