



EAST HAMPSHIRE DISTRICT COUNCIL

PENALTY POINTS SCHEME

**For Hackney Carriage and Private Hire Vehicle Drivers,
Vehicle Owners and Proprietors**

January 2010

EAST HAMPSHIRE DISTRICT COUNCIL Penalty Points Scheme

Introduction

1. Hackney Carriage and Private Hire Operators, Drivers and Vehicles are principally governed by the Local Government (Miscellaneous Provisions) Act 1976, Town Police Clauses Act 1847, Conditions and the Council's Byelaws.
2. Should Operators, Drivers or Proprietors of Vehicles commit an offence or breach those rules, regulations or conditions of licence, persons involved are asked to attend the offices for an interview and then once investigations are completed, letters are sent out detailing the outcome and a permanent record kept on the person's file. The outcome of investigations may result in no further action being taken, penalty points being awarded, a formal warning, referral to the Licensing Sub-Committee and/or prosecution.
3. The aim of a 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 misdemeanours and to act as a record of licence holder's behaviour and conduct so as to ascertain whether they are a fit and proper person. It does not prejudice the Council's ability to take other actions.
4. The primary objective of the penalty points scheme is to improve the levels of compliance and help improve the standards, safety and protection of the travelling public.
5. Penalty points remain for twelve months. The period is on a roll forward basis, so as to allow any older points to be considered as spent and therefore excluded from the running total recorded against any individual licensee.
6. In the event that a driver/owner/operator commits an offence or breaches a condition as listed in the penalty points table attached he/she shall be awarded the number of points applicable to the circumstances as shown in the table for the breach/offence shown in the table.

Issue of Penalty Points

7. Complaints from the public concerning significant breaches of conduct will be subject to investigation by Officers and may be reported to the Licensing Sub-Committee for the issue of discretionary points.
8. Where a licence holder accumulates more than 12 penalty points in any 12 month period, the matter will be referred to the Council's Licensing Sub-Committee to decide whether the licence holder is a fit and proper person. The Licensing-Sub Committee may then suspend or revoke a licence, or issue a warning to the licence holder, depending on the circumstances. Periods of suspension of a licence by a Sub-Committee will be dependant on the nature of the breaches of the legislation/conditions and the compliance history of the individual. Suspension periods will normally vary between 7 to 31 days.
9. Penalty Points will remain current for 12 months from the date the penalty points were issued. Points issued to either the proprietor of a vehicle or a driver will be confirmed in writing within 10 working days from the discovery of the contravention.
10. The system will operate without prejudice to the Council's ability to take other action that it is entitled to take under legislation, byelaws and regulations.

11. Any disputes regarding the issuing of penalty points will be referred to the Licensing Sub-Committee who will have the discretion to award a greater number of points than displayed on the tariff, if the complaint is upheld.
12. If points are issued to a proprietor/driver for a matter which is also a criminal offence, eg bald tyres, no badge, those person(s) will not then be the subject of a prosecution by the Council.

PENALTY POINTS TABLE				
	Offence/Breach of Condition	Maximum Points Applicable	Driver	Vehicle Owner or Operator
1	Providing false or misleading information on licence application form/failing to provide relevant information or the relevant fee (including dishonoured cheques).	6	✓	✓
2	Failure to notify, in writing, the Council of change of address with 7 calendar days.	3	✓	✓
3	Refusal to accept hiring without reasonable cause eg drunk or rude customer	1-12	✓	
4	Unreasonable prolongation of journeys or any misconduct regarding the charging of fares.	6	✓	
5	Plying for hire by Private Hire drivers.	9	✓	✓
6	Failure to display current vehicle excise licence.	9	✓	✓
7	Using unlicensed vehicle or vehicle without insurance.	12		✓
8	Failure to produce relevant documents within timescale when requested by an authorised officer.	4	✓	✓
9	Unsatisfactory condition of vehicle, interior or exterior.	4	✓	✓
10	Failure to produce MOT certificate when requested.	6	✓	✓
11	Failure to produce Hackney Carriage or Private Hire vehicle for testing when required	6	✓	✓
12	Failure to provide proof of insurance cover when requested.	4		✓
13	Using a vehicle subject to a suspension order issued by an authorised officer or a police officer.	12	✓	✓
14	Using a vehicle for which the licence has been suspended or revoked.	12	✓	✓
15	Failure to report, in writing, within 72 hours accident or damage to licensed vehicle, which would cause the vehicle to breach licence conditions.	4	✓	✓
16	Carrying more passengers than stated on the vehicle licence.	6	✓	

