

Appendix E

LICENSING POINTS SYSTEM

The Licensing Record Points Scheme will operate as follows:

- 1 The Council's Community Safety and Licensing Enforcement Policy will be fully considered by the enforcing Officer when determining the manner in which any breach of legislation or the requirements of this Policy are dealt with. Where it is decided that the use of the licensing record points system is appropriate, the points will be issued in accordance with this appendix. If this appendix allows a range of points for the particular incident, the enforcing Officer will determine the appropriate number of points proportionate to the offence.
- 2 Before points are issued, there must be sufficient evidence to prove the offence or breach of licensing requirements. If the licence holder disputes the offence or breach of licensing requirements, the matter will be resolved by reverting to the procedures detailed in this Policy.
- 3 A maximum of twelve points will be issued on any one occasion. This means that if on any occasion when it is proposed to impose points, a licence holder has committed more than one offence or breach of licence conditions, no more than twelve points will be imposed.
- 4 Points issued to either a proprietor or driver will be confirmed in writing within ten working days from the decision to impose points.
- 5 When issued, the points will remain "live" for a period of two years from the date they are imposed so that only points accumulated in a rolling twenty four months period will be taken into account.

If a driver, proprietor or operator accumulates twelve or more points within a period of two years from the date they are imposed, he will be required to attend a disciplinary meeting with a Licensing Panel, where the appropriate action will be decided in accordance with this Policy.
- 6 Where a driver is brought before a Licensing Panel, the options available to them will include suspension or revocation of the driver's licence, where appropriate. If the Licensing Panel does not feel that the matter warrants suspension or revocation of the licence, they may extend the period for which the points are to remain "live" or instruct that a written warning to the driver is issued as to his future conduct.
- 7 Periods of suspension of a licence will be dependant on the nature of the breaches of the legislation or the requirements of this Policy and the compliance history of the licence holder.
- 8 Once the matter has been dealt with, the points will be removed if a suspension or revocation is imposed. If the "live" period is extended or a written warning given, however, the points will remain "live" for the normal two-year period, or for such extended period as imposed by the Panel.

- 9 A driver will retain the right to be represented at any meeting with the Licensing Panel, either legally or otherwise, and to state any mitigating circumstances he/she deems necessary.
- 10 Even though points have been issued by an Authorised Officer of the Council, if it is subsequently found that the driver has previously been issued with points, or has been formally cautioned, for similar offences, the Council reserve the right to cancel the points and deal with the matter in accordance with the Community Safety and Licensing Enforcement Policy.
- 11 The points system will operate without prejudice to the Council's ability to take other action under appropriate legislation or as provided for by this Policy.

POINTS RELATING TO OFFENCES IN RESPECT OF LEGISLATION

Town Police Clauses Act 1847		
Section	Offence	Points
40	Giving false information on a hackney carriage licence application	5-10
44	Failure to notify change of address of a hackney carriage licence	2
45	Plying for hire without a hackney carriage licence	8-12
47	Driving a hackney carriage without a hackney carriage driver's licence	8-12
47	Lending or parting with a hackney carriage driver's licence	4
47	Proprietor employing an unlicensed hackney carriage driver	8
48	Failure of a proprietor to hold a hackney carriage driver's licence	6
48	Failure of a proprietor to produce a hackney carriage driver's licence	3
52	Failure to display a hackney carriage plate	4
53	Refusal to take a fare without a reasonable excuse	6-12
54	Charging more than the agreed fare	6-12
55	Obtaining more than the legal fare (including failure to refund)	6-12
56	Travelling less than the lawful distance for an agreed fare	6
57	Failure to wait after a deposit to wait has been paid	6
58	Charging more than the legal fare	12
59	Carrying persons other than the hirer without the hirer's consent	8
60	Driving a hackney carriage without the proprietor's consent	6-12
60	Allowing a person to drive a hackney carriage without the proprietor's consent	4
62	Driver leaving a hackney carriage unattended on a rank	2-6
64	Hackney carriage driver obstructing other hackney carriages	3

