

Penalty Point Scheme –

Penalty Point Scheme for Hackney Carriage & Private Hire Vehicle, Driver and Operator Licence Holders

Introduction

The aim of the penalty point scheme is to work in conjunction with other enforcement options. It provides a formalised stepped enforcement plan. The purpose of the scheme is to record complaints and matters of concern from misdemeanours to more serious issues, and to act as a record of driver's behaviour and conduct to ascertain whether they are a safe and suitable person to hold a licence. This scheme does not prejudice the Licensing Authority's ability to take other actions such as prosecutions for a single breach contravening any local policy, licence conditions or legislation.

The main features of the scheme are as follows:

- points may be issued to licence holders (or applicants) in respect of complaints, issues of concern, for breaches of licensing conditions or legislation
- a total of 12 points issued to an individual licence holder in any 12-month rolling period will result in an enforcement review.
- The Licensing Authority reserves the right to have regard to points given for a period of up to 3 years from the date of complaint where concerns arise regarding the total number of points given to an individual and/ or the frequency of issues arising and/ or patterns in relation to issues arising in that period. Where such concerns arise at any point during that period, an enforcement review may be conducted.; and
- licence holders have a written right of appeal to the service manager within seven days of points being issued and the decision of the service manager in respect of any appeal is final.

In conducting an enforcement review of a licence where the holder reaches 12 points within any 12 month period, the Licensing Authority will take account of all of the pertinent facts, and of any representation made by the driver, Operator or proprietor before considering what action, if any, would be appropriate and proportionate to take. Each case will be considered on its own merits. The decision maker may have regard to any previous warnings or panel referrals in reaching a decision, including those involving other licensing authorities. The options available to the decision maker, depending upon the severity of the breaches and any previous record of misconduct, will typically be:

- Take no action
- Issue a warning
- Refer the matter to the licensing sub-committee
- Suspend the licence
- Revoke the licence

Any licence holder subject to suspension or revocation has a right to appeal to the Magistrates' Court within 21 days of the decision. In general suspensions and revocations will not be implemented until the 21-day appeal period has elapsed. However, any driver suspensions or revocations made on public safety grounds will take immediate effect.

The list of breaches covered by the scheme along with the points issued for each breach is shown in the table below:

Anything not included on this list to be considered at officer discretion

No	Breach	Points
1	Use of hand held phone whilst in control of a vehicle	12
2	Obstruction or failure to comply with requirement of authorised officer or constable	12
3	Unlicensed vehicle (including use of a suspended vehicle)	12
4	Unlicensed driver (including use of a suspended driver)	12
5	Using vehicle with no valid insurance or compliance certificate	12
6	Failure to carry an assistance dog	12
7	Failure to carry or to provide reasonable assistance to disabled persons	12
8	Private Hire driver plying for hire	12
9	Hackney Carriage plying for hire outside the relevant council area	12
10	Abusive or improper behaviour	3 -12
11	Failure by driver or Operator to keep records of bookings or vehicles	6
12	Private Hire vehicle parked on a rank	6
13	Driver smoking in the vehicle	6
14	Hackney Carriage parked in a rank outside of licensing district	6
15	Display of roof sign on a private Hire vehicle	6
16	Making false statement or withholding information in connection with an application	6 - 12
17	Charging more than metered/agreed fare, use incorrect tariff or tampering with the meter	6
18	Poor driving standards	6 -12
19	Failure to produce licenses or documentation on request	6
20	Failure to notify any matter required by licence condition within prescribed time limit	6
21	Touting	6
22	Hackney Carriage driver refusing fare from rank without good reason	6 - 12
23	Leaving a Hackney Carriage unattended on a designated rank causing a blockage	3
24	Carrying person other than hirer without consent or carrying excessive passengers	6
25	Failing to comply with vehicle licence conditions	6 - 12
26	Failing to comply with driver licence conditions	6 - 12
27	Failing to comply with operator licence conditions	6 - 12
28	Hackney Carriage not displaying prescribed roof sign, roof sign not connected or not functioning properly	3 -6
29	Unnecessarily prolonging a journey	6
30	Failure to wear driver licence badge so it is clearly visible	4

31	Failing to display tariff card in vehicle with a meter	3
32	Parking in contravention of parking restrictions or Highway Code	3
33	Failure to comply with traffic sign or signal or similar traffic offence	3 - 12
34	Misuse of vehicle horn	3

Note –

The date of complaint is the date that the matter of concern was considered to have taken place. The 12 month period and 3 years period referenced above will run from the date of complaint in most circumstances, unless otherwise specified in the penalty points notice.

The date of issue is the date of the penalty points notice being given by the Licensing Authority.

The penalty points notice will be given to the individual concerned in any complaint and will provide details of the concern arising, along with stating how an aggrieved person may challenge that decision.