



Hackney Carriage & Private Hire Drivers Penalty Points Scheme

April 2012

The Scheme

1. Introduction

- 1.1 Hackney carriage and private hire operators, drivers and vehicles are principally governed by the Local Government (Miscellaneous Provisions) Act 1976, the Town Police Clauses Act 1847, the Council's byelaws and the rules, regulations and conditions set by the Licensing Committee.
- 1.2 Should operators, drivers or proprietors of vehicles commit an offence or breach those requirements, persons involved are required to attend for an interview and then once the 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 Committee and/or prosecution.
- 1.3 The aim of a penalty points 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 driver's behaviour and conduct, so as to ascertain whether they are a fit and proper person. It does not prejudice the Authority's ability to take other actions.
- 1.4 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.
- 1.5 Penalty points remain for a rolling three-year period so as to allow any older points to be considered as spent and therefore excluded from the running total recorded against any individual license holder.

2. Issue of Penalty Points

- 2.1 Complaints concerning significant breaches of conduct, conditions of licence or licensing policy will be subject to investigation by Council Officers and may result in the issue of penalty points.
- 2.2 Where a licence holder accumulates 12 or more penalty points in any three year period, the matter will be referred to the Licensing Committee for the Committee to decide whether the driver is a 'fit and proper' person. The 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 the Committee will be dependent on the nature of the breaches of licensing legislation/conditions and the compliance history of the individual.
- 2.3 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.
- 2.4 The system will operate without prejudice to the Authority's ability to take other action that it is entitled to take under legislation, byelaws and regulations.
- 2.5 Any appeals regarding the issuing of penalty points will be referred to an Officer at the appropriate management level within the Council. Any driver appeals, against any points issued by a Council Officer must be submitted within 21 days from the time the points are issued.
- 2.6 If a decision is made to issue points to a proprietor/driver rather than prosecute, for a matter which is also a criminal offence (e.g. bald tyres; no badge etc.,) those person(s) will not then be the subject of a prosecution by the Authority in respect of the same matter for which the points were issued.

East Lindsey District Council

Penalty Point Scheme

	Offence/Breach of Condition	Maximum Points Awarded by Authorised Officers	Driver	Vehicle Proprietor 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 Authority of change of address within seven calendar days.	3	✓	✓
3	Refusal to accept hiring without reasonable cause (N.B. reasonable excuse can include drunk or rude customer).	6	✓	
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 (tax disc).	4		✓
7	Using unlicensed vehicle for carrying passengers for hire or reward or vehicle without insurance.	12		✓
8	Failure to produce relevant documents within timescale, when requested by a Licensing Officer/ Police Officer.	4	✓	✓
9	Unsatisfactory condition of vehicle - interior or exterior.	4	✓	✓
10	Failure to provide proof of insurance cover when requested.	6	✓	

	Offence/Breach of Condition	Maximum Points Awarded by Authorised Officers	Driver	Vehicle Proprietor or Operator
11	Failure to produce hackney carriage or private hire vehicle for testing when required.	4		✓
12	Using a vehicle whilst subject to a suspension order issued by a Licensing Officer/Police Officer.	12	✓	✓
13	Using a vehicle for which the licence has been revoked.	12	✓	✓
14	Failure to report, in writing, within 72 hours, accident or damage to licensed vehicle, which would cause the vehicle to breach licence condition.	4	✓	✓
15	Carrying more passengers than stated on the vehicle licence.	6	✓	
16	Failure to display external licence plate as required.	4		✓
17	Carrying an offensive weapon in the vehicle.	12	✓	
18	Failure to notify transfer of private hire or hackney carriage vehicle licence.	4		✓
19	Failure to carry fire extinguisher.	4		✓
20	Using unauthorised signage on the outside of the vehicle.	3		✓
21	Displaying unsuitable or inappropriately sited signs or advertisements in or on the vehicle.	3		✓
22	Failure to use authorised roof light.	4	✓	
23	Displaying unauthorised written or other material on the vehicle's rear window.	4	✓	✓

