

## **APPENDIX P – PENALTY POINTS SCHEME**

### **1. The Scheme**

- 1.1 Points will be issued by authorised officers of the Authority to licence holders who are found to have committed offences, contravened byelaws, this policy, or licence conditions.
- 1.2 The maximum number of points that can be imposed in respect of any matter is 10 but it is possible for one incident or inspection to result in more than one set of points being issued.
- 1.3 If a licence holder accumulates 20 points or more within a rolling period of 12 months then their licence will be subject to a review by the Taxi and Miscellaneous Committee.
- 1.4 Any licence holder aggrieved by the imposition of penalty points on their licence may appeal to the Taxi and Miscellaneous Committee where they will have the opportunity to explain why the points should not have been imposed.
- 1.5 Notice of the appeal must be submitted in writing to the Authority within 14 days of receiving the penalty points notice.
- 1.6 The table below list details of hackney carriage and private hire related offences and the number of penalty points imposed on relevant licences.
- 1.7 Where no points are indicated then either the offence does not relate to a licence holder, or the offence is one where the Authority's policy is to seek legal proceedings.

<b><u>Offences under the Local Government (Miscellaneous Provisions) Act 1976 – Private Hire</u></b>		<b><u>Penalty Points</u></b>
1.	Using an unlicensed private hire vehicle. (Sec.46(1)(a))	n/a
2.	Driving a private hire vehicle without a private hire driver's licence. (Sec. 46(1)(b))	n/a
3.	Proprietor of a private hire vehicle using an unlicensed driver. (Sec.46(1)(c	n/a
4.	Operating a private hire vehicle without a private hire operator's licence. (Sec.46(1)(d)	n/a
5.	Operating a vehicle as a private hire vehicle when the vehicle is not licensed as a private hire vehicle. (Sec.46(1)(e	n/a
6.	Operating a private hire vehicle when the driver is not licensed as a private hire driver. (Sec.46(1)(e	n/a
7.	Failure to display private hire vehicle plate. (Sec.48(6)(a))	10
8.	Failure to notify transfer of private hire vehicle licence. (Sec.49(1))	10
9.	Failure to present private hire vehicle for inspection as required. (Sec.50(1))	10
10.	Failure to inform Authority where private hire vehicle is stored if requested. (Sec.50(2))	10
11.	Failure to report an accident to the Authority. (Sec.50(3))	10
12.	Failure to produce private hire vehicle licence and insurance certificate. (Sec50(4))	10
13.	Failure to produce private hire driver's licence. (Sec.53(3))	10
14.	Failure to return driver's licence and badge after ceasing to be in force for immigration reasons. (Sec.53A (9))	n/a
15.	Failure to wear private hire driver badge. (Sec.54(2))	10
16.	Failure to return operator's licence after ceasing to be in force for immigration purposes. (Sec.55ZA (8))	n/a
17.	Subcontracting private hire operator knowing that the subcontractor will use an unlicensed vehicle or driver. (Sec. 55(B)	n/a
18.	Failure by private hire operator to keep records of bookings. (Sec.56(2))	10
19.	Failure by private hire operator to keep records of private hire vehicles operated by them. (Sec.56(3))	10
20.	Failure to produce a Private Hire Operator's licence on request.(Sec56(4))	5
21.	Making false statement or withholding information to obtain private hire driver's licence or operator's licence. (Sec.57(2))	10
22.	Failure to return plate after notice given after expiry, revocation, or suspension of private hire vehicle licence. (Sec.58(2))	5
23.	Failure to surrender driver's licence after suspension, revocation or refusal to renew. (Sec.61(2))	5
24.	Charging more than the meter fare when hackney carriage used as a private hire vehicle. (Sec.67)	10

