

## **Section 2**

# **PENALTY POINTS SCHEME**

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### **1. Penalty Points Scheme**

- 1.1. Hackney carriage and private hire operators, drivers and vehicles are principally governed by the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, Council Byelaws (in respect of hackney carriages) and the policy and conditions set by the Council.
- 1.2. The primary objective of the penalty points scheme is to improve the levels of compliance and to help improve the standards, safety and protection of the travelling public.
- 1.3. The penalty points scheme works 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 licensees' behaviour and conduct so as to ascertain whether they remain a safe and suitable person to be a vehicle driver or operator and/or suitable to hold a vehicle licence. It does not prejudice the Council's ability to take other action.
- 1.4. The scheme will be used where operators, drivers or proprietors of vehicles fail to comply with any legislative requirement, commit a criminal offence (under legislation or byelaws) or breach conditions of licence, and following complaints from the public.
- 1.5. Licensees involved will be asked to attend an interview. Once the investigation is completed, letters will be sent out detailing the outcome and a permanent record will be kept on the person's file. The outcome of the investigation may result in officers determining that: no further action be taken; penalty points be imposed; a formal warning be issued, and/or prosecution.

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- 1.6. If a licensee wishes to challenge the imposition of penalty points, an appeal will be referred to the Regulatory Committee. At that hearing the Committee can remove the penalty points, uphold the penalty points, increase the penalty points (and this includes imposing more points than displayed on the tariff), suspend or revoke the licence, or recommend prosecution. Drivers must appeal any points issued by Officers to the Regulatory Committee within 21 days. Details of the appeal mechanism will be contained in the letter confirming the imposition of points.
- 1.7. Penalty points remain live or current for twelve months from the date the penalty points were imposed. If the decision was appealed to the Regulatory Committee, and the Committee uphold an imposition of points, those points will remain live for 12 months from the date of the Committee's decision. The 12 month 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.
- 1.8. Where a licensee accumulates more than 12 penalty points in any 12 month period, the matter will be referred to the Regulatory Committee for the Committee to decide whether the driver remains a fit and proper person. The Regulatory Committee may then suspend or revoke a licence, or issue a warning to the Licensee, depending upon the circumstances. Periods of suspension of a licence by a Committee will be dependent on the nature of the breaches of the legislation, conditions, behaviour and the compliance history of the individual. Suspension periods will normally vary between 7 to 31 days.
- 1.9. 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 conditions.
- 1.10. If points are issued to a proprietor or driver for a matter which is also a criminal offence which the council could prosecute for e.g. not wearing a driver's badge, failure to maintain operator records, those person(s) will not then be the subject of a prosecution by the Council.

### **2. List of Offences / Breach of Vehicle Licence Conditions**

<b><u>Offence / Breach</u></b>	<b>Code</b>	<b>Points</b>
Failure to supply interim MOT test when vehicle is over 5 years of age	<b>V1</b>	<b>4</b>
Failure to have or maintain illuminated markings at entrances and exits	<b>V2</b>	<b>2</b>
Failure to have/maintain grab handles	<b>V3</b>	<b>2</b>

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Failure to have a means of loading wheelchairs into the vehicle available at all times.	<b>V4</b>	<b>2</b>
Failure to supply a current mechanical tail lift safety certificate to the Licensing Authority	<b>V5</b>	<b>4</b>
Failure to keep a wheelchair access vehicle available without modification at all times	<b>V6</b>	<b>2</b>
Failure to provide an annual LPG safety compliance Certificate	<b>V7</b>	<b>4</b>
Failure to maintain seat belts in a safe condition	<b>V8</b>	<b>4</b>
Undertaking alterations to equipment, dimensions or other specification to a licensed vehicle without consent	<b>V9</b>	<b>4</b>
Failure to display approved roof sign	<b>V10</b>	<b>2</b>
Failure to maintain roof sign in working order	<b>V11</b>	<b>2</b>
Failure to display roof sign on the front part of the roof, unless the vehicle type does not facilitate this, in which case it must be as near to the front as possible.	<b>V12</b>	<b>2</b>
Failure to display front door signs.	<b>V13</b>	<b>4</b>
Displaying incorrect signs i.e., wrong wording or magnetic	<b>V14</b>	<b>4</b>
Displaying other sign on front door	<b>V15</b>	<b>4</b>
Private hire vehicles advertising incorrectly	<b>V16</b>	<b>4</b>
Display sign that does not comply	<b>V17</b>	<b>4</b>
Display web site address large lettering than permitted	<b>V18</b>	<b>4</b>
Failure to display three or more "no smoking" signs in the vehicle	<b>V19</b>	<b>4</b>
Private hire displaying the word "taxi"	<b>V20</b>	<b>4</b>
Incorrectly displaying licence plate	<b>V21</b>	<b>4</b>
Failure to return plate on expiry of licence if requested to do so by Licensing Staff	<b>V22</b>	<b>4</b>
Failure to report loss or damage of a vehicle plate, following discovery of loss or damage.	<b>V23</b>	<b>2</b>
Failure to surrender vehicle licence and plate if proprietor does not wish to retain vehicle licence	<b>V24</b>	<b>2</b>
Advertising on vehicle without written authorisation from the Licensing Authority	<b>V25</b>	<b>4</b>