	Offence/Breach of Condition	Maximum Points Awarded by Authorised Officers	Driver	Vehicle Proprietor or Operator
24	Failure to comply with a requirement, provide information or assistance to a Licensing Officer/ Police Officer.	6	✓	✓
25	Using a non approved or non-calibrated taximeter.	6	✓	✓
26	Obstruction of Licensing Officer/Police Officer wishing to examine a licensed vehicle.	12	✓	✓
27	Evidence of smoking in vehicle.	3	✓	✓
28	Evidence of unacceptable food or drink in vehicle.	3	✓	✓
29	Displaying any feature on a private hire vehicle that may suggest that it is a taxi.	6		✓
30	Using a vehicle the appearance of which suggests that it is a taxi.	6		✓
31	Failure to carry an assistance dog without requisite exemption.	12	✓	✓
32	Driver not holding a current DVLA Driving licence.	12	✓	✓
33	Failure to wear driver's badge.	4	✓	
34	Failure to notify, in writing, a change in medical circumstances.	6	✓	✓
35	Unsatisfactory appearance of driver.	3	✓	
36	Failure to observe rank discipline (hackney carriage only).	4	✓	
37	Failure to maintain proper records of private hire vehicle.	3		✓
38	Failure to keep or produce records of private hire bookings or other documents required to be kept or produced.	6		✓

	Offence/Breach of Condition	Maximum Points Awarded by Authorised Officers	Driver	Vehicle Proprietor or Operator
39	Private Hire - Misleading use of the words 'Taxi' or 'Cab' on advertising materials.	3		✓
40	Failure to issue receipt on request.	3	✓	
41	Failure to return vehicle licence plate within 7 days after due notice following expiry, revocation or suspension of such licence.	4		✓
42	Unsatisfactory behaviour or conduct of driver.	4	✓	
43	Failure to notify the Authority, in writing, of any motoring or criminal convictions within 7 days of said conviction or cautions during period of current licence.	6	✓	✓
44	Failure to behave in a civil and orderly manner.	4	✓	✓
45	Failure to give assistance with loading/unloading luggage to or from any building or place.	3	✓	✓
46	Failure to display table of fares.	4	✓	✓
47	Failure to carry legal spare wheel.	4	✓	✓
48	Failure to attend punctually at appointed time and place without sufficient cause.	4	✓	✓
49	Using a vehicle with bald or defective tyre(s).	4 per tyre	✓	✓
50	Failure to submit vehicle for six monthly vehicle CoC inspection.	6		✓
51	Failure to display a current licence plate.	4		✓
52	Waiting or stopping on a double yellow line area, bus stop or private land (without the owner's permission) and double parking unless requested by a paying customer present in the vehicle.	3	✓	

	Offence/Breach of Condition	Maximum Points Awarded by Authorised Officers	Driver	Vehicle Proprietor or Operator
53	Failure to comply with any other condition not detailed in the table.	3	✓	✓
54	Driver using a hand held mobile phone while driving a licensed vehicle.	6	✓	
55	Driver smoking in a licensed vehicle.	6	✓	

Ticks indicate potential recipients of penalty points for infringements.

N.B. Certain infringements may result in drivers, proprietors or operators receiving penalty points. Points may be awarded to one or several persons depending upon the nature of the infringement, however, each case must be determined on its own merits. Certain matters are specific to hackney carriages, private hire drivers or private hire operators.

This penalty point scheme will be reviewed by the Council's Licensing Committee (consisting of Councillors) in April 2014.

Further Information

For further advice about the Licensing Act 2003 and other associated issues please contact the Licensing Team.

The Licensing Team
 East Lindsey District Council
 Tedder Hall, Manby Park
 LOUTH LN11 8UP

Telephone: 01507 601111
 Email: licensing@e-lindsey.gov.uk