POINTS RELATING TO OFFENCES IN RESPECT OF LEGISLATION

Local Government (Miscellaneous Provisions) Act 1976

Section	Offence	Points
46(1)(a)	Using an unlicensed private hire vehicle	12
46(1)(b)	Driving a private hire vehicle without a private hire driver's licence	12
46(1)(c)	Proprietor of a private hire vehicle using an unlicensed driver	8
46(1)(d)	Operating a private hire vehicle without a private hire operator's licence	8
46(1)(e)	Operating a vehicle as a private hire vehicle when the vehicle is not licensed as a private hire vehicle	12
46(1)(e)	Operating a private hire vehicle when the driver is not licensed as a private hire driver	8
48(6)	Failure to display a private hire vehicle plate	4
49	Failure to notify the transfer of a vehicle licence	3
50(1)	Failure to present a hackney carriage or private hire vehicle for inspection upon request	6-12
50(2)	Failure to inform the Council where a hackney carriage or private hire vehicle is stored, if requested	3
50(3)	Failure to report an accident to the Council within seventy two hours	6
50(4)	Failure to produce the vehicle licence and insurance upon request	8-12
53(3)	Failure to produce a driver's licence upon request	3
54(2)	Failure to wear a private hire driver's badge	4-6
56(2)	Failure of a private hire operator to keep proper records of all bookings, or failure to produce them on request of an Authorised Officer of the Council or a Police Officer	6
56(3)	Failure of a private hire operator to keep records of all private hire vehicles, or failure to produce them on request of an Authorised Officer of the Council or a Police Officer	6
56(4)	Failure of a private hire operator to produce his licence on request	4
57	Making a false statement or withholding information to obtain a hackney carriage or private hire driver's licence	10
58(2)	Failure to return a plate after notice has been given following expiry, revocation, or suspension of a hackney carriage or private hire vehicle licence	6-12
61(2)	Failure to surrender a driver's licence after suspension, revocation, or refusal to renew	6
64	Permitting any vehicle other than a hackney carriage to wait on a hackney carriage rank	6
66	Charging more than the meter fare for a journey ending outside the District, without prior agreement	6
67	Charging more than the meter fare when hackney carriage is used as a private hire vehicle	6
69	Unnecessarily prolonging a journey	6-12
71	Interfering with a taxi-meter with intent to mislead	12
73(1)(a)	Obstruction of an Authorised Officer of the Council or a Police Officer	12
73(1)(b)	Failure to comply with a requirement of an Authorised Officer or Police Officer	8-12
73(1)(c)	Failure to give information or assistance to an Authorised Officer or Police Officer	6

Disability Discrimination Act 1995		
Section	Offence	Points
37	Refusal to carry a guide, hearing, or other assistance dog in a hackney carriage without a valid certificate of exemption	8-12
37	Charging an additional cost for the carrying of an assistance dog in a hackney carriage	8-12
37a	Refusal to carry a guide, hearing, or other assistance dog in a private hire vehicle without a valid certificate of exemption	8-12
37a	Charging an additional cost for the carrying of an assistance dog in a private hire vehicle	8-12

Hackney Carriage and Private Hire Licensing Policy		
Section or Appendix	Breach of policy requirement	Points
	Failure to report a change of name or address to the Licensing Service by drivers and proprietors.	2
	Failure to produce an updated DVLA licence (or backing sheet) within 30 days of a change of name, address, photo card photograph, or addition of DVLA penalty points.	2-5
	Failure to adhere to the Dress Code for Licensed Drivers	2
	Failure to wear a driver's badge	4-6
	Failure to adhere to the Code of Good Conduct for Licensed Drivers where not mentioned below	2-6
	Failure to ensure the safety of passengers	4
	Concealing or defacing a vehicle licence plate	4
	Failure to attend on time for a pre-arranged booking without reasonable cause	3
	Conveying a greater number of passengers than permitted	6
	Failure to give reasonable assistance with passenger's luggage	3
	Private hire vehicle soliciting for hire or accepting a fare that is not pre-booked	6-12
	Operating a vehicle that is not clean and tidy	2
	Driving without the consent of the proprietor	5
	Drinking or eating in the vehicle whilst carrying passengers	3
	Smoking in a licensed vehicle at any time	4
	Cause excessive noise from any radio or sound-reproducing equipment	2
	Operating the horn as a means of signalling that the vehicle has arrived	3
	Allowing a private hire vehicle to stand in such a position as to suggest that it is plying for hire or using a hackney carriage stand	6
	Using a non-hands free mobile telephone whilst driving	4
	Failure to advise of a relevant medical condition	4
	Failure to provide a receipt for a fare when requested	6-12
	Failure to operate the meter from the commencement of the journey and/or charging more than the fixed charge for hire of hackney carriages	2