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Failure to submit taximeter for testing when requested to do so by Licensing Authority	<b>V26</b>	<b>2</b>
Tampering or allowing an unauthorised person to tamper with taximeter	<b>V27</b>	<b>4</b>
Failure to display a statement of fares inside the HC	<b>V28</b>	<b>2</b>
Wilfully or neglectfully causing letters or figures in the statement to be obscured	<b>V29</b>	<b>2</b>
Failure to deposit copy of statement of fares which differ from the approved fares	<b>V30</b>	<b>2</b>
Failure to notify Licensing of accidents or damage affecting the safety, performance or appearance of the vehicle	<b>V31</b>	<b>2</b>
Failure to supply steering geometry and alignment reports following an accident if required	<b>V32</b>	<b>2</b>
Failure to get authorisation for a temporary transfer vehicle or leaving the vehicle on for more than two weeks	<b>V33</b>	<b>2</b>
Failure to have insurance for the licensed vehicle	<b>V34</b>	<b>12</b>
Failure to provide evidence of insurance prior to expiry	<b>V35</b>	<b>6</b>
Failure to keep copy of insurance/cover note in the vehicle	<b>V36</b>	<b>2</b>
Failure to notify Licensing Authority of change of insurer or particulars within 2 working days.	<b>V37</b>	<b>2</b>
Failure to produce details to the Licensing Authority of drivers permitted to drive	<b>V38</b>	<b>2</b>
Failure to notify change of drivers	<b>V39</b>	<b>2</b>
Failure to notify Licensing Authority of change of address or other contact details	<b>V40</b>	<b>2</b>
Failure to carry a suitably marked approved fire extinguisher within the vehicle	<b>V41</b>	<b>2</b>
Failure to carry marked first aid equipment as specified in conditions	<b>V42</b>	<b>2</b>
Failure to obtain written permission to use trailers on Licensed vehicles	<b>V43</b>	<b>12</b>
Failure to present vehicle and trailer for inspection	<b>V44</b>	<b>4</b>

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Using a driver without the appropriate DVLA category code to tow a trailer	<b>V45</b>	<b>6</b>
Failure to maintain radio equipment in safe condition which poses a risk of injury to passengers	<b>V46</b>	<b>2</b>
Proprietor/Operator allowing a greater number of persons to be conveyed than is specified on the licence	<b>V47</b>	<b>2</b>
Failure to maintain a reasonable standard of behaviour	<b>V48</b>	<b>2</b>
Failure to provide information requested by an authorised officer	<b>V49</b>	<b>4</b>
Failure to provide assistance to an authorised officer	<b>V50</b>	<b>4</b>
Failure to provide evidence of insurance or interim MOT/compliance test prior to expiry (1 <sup>st</sup> instance)	<b>V51</b>	<b>6</b>
Failure to provide evidence of insurance or interim MOT/compliance test prior to expiry (2 <sup>nd</sup> instance)	<b>V52</b>	<b>12</b>
Failure to show evidence of continuous MOT, interim MOT or insurance.	<b>V53</b>	<b>12</b>
Using CCTV equipment not in accordance with the provisions of the conditions and the data protection act	<b>V54</b>	<b>4</b>
Fail to have 3 CCTV signs	<b>V55</b>	<b>2</b>
Fail to check CCTV weekly	<b>V56</b>	<b>2</b>
Disconnecting CCTV system	<b>V57</b>	<b>4</b>
Obstructing CCTV Camera	<b>V58</b>	<b>2</b>
Providing alcoholic drinks not in accordance with the sale or supply of alcohol legislation	<b>V59</b>	<b>12</b>

