

Appendix 1



PENALTY POINTS SCHEME

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1. Penalty Points Scheme

- 1.1 This scheme will be used where appropriate. The penalty point's scheme does not fetter the Licensing Authorities duty to consider other forms of enforcement and formal prosecutions should it be deemed proportionate to the offence(s).
- 1.2 The penalty points system outlined below identifies a number of breaches of Herefordshire Council Conditions and Byelaws. It then indicates the number of points to be issued. The implementation of points would take place immediately or following investigation by the Licensing Authority.

1.3 The details of how the scheme will be operated are as follows:

- a) Penalty points will be applied by Authorised Officers of the Council either immediately or upon completion of investigation of relevant breaches of the Licensing Authority's hackney carriage and private hire conditions.
- b) Any penalty points issued will be confirmed in writing to the relevant licence holder or issued as a penalty points notice at the time of discovery.
- c) The number of penalty points issued will be in accordance with the attached tariff. (Appendix 1).
- d) The Council retains the discretion to issue penalty points to driver, proprietors and operators for a single contravention if the circumstances warrant it, i.e. the breach is one against all these licences and it is considered joint responsibility is held.
- e) The imposition of penalty points against a driver who is an employee will not necessarily result in additional imposition of points to their employer or operator.
- f) Penalty points issued under this scheme will have a "life" of twelve months, and then will be deemed spent. The system is based upon a rolling twelve-month period.
- g) There is no financial penalty associated with the system, and the licensee may continue to work. However, the licensee will be asked to attend the Officer Panel hearing if more than a certain number of points are imposed on an individual licence in any one 12 month period. The thresholds are as follows:

Dual Driver	11 Points
Hackney Carriage Vehicle	11 Points
Private Hire Vehicle	11 Points
Private Hire Operator	23 Points

- h) If there are three repeat contraventions within a 6-month period the offender will automatically be referred to the Officer Panel.
- i) For persons holding **more** than one vehicle licence the threshold for commencement of formal action will be increased by **1 point** per vehicle licence held

E.g. Person holding 6 Vehicle Licences = 6 Additional points are added to the single vehicle threshold of **12 points**

This will give an **18 points** threshold before formal action is considered by the Council

2. Recommendations

- 2.1 On appearing before the Officer Panel the following recommendations will generally be made by Officers.
- a) On the accumulation of 12 or more penalty points in a 12 month period a driver or a vehicle proprietor will be subject to a recommendation to suspend their licence for a period of 1 month. If the points issued are connected to breaches of licence conditions, there will be an additional requirement to sit and pass the Council's knowledge test.
 - b) On the accumulations of 24 or more penalty points in a 12 month period an operator will be subject to a recommendation to suspend their licence for a period of 1 month.
 - c) Drivers, proprietors, or operators who accumulate the necessary total of points in a rolling year on a second or subsequent occasion, will be asked to reappear before the Officer Panel. The Panel will take into account previous penalty points, cautions, suspensions or prosecutions when considering Officers recommendation for a longer period of suspension, or revocation of licence.
- 2.2 The above recommendations do not fetter the discretion of the Officer Panel who may always decide to take no further action, to suspend the licence for any period, or to revoke a licence.
- 2.3 Any driver or vehicle proprietor or operator subject to suspension or revocation has the right of appeal to the Magistrates Court. All suspensions will be subject to a 21-day appeals period prior to implementation to allow for the formal appeals process, unless it is deemed to be a public safety issue, whereupon the suspension will take immediate effect.

3. List of Offences/Breach of Vehicle Licence Conditions/Byelaws

<u>Condition number</u>	<u>Offence</u>	<i>Code</i>	<i>Points</i>
9.1	Undertaking alterations to equipment, dimensions or other specification to a licensed vehicle without consent	V1	4
9.2	Fail to comply to original requirements	V2	4
10.1 (a)	Failure to display approved roof sign	V3	2
10.1	Failure to maintain roof sign in working order	V4	2
10.1 (b)	Failure to display roof sign on the front part of the roof	V5	2
10.1 (c)	Failure to display front door signs.	V6	4
10.1 (c)	Displaying incorrect signs i.e., wrong wording or magnetic	V7	4
10.1.(d)	Displaying other sign on front door	V8	4
10.1 (e)	Private hire vehicles advertising incorrectly	V9	4