	Failure to notify the Council of any amendment to the details of a licence within fourteen days	6
	Failure to produce a licence upon request	3
	Failure to notify within seven days of starting or terminating employment, the name and address of the proprietor and the term of employment	4
	Failure to show a private hire driver's licence to the private hire operator at the commencement of employment	3
	Failure to surrender a driver's licence, badge or plate upon request	2
	Failure of a licence holder to disclose convictions within seven days of conviction	6-12
	Failure to take found property to the Police within forty eight hours of finding	12
	Failure to report an accident within seventy two hours	3
	Carrying an animal other than one belonging to the passenger(s)	3
	Carrying an animal not safely restrained	2
	Failure to comply with the requirements for the safe carrying of a wheelchair	3
	Operating a vehicle that does not comply with the Council's licensing policy where such a breach of policy requirements is not otherwise specified herein	6
	Operating a vehicle which is not maintained in a sound and roadworthy condition	2-6
	Failure to carry an approved fire extinguisher	6-12
	Failure to carry an approved first aid kit	3
	Operating a vehicle which is not maintained in a clean and/or safe condition internally or externally	3
	Modifying a vehicle without the consent of the Council	3
	Failure to display or maintain external licence plates as issued by the Council	3
	Hackney carriage vehicle signage not in accordance with the Council's requirements	4
	Affixing or displaying a roof sign on a private hire vehicle	4
	Displaying a sign or advertisement on a licensed vehicle that does not satisfy the Policy requirements or has not been approved by the Council	4
	Taxi-meter does not conform to the Council's requirements	6
	Trailer does not comply with the Council's requirements	3
	Operating an LPG vehicle which does not comply with the Council's LPG vehicle requirements	3
	Operating a vehicle which does not comply with the Council's requirements in relation to tinted windows	4
	Driving with no insurance or inadequate insurance for the vehicle	12
	Allowing a vehicle to be used for hire by a person who does not hold a current driver's licence	8
	Permitting the vehicle to be used for any illegal or immoral purposes	6-12
	Failure of a private hire operator to provide a prompt, efficient and reliable service	3
	Failure of a private hire operator to ensure that office staff act in	3

	a civil and courteous manner at all times	
	Failure of a private hire operator to ensure that vehicles attend bookings punctually	4
	Failure of a private hire operator to keep the operating premises in accordance with the Council's requirements	3
	Failure of a private hire operator to ensure that all vehicles operated by him are adequately insured	6
	Failure of a private hire operator to keep and display public liability insurance for the operating premises if the public are allowed access	4
	Failure of a private hire operator to ensure that every driver employed by him has a private hire licence and badge	4
	Failure of a private hire operator to keep a copy of the Council's Hackney Carriage and Private Hire Licensing Policy to be made available for inspection by passengers upon request	4
	Payment for a licensing fee using a cheque that is subsequently dishonoured.	2
	Displaying a taxi roof light or plate on a vehicle while it is not licensed as a taxi.	2-6
	Any other cause not covered by above	2-12

LEGISLATIVE OFFENCES AND PENALTIES

1 Introduction

Two statutes principally create offences relating to hackney carriages and private hire vehicles:

- i) Town Police Clauses Act 1847.
- ii) Local Government (Miscellaneous Provisions) Act 1976.

The offences are set out below under the relevant statute

In relation to the maximum penalties specified, the levels of fine are currently as follows:

- Level 1 - £200;
- Level 2 - £500;
- Level 3 - £1,000;
- Level 4 - £2,500.

Any subsequent amendments to the legislation will supersede the tables below and this appendix may be amended to reflect the revised legislation by way of an addendum to this Policy.

2 Town Police Clauses Act 1847

Section	Offence	Maximum Penalty
40	Giving false information on an application for a hackney carriage licence.	Level 1
44	Failure to notify a change of address of a hackney carriage proprietor	Level 1
45	Plying for hire without a hackney carriage proprietor's licence	Level 4
47	Driving a hackney carriage without a hackney carriage driver's licence	Level 3
47	Lending or parting with a hackney carriage driver's licence	Level 3
47	Hackney carriage proprietor employing an unlicensed driver	Level 3

