

Tewkesbury Borough Council

DRAFT Hackney Carriage and Private Hire Penalty Points Scheme

The penalty points system for recording non-compliance with hackney carriage and private hire requirements will operate as follows:

1. Tewkesbury Borough Council's Enforcement Policies will be fully considered by the enforcing officer when determining the manner in which any breach of the legislation, byelaws or the requirements of this licence conditions are dealt with. Where it is decided that the use of penalty points is appropriate they will be issued in accordance with the rate in the attached schedule.
2. Before penalty points are issued, there must be sufficient evidence to prove the relevant offence(s) or breach of condition(s).
3. Each case will be considered on its own merits
4. Penalty points may be issued regardless of the geographic location in which the act of non-compliance took place.
5. When points are issued, the relevant proprietor, driver or operator will be sent written confirmation within five working days.
6. Points may be issued to the driver, proprietor and/or operator of a vehicle in accordance with the table below depending on the circumstances of the case.
7. Where the driver of the vehicle is also the proprietor and/or operator of the vehicle, only one set of points will be issued in respect of each offence or breach of condition identified.
8. There is a right of appeal to the Licensing Team Leader against any points that are issued.
9. Points issued will remain "live" for a rolling period of three years from the date of issue. Points will be considered "spent" once it is more three years from the date of issue.
10. Any driver, proprietor or operator accumulating 12 points in a three year period will be referred to a Licensing Sub-Committee for a review of whether the individual remains a fit and proper person to hold the relevant licence.
11. When a driver, proprietor or operator appears before a Licensing SubCommittee, the following options are available to the Sub-Committee:

- Take no further action
 - Issue a written warning
 - Extend the three year period for which the points remain live
 - Suspend the licence
 - Revoke the licence
 - Any other action that the Sub-Committee feels appropriate and proportionate in the circumstances of the case
12. Any driver appearing before a Licensing Sub-Committee will have the right to make representations to the Sub-Committee and be legally represented at the hearing.
 13. Any driver, proprietor or operator who has their licence suspended or revoked by a Licensing Sub-Committee will have the right to appeal against the decision to a Magistrates Court within 21 days unless in the interests of public safety, the Sub-Committee further resolves that the suspension or revocation should have immediate effect.
 14. Once a Licensing Sub-Committee has considered a case involving accumulated points, the points will be treated as spent unless the Sub-Committee decides otherwise.
 15. If the Sub-Committee decides that any points are to remain live, they must stipulate the date at which they will be considered spent.
 16. Nothing in this penalty points system will prevent the Council from taking action under any appropriate legislation.
 17. The penalty points scheme will be subject to review two years after implementation and as necessary thereafter.

Schedule – Tariff of Points Issued for Offences / Non-compliance

	Offence / non-compliance	Points applicable	Vehicle driver	Vehicle proprietor	Operator (PH)
1	Failing to behave in a civil and orderly manner	4 – 6	X		
2	Failure to proceed to another hackney carriage stand on finding a hackney carriage stand full (over-ranking)	4	X		
3	Leaving a hackney carriage unattended on a hackney carriage stand	4	X		
4	Refusing a fare without reasonable cause	4	X		
5	Failing to wear drivers badge so it is clearly visible	4	X		
6	Failing to securely fix the vehicle licence plate on the outside rear of the vehicle (unless exempt)	4	X		
7	Failure to display a taxi roof sign (hackney carriage only)	4	X	X	
8	Failing to notify Council within 48 hours of any convictions, warnings, reprimands, criminal behaviour orders, cautions, community service orders, restraining orders and fixed penalties (including traffic offences) or change of their registered particulars, e.g. address or change of name	4	X	X	X
9	Failure to give notice in writing to the council within 48 hours of any change in medical condition.	4	X		
10	Sounding the vehicle's horn when picking up or waiting for a fare (unless in an emergency)	3	X		
11	Smoking or allowing smoking in a licensed vehicle	6	X		
12	Conveying more passengers in the vehicle than permitted by the licence	6	X		
13	Failing to keep appropriate records of bookings	4			X
14	Failing to report an accident to the Council within 72 hours	4	X	X	
15	Failing to produce vehicle for inspection on request	4	X	X	

16	Failure to produce booking records upon request	4			X
17	Causing or permitting any vehicle other than a hackney carriage to stop or wait on a hackney carriage stand	6	X		
18	Unnecessarily prolonging a journey without reasonable cause	4	X		
19	Obstructing an authorised officer or constable	4	X	X	X
20	Failing to comply with a requirement properly made by an authorised officer or constable	4	X	X	X
21	Failure to submit monthly return of vehicle and driver information	4			X
22	Using a vehicle with defective tyres	6 (per tyre)	X	X	
23	Using a vehicle with defective lights	4 (per bulb)	X	X	
24	Charging more than the metered or agreed fare.	4	X		
25	Displaying the words "taxi" or "cab" on a private hire vehicle	4	X	X	
26	Interior condition of the vehicle in unacceptable condition	4	X	X	
27	Holding and using a phone, sat nav, tablet, or any other device that can send or receive data, while driving a licensed vehicle	6	X		
28	Driving a licensed vehicle in an unsafe manner	4 – 6	X		