### **3. List of Offences/Breaches of Driver Licence Conditions**

<b><u>Offence / Breach</u></b>	<b><u>Code</u></b>	<b><u>Points</u></b>
Driver not clean and respectable in their dress	<b>D1</b>	<b>2</b>
Driver not complying with the Driver Dress Code	<b>D2</b>	<b>2</b>
Driver not behaving in a civil and orderly manner	<b>D3</b>	<b>3</b>

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Driver allowing noise from radio or other similar equipment to be a source of nuisance or annoyance to any person inside or outside the vehicle	<b>D4</b>	<b>2</b>
Driver smoking/vaping/similar whilst in the vehicle	<b>D5</b>	<b>4</b>
PH drivers parking in a position or location which gives the appearance of being for hire, whilst not on a pre booking	<b>D6</b>	<b>3</b>
Driver of PH vehicle plying for hire	<b>D7</b>	<b>4</b>
Driver calling out or influencing person to travel in the vehicle for gain without a prior appointment	<b>D8</b>	<b>3</b>
Fail to have in possession driver badge whilst driving a licensed vehicle	<b>D9</b>	<b>2</b>
Not wearing driver badge on the upper left arm in the vehicle which is visible to passengers being conveyed in the vehicle	<b>D10</b>	<b>2</b>
Failure to surrender driver badge to the Licensing Authority upon expiry, revocation or suspension of their licence when requested by Licensing Staff	<b>D11</b>	<b>2</b>
Failure to supply annual self-declaration and fee (1 <sup>st</sup> Occasion)	<b>D12</b>	<b>6</b>
Failure to supply annual self-declaration and fee (2 <sup>nd</sup> occasion)	<b>D13</b>	<b>12</b>
Failure to carry evidence of insurance cover, this can be a cover note, in the vehicle whilst on duty	<b>D14</b>	<b>2</b>
Failure of driver to check vehicle proprietor has insurance on the vehicle	<b>D15</b>	<b>2</b>
Driver carrying greater number of persons than the number specified on the licence	<b>D16</b>	<b>12</b>
Carrying other persons in the vehicle without the consent of the hirer	<b>D17</b>	<b>2</b>
Carry a member of family/friend in a licensed vehicle when it is for hire/hired	<b>D18</b>	<b>2</b>
Failing to carry or ensure safety of passenger luggage	<b>D19</b>	<b>4</b>
Failing to offer reasonable assistance with luggage	<b>D20</b>	<b>2</b>

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Failing to take steps to ensure passenger safety	<b>D21</b>	<b>6</b>
Failing to ensure passengers are dropped off safely, at the correct destination	<b>D22</b>	<b>2</b>
Fail to search vehicle after journey	<b>D23</b>	<b>2</b>
Fail to hand found property to the police	<b>D24</b>	<b>2</b>
Fail to operate taxi meter correctly	<b>D25</b>	<b>4</b>
Fail to use taximeter on pre booked journey or fail to charge fee less than meter fee	<b>D26</b>	<b>2</b>
Charging more than the metered fare	<b>D27</b>	<b>4</b>
Tampering or allowing tampering of a taximeter	<b>D28</b>	<b>4</b>
Cancelling the fare or concealing the fare on meter before the hirer has agreed the fare	<b>D29</b>	<b>2</b>

Demanding more than the previously agreed fare	<b>D30</b>	<b>4</b>
Demanding more than the fare shown on the taxi meter or scale of charges on the tariff sheet	<b>D31</b>	<b>4</b>
Starting the fare before the hirer enters the vehicle unless specified in the tariff sheet	<b>D32</b>	<b>4</b>
Failure to notify proprietor of complaints made by the passengers	<b>D33</b>	<b>2</b>
Failure to notify passengers of their right to refer their complaint to the Licensing Authority	<b>D34</b>	<b>2</b>
Failure to attend at appointed time or place without sufficient cause	<b>D35</b>	<b>2</b>
Unnecessarily prolonging journey in distance or time	<b>D36</b>	<b>4</b>
Failure to provide copy of driver licence to operator	<b>D37</b>	<b>2</b>
Failure to ensure insurance cover for them to drive vehicle	<b>D38</b>	<b>4</b>
Failure to ensure vehicle is licensed by Licensing Authority for the purpose used	<b>D39</b>	<b>2</b>
Failure to notify Licensing Authority of change of address/telephone number within 7 days	<b>D40</b>	<b>4</b>