25.	Unnecessarily prolonging a journey. (Sec.69)	10
26.	Interfering with a taximeter. (Sec. 71)	n/a
27.	Obstruction of authorised officer or constable. (Sec.73(1)(a))	10
28.	Failure to comply with requirement of an authorised officer or constable. (Sec73(1)(b))	10
29.	Failure to give information or assistance to an authorised officer or constable. (Sec.73(1)(c))	10
<b><u>Offences under the Transport Act 1980 – Private Hire Provisions</u></b>		
<b><u>Section</u></b>	<b><u>Offence</u></b>	<b><u>Penalty</u></b>
64 (2) (a)	Driving a private hire vehicle with a roof sign which contravenes section 64(1).	10
64 (2) (b)	Causing or permitting a private hire vehicle to be driven with a roof sign which contravenes section 64(1).	10

<b><u>Offences under the Local Government (Miscellaneous Provisions) Act 1976 – Hackney Carriage</u></b>		<b><u>Penalty Points</u></b>
1.	Failure to notify transfer of Hackney Carriage Proprietor’s Licence (Sec.49(1))	10
2.	Failure to present Hackney Carriage for inspection. (Sec.50(1))	5
3.	Failure to inform Authority where the Hackney Carriage is stored if requested. (Sec.50(2))	5
4.	Failure of proprietor to report an accident to the Authority. (Sec.50(3))	10
5.	Failure to produce Hackney Carriage Proprietor’s Licence and insurance certificate.(Sec50(4))	5
6.	Failure to produce Hackney Carriage Driver’s Licence. (Sec.53(3))	5
7.	Failure to return driver’s licence and badge after ceasing to be in force for immigration reasons. (Sec.53A(9)).	n/a
8.	Making false statement or withholding information to obtain Hackney Carriage Driver’s Licence.(Sec.57)	10
9.	Failure to return vehicle plate after notice given after expiry, revocation, or suspension of Hackney Carriage Proprietor’s Licence. (Sec.58(2))	5
10.	Failure to surrender driver’s licence after suspension, revocation, or refusal to renew. (Sec.61(2))	5
11.	Permitting any vehicle other than a hackney carriage to wait on a hackney carriage stand. (Sec.64)	n/a
12.	Charging more than the meter fare for a journey ending outside the district without prior agreement (Sec.66)	10

13.	Charging more than the meter fare when hackney carriage used as a private hire vehicle.(Sec.67)	10
14.	Unnecessarily prolonging a journey. (Sec.69)	10
15.	Interfering with a taximeter. (Sec.71)	n/a
16.	Obstruction of authorised officer or constable. (Sec.73(1)(a))	10
17.	Failure to comply with requirement of authorised officer or constable. (Sec73(1)(b))	10
18.	Failure to give information or assistance to authorised officer or constable. (Sec.73(1)(c))	10

<b><u>Offences under the Town Police Clauses Act 1847 – Hackney Carriage</u></b>		
<b><u>Section</u></b>	<b><u>Offence</u></b>	<b><u>Penalty</u></b>
40	Giving false information on application for hackney carriage proprietor's licence.	10
44	Failure to notify change of address of hackney carriage proprietor.	5
45	Plying for hire without a hackney carriage proprietor's licence.	n/a
47	Driving a hackney carriage without a hackney carriage driver's licence.	n/a
47	Lending or parting with a hackney carriage driver's licence.	n/a
47	Hackney carriage proprietor employing unlicensed driver.	n/a
48	Failure by hackney carriage proprietor to hold a copy of HC driver licences of persons who use the vehicle	10
52	Failure to display hackney carriage plate.	10
53	Refusal to take a fare.	n/a
54	Charging more than the agreed fare.	n/a
55	Obtaining more than the legal fare.	n/a
56	Travelling less than the lawful distance for an agreed fare.	10
57	Failure to wait after a deposit to wait has been paid.	10
58	Charging more than the legal fare.	n/a
59	Carrying other person than the hirer without consent.	10
60	Driving a hackney carriage without proprietor' consent.	10

60	Person allowing another to drive a hackney carriage without proprietor's consent.	n/a
61	?	
62	Driver leaving hackney carriage unattended.	10
64	Hackney carriage driver obstructing other hackney carriages.	10

**Offences under the Byelaws**

All breaches of hackney carriage byelaws shall attract 10 penalty points.

**Policy and Licence Conditions**

All noncompliance with the policy and breaches of licence conditions shall attract 10 penalty points.