48	Failure by a hackney carriage proprietor to hold a hackney carriage driver's licence	Level 1
48	Failure by a hackney carriage proprietor to produce a hackney carriage driver's licence	Level 1
52	Failure to display a hackney carriage plate	Level 1
53	Refusal to take a hackney carriage fare	Level 2
54	Charging more than the agreed hackney carriage fare	Level 1
55	Obtaining more than the legal hackney carriage fare	Level 3 and 1 month's imprisonment
56	Travelling less than the lawful distance for an agreed hackney carriage fare	Level 1
57	Failing to wait after a deposit to wait has been paid	Level 1
58	Charging more than the legal hackney carriage fare	Level 3
59	Carrying other persons in a hackney carriage other than with the consent of the hirer	Level 1
60	Driving a hackney carriage without the proprietor's consent	Level 1
60	Allowing another to drive a hackney carriage without the proprietor's consent	Level 1
61	Drunken driving of a hackney carriage	Level 1
61	Wanton or furious driving of a hackney carriage leading to injury or danger	Level 1
62	Driver leaving a hackney carriage unattended	Level 1
64	Hackney carriage driver obstructing other hackney carriages	Level 1

3 Local Government (Miscellaneous Provisions) Act 1976

Section	Offence	Maximum Penalty
46(1)(a)	Using an unlicensed private hire vehicle	Level 3 by virtue of s76
46(1)(b)	Driving a private hire vehicle without a private hire driver's licence	Level 3 by virtue of s76
46(1)(c)	Proprietor of a private hire vehicle using an unlicensed driver	Level 3 by virtue of s76
46(1)(d)	Operating a private hire vehicle without a private hire operator's licence	Level 3 by virtue of s76
46(1)(e)	Operating a vehicle as a private hire vehicle when the vehicle is not licensed as a private hire vehicle	Level 3 by virtue of s76
46(1)(e)	Operating a private hire vehicle when the driver is not licensed as a private hire driver	Level 3 by virtue of s76
48(6)	Failure to display a private hire vehicle plate	Level 3 by virtue of s76
49	Failure to notify the Council of the transfer of a hackney carriage or private hire proprietor's licence	Level 3 by virtue of s76
50(1)	Failure to present a hackney carriage or private hire vehicle for inspection, as required	Level 3 by virtue of s76

50(2)	Failure to inform the Council where the hackney carriage or private hire vehicle is stored, if requested	Level 3 by virtue of s76
50(3)	Failure to report an accident to the Council involving a hackney carriage or private hire vehicle	Level 3 by virtue of s76
50(4)	Failure to produce the hackney carriage or private hire vehicle proprietor's licence and insurance certificate	Level 3 by virtue of s76
53(3)	Failure to produce the hackney carriage or private hire driver's licence	Level 3 by virtue of s76
54(2)	Failure to wear a private hire driver's badge	Level 3 by virtue of s76
56(2)	Failure by a private hire operator to keep records of bookings	Level 3 by virtue of s76
56(3)	Failure by a private hire operator to keep records of private hire vehicles operated by him	Level 3 by virtue of s76
56(4)	Failure to produce a private hire operator's licence on request	Level 3 by virtue of s76
57	Making a false statement or withholding information to obtain a hackney carriage or private hire driver's licence	Level 3 + £10/day fine
58(2)	Failure to return a plate after notice given following expiry, revocation or suspension of a hackney carriage or private hire proprietor's licence	Level 3 by virtue of s76
61(2)	Failure to surrender a hackney carriage or private hire driver's licence after suspension, revocation, or refusal to renew	Level 3 by virtue of s76
64	Permitting any vehicle other than a hackney carriage to wait on a hackney carriage rank	Level 3 by virtue of s76
66	Charging more than the meter fare for a hackney carriage journey ending outside the District, without prior agreement	Level 3 by virtue of s76
67	Charging more than the meter fare when a hackney carriage is used as a private hire vehicle	Level 3 by virtue of s76
69	Unnecessarily prolonging a journey	Level 3 by virtue of s76
71	Interfering with a taxi-meter	Level 3 by virtue of s76
73(1)(a)	Obstruction of an Authorised Officer of the Council or a Police Officer	Level 3 by virtue of s76
73(1)(b)	Failure to comply with a requirement of an Authorised Officer of the Council or a Police Officer	Level 3 by virtue of s76
73(1)(c)	Failure to give information or assistance to an Authorised Officer of the Council or a Police Officer	Level 3 by virtue of s76

4 Transport Act 1980

Section	Offence	Maximum Penalty
64(2)(a)	Driving a private hire vehicle with a roof sign which contravenes	Level 3

	s64(1)	
64(2)(b)	Causing or permitting a private hire vehicle to be driven with a roof sign which contravenes s64(1)	Level 3