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Failure to notify Licensing Authority of motoring offences over 3 penalty points or criminal convictions during the period of licence	<b>D41</b>	<b>12</b>
Failure to notify Licensing Authority of motoring convictions up to 3 penalty points during the period of licence	<b>D42</b>	<b>6</b>
Failure to notify Licensing Authority of involvement in incidents which the Police are involved and may lead to a caution/conviction	<b>D43</b>	<b>12</b>
Failure to notify Licensing Authority in writing within 7 days of serious injury or illness	<b>D44</b>	<b>12</b>
Failure to notify the Licensing Authority of a DVLA notifiable condition	<b>D45</b>	<b>12</b>
Failure to carry assistance dog without exemption	<b>D46</b>	<b>4</b>
Making additional charge for carrying assistance dog	<b>D47</b>	<b>4</b>
Failure to apply for or provide an exemption certificate on medical grounds for not being medically fit to carry an assistance dog	<b>D48</b>	<b>4</b>
Not using mobile phone in accordance with The Road Vehicle (construction and use) (Amendment) (No.4) Regulation 2003	<b>D49</b>	<b>2</b>
Failure to keep vehicle reasonably clean	<b>D50</b>	<b>2</b>
Failure to notify Licensing Authority of vehicle damage within 72 hours or present vehicle if requested to do so	<b>D51</b>	<b>4</b>
Failure to provide a written receipt for the fare paid if requested to do so by the passenger	<b>D52</b>	<b>2</b>
Failure to co-operate with any authorised officer of the Licensing Authority, Constable or any other clearly identifiable person nominated by the Licensing Authority	<b>D53</b>	<b>4</b>
Failure to keep a record of bookings in the Private Hire Vehicle. This can be computerised/electronic or written	<b>D54</b>	<b>2</b>
Failure to comply the regulations governing the wearing of seat belts	<b>D55</b>	<b>4</b>



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### 4. Offences / Breaches of Operator Licence Conditions - Private Hire

<u>Offence</u>	<u>Code</u>	<u>Points</u>
Operating more vehicles than stated on licence	<b>O1</b>	<b>2</b>
Failure to obtain and maintain insurance on vehicle	<b>O2</b>	<b>12</b>
Failure to produce evidence of insurance cover to the Licensing Authority	<b>O3</b>	<b>6</b>
Fail to provide valid insurance on expiry for any premises where the public have access	<b>O4</b>	<b>6</b>
Failure to notify the Licensing Authority of change of insurer within 2 days	<b>O5</b>	<b>2</b>
Fail to provide evidence of public liability insurance for premises	<b>O6</b>	<b>2</b>
Failure to operate the business in a manner which does not cause nuisance to the public or to persons in nearby premises	<b>O7</b>	<b>2</b>
Failure to provide a prompt, efficient or reliable service	<b>O8</b>	<b>2</b>
Failure to attend a booking at appointed time or place without sufficient cause	<b>O9</b>	<b>2</b>
Knowingly allowing a greater number of persons in the licensed vehicle than is prescribed on the licence	<b>O10</b>	<b>12</b>
Fail to have necessary documents and equipment	<b>O11</b>	<b>2</b>
Operating the business from a premises outside the County of Herefordshire	<b>O12</b>	<b>12</b>
Failure to keep booking or waiting areas which the public have access, clean, adequately heated, ventilated and lit	<b>O13</b>	<b>2</b>
Failure to provide seating facilities in waiting areas	<b>O14</b>	<b>2</b>
Failure to have in place planning permission if required at operators address	<b>O15</b>	<b>2</b>
Failure to comply with planning permission or licence conditions for number of vehicles permitted	<b>O15</b>	<b>2</b>