10.1 (f)	Display sign that does not comply	V10	4
10.1 (g)	Display sign that does not comply	V10	4
10.2	Failure to display three or more “no smoking” signs in the vehicle	V11	4
10.3	Private hire displaying the word taxi	V12	4
11.1	Incorrectly displaying licence plate	V13	4
11.2	Failure to return plate on expiry of licence if requested to do so by Licensing Staff	V14	4
11.3	Failure to report loss or damage of a vehicle plate, following discovery of loss or damage.	V15	2
11.4	Failure to surrender vehicle licence and plate if proprietor does not wish to retain vehicle licence	V16	2
12.1	Advertising on vehicle without written authorisation from the Licensing Authority	V17	4
13.1	Failure to submit taximeter for testing when requested to do so by Licensing Authority	V18	2
13.2	No tamperproof seal	V19	4
13.3	Tampering or allowing an unauthorised person to tamper with taximeter	V20	4
13.4	Failure to display a statement of fares inside the HC	V21	2
13.5	Wilfully or neglectfully causing letters or figures in the statement to be obscured	V22	2
13.6	Failure to deposit copy of statement of fares which differ from the approved fares	V23	2
14.1 + 15.1	Failure to notify Licensing of accidents or damage affecting the safety, performance or appearance of the vehicle	V24	2
15.2	Failure to supply steering geometry and alignment reports following an accident if required	V25	2
15.5 + 15.6	Failure to get authorisation for a temporary transfer vehicle or leaving the vehicle on for more than two weeks	V26	2
17.1	Failure to have insurance for the licensed vehicle	V27	2
17.2	Failure to produce insurance certificate for the vehicle	V28	2
17.3	Failure to keep copy of insurance/cover note in the vehicle	V29	2
17.4	Failure to notify Council of change of insurer or particulars within 2 working days.	V30	2

18.1	Failure to produce details to the Council of drivers permitted to drive	V31	2
18.2	Failure to notify change of drivers	V32	2
18.3	Failure to notify Council of change of address or other contact details	V33	2
19.1	Failure to carry a suitably marked approved fire extinguisher within the vehicle	V34	2
19.2	Failure to carry marked first aid equipment as specified in conditions	V35	2
19.1	Failure to obtain written permission to use trailers on Licensed vehicles	V36	12
20.1	Failure to present vehicle and trailer for inspection	V37	4
22.1	Failure to maintain radio equipment in safe condition which poses a risk of injury to passengers	V38	2
23.1	Proprietor/Driver of vehicle allowing a greater number of persons to be conveyed than is specified on the licence	V39	2
23.2	Failure to maintain a reasonable standard of behaviour	V40	2
23.3	Failure to provide information requested by an Authorised Officer	V41	4
23.4	Failure to provide assistance to an Authorised Officer	V42	4
23.6	Failure to provide insurance or interim MOT prior to expiry (1 st instance)	V43	6
23.6	Failure to provide insurance or interim MOT prior to expiry (2 nd instance)	V44	12
24.1	Using CCTV equipment not in accordance with the provisions of the conditions and the data protection act	V45	4
24.3	Fail to have 3 CCTV signs	V46	2
24.4	Fail to check CCTV weekly	V47	2
24.4	Tampering/noncompliance with CCTV seal	V48	2
25.4	Providing alcoholic drinks not in accordance with the sale or supply of alcohol legislation	V49	12

4. Breaches of Dual Driver Licence Conditions

<u>Condition number</u>	<u>Offence</u>	<u>Code</u>	<u>Points</u>
1.2	Driver not clean and respectable in their dress	D1	2

