

## Penalty Points System for Hackney Carriage Driver/Private Hire Vehicle

- Those items marked with an asterisk (\*) are direct contraventions of the Local Government (Miscellaneous Provisions) Act 1976 or other statutory requirement and may result in prosecution or simple caution in addition to any points penalty imposed.
- Ticks (✓) indicate potential recipients of penalty points for infringements. Certain infringements may result in both driver and vehicle proprietor if they are not the same person receiving penalty points.
- An accumulation of 12 or more points in a rolling 12 month period, a driver/vehicle proprietor will be subject to a recommendation that all matters identified be referred to the Licensing Sub Committee to consider if a suspension of their drivers licence is appropriate given the circumstances, the recommendation would be a suspension of 7 consecutive days.
- If a suspension is served, all points taken into account will be archived and only taken into account if a driver/vehicle proprietor incurs a further 12 points in the subsequent rolling 12 month period. A driver/vehicle proprietor will then be subject to a recommendation that all matters identified be referred to the Licensing Sub Committee to consider if a suspension of their drivers licence is appropriate given the circumstances, the recommendation would be a suspension of 14 consecutive days
- A driver/vehicle proprietor who accumulates 24 or more points in a rolling 12 month period, will be referred to the Licensing Sub Committee with a recommendation to suspend the drivers licence(s) for a period of 28 consecutive days.
- Vehicle proprietors who rent, lease or hire out licensed vehicles will be subject to the same standards and incur penalty points if their vehicles do not meet required standards. Where they have multiple vehicles the penalty points issued will be looked at collectively and not on an individual vehicle basis. (Officers will need to consider if the vehicle proprietor is at fault – e.g. semi-permanent door signs not being displayed on the vehicle) The onus will be on the vehicle proprietor to produce documents evidencing that at the time the vehicle went out on hire the vehicle was inspected by the hirer and they have signed to confirm it was fully compliant with the conditions attached to the vehicle licence.
- Local Government (Miscellaneous Provisions) Act 1976 section 60(1)  
Notwithstanding anything in the Act of 1847 or in this Part of this Act, a district council may suspend or revoke, or (on application therefor under section 40 of the Act of 1847 or section 48 of this Act, as the case may be) refuse to renew a vehicle licence on any of the following grounds:—
  - (a) that the hackney carriage or private hire vehicle is unfit for use as a hackney carriage or private hire vehicle;
  - (b) any offence under, or non-compliance with, the provisions of the Act of 1847 or of this Part of this Act by the operator or driver; or
  - (c) any other reasonable cause.
- All decisions in relation to the matters identified will be determined by a Licensing Sub Committee.
- Any driver or vehicle proprietor subject to suspension or revocation has a right to appeal to the Magistrates Court against the decision, and suspensions will of course be subject to a 21 day appeals period prior to implementation to allow for the formal appeals process.

	Details of the misconduct	Maximum Points Applicable	Driver	Vehicle Owner
1	Failure to wear driver's badge*	4*	✓	
2	HC disabled ramps not in good order or additional securing belts unclear or not available for use	3	✓	✓
3	Unsatisfactory condition of vehicle, interior or exterior (allowing for weather conditions)	4	✓	✓
4	After manufacture tints applied to the vehicle windows	4		✓
5	Failure to display external/internal licence plate*	4*	✓	✓
	Offence/Breach of Condition	Maximum Points	Driver	Vehicle Owner

		Applicable		
6	Failure to display semi-permanent door signs (points per sign)	3	✓	✓
7	Private hire operator door sign not displayed (points per sign)	3	✓	
8	no-smoking signage not being displayed as required*	3*	✓	✓
9	Displaying unsuitable or inappropriate sited signs or advertisements in or on the vehicle	3	✓	✓
10	driver call signs not being displayed (points per sign)	2	✓	
11	HC taxi meter not sealed or not within approved tolerance* (clock +3 or -5 minutes)	6*	✓	✓
12	Displaying any feature on private hire vehicle that may suggest that it is a taxi (Private Hire)	6		✓
13	PH lights fitted to the vehicle and not in working order (points per light)	2	✓	
14	Failure to provide copy of byelaws/conditions on request	4	✓	
15	Failure to carry legal spare wheel and tools	4	✓	✓
16	A licensed vehicle with a tyre below the legal limit	4 per tyre	✓	✓
17	HC / PH radio or DATA unit unsecured	3	✓	
18	Failure to display a correct fare table (HC)*	3*	✓	✓
19	evidence that smoking is being permitted inside the vehicle	4	✓	
20	Using unlicensed vehicle or vehicle without insurance	12	✓	✓
21	Using a vehicle subject to a suspension order issued by an Authorised Officer or a police officer	12	✓	✓
22	Using a vehicle for which the licence has been suspended or revoked	12	✓	✓
23	After examination by a qualified vehicle examiner the vehicle is deemed to be un-safe or un-roadworthy (immediate prohibition notice issued)	12	✓	✓
24	After examination by a qualified vehicle examiner matters are identified which require attention (delayed prohibition notice issued)	6	✓	✓
25	Carrying more passengers than stated on the vehicle licence	6	✓	
26	Waiting or stopping on a double yellow area, bus stop or private land (without the owner's permission) unless requested by a paying customer present in the vehicle	3	✓	
27	Obstruction of an authorised officer or police officer wishing to examine a licensed vehicle	12	✓	✓
28	Carrying an offensive weapon in the vehicle	12	✓	

Other potential points for non-compliance

		Maximum*	Driver	Vehicle
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	Offence/Breach of Condition	Points Applicable		Owner
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 within 7 calendar days	3	✓	✓
3	Refusal to accept hiring without reasonable cause e.g. Drunk or rude customer (may be referred to the Sub-Committee)	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 produce relevant documents with timescale when requested by an Authorised Officer	4	✓	✓
7	Failure to provide proof of insurance cover when requested	6	✓	
8	Failure to produce Hackney Carriage or Private Hire vehicle for testing when required	4		✓
9	Failure to report, in writing, within 72 hours, accident or damage to licensed vehicle, which would cause the vehicle to breach licence conditions	4	✓	✓
10	Failure to notify transfer of Private Hire or Hackney Carriage vehicle licence	4		✓
11	Failure to carry an assistance dog without requisite medical exemption certificate	12	✓	✓
12	Driver not holding a current DVLA licence	12	✓	✓
13	Failure to notify, in writing, a change in medical circumstances	6	✓	✓
14	Unsatisfactory behaviour or conduct of driver (may be referred to Sub-Committee)	1-12	✓	
15	Failure to notify the Council in writing, of any motoring or criminal convictions within 21 days or conviction or cautions during period of current licence	6	✓	✓
16	Failure to give assistance with loading/unloading luggage to or from any building or place (may be referred to the Sub-Committee)	1-12	✓	✓
17	Driving whilst using a mobile phone	9	✓	
18	Unsatisfactory appearance of driver	3	✓	