17	Failure to display external/internal licence plate or signs as required.	4		✓
18	Carrying an offensive weapon in the vehicle.	12	✓	
PENALTY POINTS TABLE				
	Offence/Breach of Condition	Maximum Points Applicable	Driver	Vehicle Owner or Operator
19	Failure to notify transfer of Private Hire or Hackney Carriage vehicle licence.	4		✓
20	Failure to carry fire extinguisher.	4		✓
21	Failure to carry first aid kit.	3		✓
22	Displaying unsuitable or inappropriate sited signs or advertisements in the vehicle.	3		✓
23	Failure to use authorised roof light	4	✓	
24	Failure to maintain records in a suitable form of the commencement and cessation of work of each driver each day.	4		✓
25	Failure to produce on request records of drivers work activity.	4		✓
26	Using a non approved or non-calibrated taximeter.	6	✓	✓
27	Obstruction of an authorised officer or police officer wishing to examine a licensed vehicle.	12	✓	✓
28	Evidence of smoking in vehicle.	3	✓	✓
29	Evidence of food or drink in vehicle available for hire.	3	✓	✓
30	Displaying any feature on private hire vehicle that may suggest that it is a taxi.	6		✓
31	Using a vehicle the appearance of which suggests that it is a taxi.	6		✓
32	Failure to carry an assistance dog without requisite exemption.	12	✓	✓
33	Driver not holding a current DVLA Licence.	12	✓	✓
34	Failure to wear driver's badge.	4	✓	
35	Failure to notify, in writing, a change in medical circumstances.	6	✓	✓
36	Unsatisfactory appearance of driver.	3	✓	
37	Failure to observe rank discipline. (Hackney Carriage)	3	✓	

38	Failure to maintain proper records of private hire vehicle.	3		✓
39	Failure to keep or produce records of Private Hire bookings or other documents required to be kept or produced.	6		✓
PENALTY POINTS TABLE				
	Offence/Breach of Condition	Maximum Points Applicable	Driver	Vehicle Owner or Operator
40	Misleading use of the words 'Taxi' or 'Cab' on advertising materials.	3		✓
41	Failure to issue receipt on request.	1-12	✓	✓
42	Failure to return vehicle licence plate within 7 days after due notice following revocation or suspension of such licence.	4		✓
43	Unsatisfactory behaviour or conduct of driver.	1-12	✓	✓
44	Failure to notify the Council, in writing, of any motoring or criminal convictions within 21 day of conviction or cautions during period of current licence.	6	✓	✓
45	Failure to behave in a civil and orderly manner.	1-12	✓	✓
46	Failure to give assistance with loading/unloading.	1-12	✓	✓
47	Failure to display fare card.	3	✓	✓
48	Failure to carry legal spare wheel and tools.	4	✓	✓
49	Failure to attend punctually at appointed time and place without sufficient cause.	4	✓	✓
50	A licensed vehicle with a bald tyre.	4 per tyre	✓	✓
51	Failure to submit licence renewal application including documents and attendance at a vehicle inspection.	6	✓	✓
52	Failure to comply with any other conditions	3	✓	✓
53	Waiting or stopping on a double yellow line area, bus stop or private land (without the owner's permission) unless requested by a paying customer present in the vehicle.	3	✓	
54	Use of hand held mobile device (eg mobile phone) whilst driving licensed vehicle	3	✓	
55	Smoking in licensed vehicle	3	✓	
56	Points awarded by Licensing Sub-Committee where matters referred to them for decision.	4-12	✓	✓