1.2	Driver not complying with the Dual Drivers Dress Code	D2	2
1.2	Driver not behaving in a civil and orderly manner	D3	3
1.3	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	D4	2
1.4	Driver smoking/vaping/similar whilst in the vehicle	D5	4
1.5	PH drivers parking in a position or location which gives the appearance of being for hire, whilst not on a pre-booking	D6	3
1.6	PH driver plying for hire	D7	4
1.7	PH driver calling out or influencing person to travel in the vehicle for gain without a prior appointment	D8	3
2.1	Fail to have in possession drivers badge whilst driving a licensed vehicle	D9	2
2.2	Not displaying second badge which is visible to passengers being conveyed in the vehicle	D10	2
2.3	Failure to surrender drivers badge to the Licensing Authority upon expiry, revocation or suspension of their licence when requested by Licensing Staff	D11	2
2.6	Failure to supply annual self-declaration and fee (1 st Occasion)	D12	6
2.6	Failure to supply annual self-declaration and fee (2 nd occasion)	D13	12
3.1	Failure to carry evidence of insurance cover, this can be a cover note, in the vehicle whilst on duty	D14	2
4.1	Carrying greater number of persons than the number specified on the licence	D15	12
4.2	Carrying other persons in the vehicle without the consent of the hirer	D16	2
4.2	Carry a member of family/friend in a vehicle for hire/hired	D17	2
4.3 a)	Failing to carry or ensure safety of passenger luggage	D18	4
4.3 b)	Failing to offer reasonable assistance with luggage	D19	2
4.3 c)	Failing to take steps to ensure passenger safety	D20	6
5.1	Fail to search vehicle after journey	D21	2
5.2	Fail to hand found property to the police	D22	2

6.1	Fail to operate taxi meter correctly	D23	4
6.4	Charging more than the metered fare	D24	4
6.5	Using taximeter without a seal	D25	4
6.6	Tampering or allowing tampering of a taximeter	D26	4
6.7	Cancelling the fare or concealing the fare on meter before the hirer has agreed the fare	D27	2
6.8	Demanding more than the previously agreed fare	D28	4
6.9	Demanding more than the fare shown on the taxi meter	D29	4
6.10	Starting the fare before the hirer enters the vehicle without prior agreement	D30	4
7.1	Failure to notify proprietor of complaints made by the passengers	D31	2
7.2	Failure to notify passengers of their right to refer their complaint to the Council	D32	2
8.1	Failure to attend at appointed time or place without sufficient cause	D33	2
8.2	Unnecessarily prolonging journey in distance or time	D34	4
9.1	Failure to provide copy of dual drivers licence to operator	D35	2
9.2	Failure to ensure insurance cover for them to drive vehicle	D36	4
9.3	Failure to ensure vehicle is licensed by Licensing Authority for the purpose used	D37	2
10.1	Failure to notify Licensing Authority of change of address/telephone number within 7 days	D38	4
10.2	Failure to notify Licensing Authority of motoring or criminal convictions during the period of licence	D39	12
10.3	Failure to notify Licensing Authority of involvement in incidents which the Police are involved and may lead to a caution/conviction	D40	12
10.4	Failure to notify Licensing Authority in writing within 7 days of serious injury or illness affecting fitness to drive	D41	12
10.5	Failure to notify the Licensing Authority of a DVLA notifiable condition	D42	12
11.1	Failure to carry assistance dog without exemption	D43	2
11.2	Making additional charge for carrying assistance dog	D44	2

12.1	Not using mobile phone in accordance with The Road Vehicle (construction and use) (Amendment) (No.4) Regulation 2003	D45	2
13.2	Failure to keep vehicle reasonably clean	D46	2
13.3	Failure to notify Council of vehicle damage within 72 hours or present vehicle if requested to do so	D47	4
13.4	Failure to provide a written receipt for the fare paid if requested to do so by the passenger	D48	2
13.5	Failure to co-operate with any Authorised Officer, Constable or any other clearly identifiable person nominated by the Council	D49	4
14.1	Failure to keep a record of bookings in the Private Hire Vehicle. This can be computerised/electronic or written	D50	2
15.1	Failure to comply the regulations governing the wearing of seat belts	D51	4