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Failure to supply written confirmation within seven days of changes to the particulars shown on the application form relating to the licence	<b>O16</b>	<b>4</b>
Fail to notify Licensing Authority of change of address	<b>O17</b>	<b>2</b>
Failure to notify the Licensing Authority within seven days of any convictions imposed on them, during the period of the licence	<b>O18</b>	<b>6</b>
Failure to keep proper records for a period of not less than six months	<b>O19</b>	<b>3</b>
Failure to keep proper records	<b>O20</b>	<b>2</b>
Fail to keep entries correctly	<b>O21</b>	<b>2</b>
Fail to notify details of security arrangements	<b>O22</b>	<b>2</b>
Fail to keep records of private hire vehicles operated	<b>O23</b>	<b>2</b>
Displaying the word Taxi or Cab on a private hire vehicle	<b>O24</b>	<b>2</b>
Failure to keep records of all drivers employed or failure to produce details of the drivers	<b>O25</b>	<b>2</b>
Failure to notify Licensing Authority within seven days of the particulars of any driver who is no longer employed by the operator	<b>O26</b>	<b>2</b>
Failure to maintain telephone or radio equipment in sound condition or failure to repair defects promptly	<b>O27</b>	<b>2</b>
Failure to have or produce evidence of a Licence issued by the Department of Trade and Industry licence for all radio equipment	<b>O28</b>	<b>2</b>
Using unlicensed drivers to drive a Herefordshire Licensing Authority licensed vehicle	<b>O29</b>	<b>12</b>
Failure to keep a written record of all complaints or failure to make available to the Licensing Authority	<b>O30</b>	<b>2</b>
Late to provide evidence of insurance or interim MOT (1 <sup>st</sup> Occasion)	<b>O31</b>	<b>6</b>

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Late to provide evidence of insurance or interim MOT (2 <sup>nd</sup> Occasion)	<b>O32</b>	<b>12</b>
Failure to carry out or provide the required DBS checks on dispatch staff	<b>O33</b>	<b>12</b>
Failure to record, maintain or provide details of checks on dispatch staff in a register	<b>O34</b>	<b>12</b>
Failure to make appropriate checks of any operator for which work is outsourced	<b>O35</b>	<b>12</b>
Failure to establish, maintain or provide a policy on employing ex-offenders to the licensing authority	<b>O36</b>	<b>12</b>
Failure to require notification of convictions as part of the contract of employment	<b>O37</b>	<b>12</b>
Failure to notify licensing authority of any conviction information relating to booking and dispatch staff in accordance with condition	<b>O38</b>	<b>12</b>

### **5. Breaches of County of Herefordshire District Council Byelaws Relating To Hackney Carriages**

<b><u>Byelaw number</u></b>	<b><u>Offence</u></b>	<b><u>Code</u></b>	<b><u>Points</u></b>
2 (b) (i)	Wilfully or negligently causing licence number to be concealed from public view while the carriage is standing or plying for hire	<b>B1</b>	<b>2</b>
2 (b) (ii)	Causing or permitting the carriage to stand or ply for hire with an illegible plate	<b>B2</b>	<b>2</b>
3	Failure to furnish the hackney carriage in accordance with requirements of the Byelaw	<b>B3</b>	<b>2</b>
4.	Failure to provide a taximeter in accordance with the requirements of the Byelaw	<b>B4</b>	<b>2</b>
5.	Failure to operate taximeter in accordance with requirements of the Byelaw.	<b>B5</b>	<b>2</b>
6.	Driver or proprietor tampering with meter or permitting any unauthorised person to tamper with meter	<b>B6</b>	<b>4</b>
7. (b)	Failure to proceed to another rank when at the time of arrival rank is full	<b>B7</b>	<b>2</b>

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7. (c) (d)	Failure to station or move the carriage immediately behind the carriage or carriages in front on the rank	<b>B8</b>	<b>2</b>
8.	A proprietor or driver using the services of a person to importune a person to hire the vehicle	<b>B9</b>	<b>2</b>
10.	Failure by driver to take reasonable precautions to ensure the safety of passengers	<b>B10</b>	<b>4</b>
11.	Driver or proprietor allowing more persons to be conveyed than the licence allows	<b>B11</b>	<b>12</b>
12.	Failure by driver to carry the badge provided by the Licensing Authority when plying for hire	<b>B12</b>	<b>2</b>
13.	Failure to provide when requested reasonable assistance with luggage	<b>B13</b>	<b>2</b>
15.	Failure to display statement of fares inside the carriage in a legible state	<b>B14</b>	<b>2</b>
17.	Failure to notify lost property to the Police within 48 hours of discovery	<b>B15</b>	<b>2</b>