5. Breaches of Operator Licence Conditions - Private Hire

<u>Condition number</u>	<u>Offence</u>	<u>Code</u>	<u>Points</u>
1.3	Operating more vehicles than stated on licence	O1	2
2.1	Failure to obtain and maintain insurance on vehicle	O2	12
2.1	Failure to produce evidence of insurance cover to the Council	O3	6
2.2	Fail to valid insurance on expiry	O4	6
2.3	Failure to notify Council of change of insurer within 2 days	O5	2
2.4	Fail to have public liability insurance for premises	O6	2
3.1	Failure to operate the business in a manner which does not cause nuisance to the public or to persons in nearby premises	O7	2
3.2	Failure to provide a prompt, efficient or reliable service	O8	2
3.3	Failure to attend a booking at appointed time or place without sufficient cause	O9	2

3.4	Knowingly allowing a greater number of persons in the licensed vehicle than is prescribed on the licence	O10	12
3.5	Fail to have necessary documents and equipment	O11	2
4.1	Operating the business from a premises outside the County of Herefordshire	O12	12
4.2	Failure to keep booking or waiting areas which the public have access, clean, adequately heated, ventilated and lit	O13	2
4.3	Failure to provide seating facilities in waiting areas	O14	2
6.1	Failure to supply written confirmation within seven days of changes to the particulars shown on the application form relating to the licence	O15	4
6.2	Fail to notify Licensing Authority of change of address	O16	2
7.1	Failure to notify the Council within seven days of any convictions imposed on them, during the period of the licence	O17	12
8.1	Failure to keep proper records for a period of not less than six months	O18	3
8.2	Failure to keep proper records	O19	2
8.3	Fail to keep entries correctly	O20	2
8.4	Fail to notify details of security arrangements	O21	2
8.5	Fail to keep records of private hire vehicles operated	O22	2
8.6	Displaying the word Taxi or Cab on a private hire vehicle	O23	2
8.7	Failure to keep records of all drivers employed or failure to produce details of the drivers	O24	2
8.8	Failure to notify Council within seven days of the particulars of any driver who is no longer employed by the operator	O25	2
9.1	Failure to maintain telephone or radio equipment in sound condition or failure to repair defects promptly	O26	2

9.2	Failure to have or produce evidence of a Licence issued by the Department of Trade and Industry licence for all radio equipment	O27	2
10.1	Using unlicensed drivers to drive a Herefordshire Council licensed vehicle	O28	12
11.1	Failure to keep a written record of all complaints or failure to make available to the Council	O29	2
12.1	Fail to provided insurance or interim MOT (1 st Occasion)	O30	6
12.1	Fail to provided insurance or interim MOT (2 nd Occasion)	O31	12

6. Breaches of County of Herefordshire District Council Byelaws Relating To Hackney Carriages

<u>Byelaw number</u>	<u>Offence</u>	<u>Code</u>	<u>Points</u>
2 (b) (i)	Wilfully or negligently causing licence number to be concealed from public view while the carriage is standing or plying for hire	B1	2
2 (b) (ii)	Causing or permitting the carriage to stand or ply for hire with an illegible plate	B2	2
3	Failure to furnish the hackney carriage in accordance with requirements of the Byelaw	B3	2
4.	Failure to provide a taximeter in accordance with the requirements of the Byelaw	B4	2
5.	Failure to operate taximeter in accordance with requirements of the Byelaw.	B5	2
6.	Driver or proprietor tampering with meter or permitting any unauthorised person to tamper with meter	B6	4
7. (b)	Failure to proceed to another rank when at the time of arrival rank is full	B7	2
7. (c) (d)	Failure to station or move the carriage immediately behind the carriage or carriages in front on the rank	B8	2
8.	A proprietor or driver using the services of a person to importune a person to hire the vehicle	B9	2

10.	Failure by driver to take reasonable precautions to ensure the safety of passengers	B10	4
11.	Driver or proprietor allowing more persons to be conveyed than the licence allows	B11	12
12.	Failure by driver to wear the badge provided by the council when plying for hire	B12	2
13.	Failure to provide when requested reasonable assistance with luggage	B13	2
15.	Failure to display statement of fares inside the carriage in a legible state	B14	2
17.	Failure to notify lost property to the officers of the Council or Police within 48 hours of discovery	B15	2
18.	Plying for hire whilst static at a place which is not a rank	B16	3

