

Appendix 1 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 1847 Act and the 1976 Act, and the Policy and conditions set by the Council.
- 1.2 The primary objective of the Scheme is to improve the levels of compliance and to help improve the standards, safety and protection of the travelling public.
- 1.3 Points issued through the scheme are separate to and not connected with the 'penalty points' (endorsements) that the courts can put on a motorist's licence.
- 1.4 The 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 fit and proper 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.
- 1.5 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 fail to adhere to the Code of Conduct, or following complaints from the public.
- 1.6 Licensees involved will be asked to make representations, either in writing or in person. Once the investigation is completed, letters will be sent out detailing the outcome and a permanent record will be kept on the licensee'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.

- 1.7 If a licensee wishes to challenge the imposition of penalty points, can submit an appeal. Licensees must appeal any points issued by the Council, to Team Leader, Commercial within 21 days of the points being issued. Details of the appeal mechanism will be contained in the letter confirming the imposition of points.
- 1.8 For driver and proprietor licences, penalty points remain live or current for 36 months from the date the penalty points were imposed.
- 1.9 For operator licences, penalty points remain live or current for 60 months from the date the penalty points were imposed.
- 1.10 If the decision was appealed and points uphold, those points will remain live for 36 or 60 months from the date of the decision. The 36/60 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.
- 1.11 Where a licensee accumulates 12 penalty points in any rolling 36 month period, or 60 month period for operators, the matter will be referred to a Regulatory Sub-committee to consider whether the driver remains a fit and proper person. The Regulatory Sub-committee will identify if further action is necessary to address concerns. Such action may be a requirement to undertake additional training, or the sub-committee may suspend or revoke a licence, or issue a warning to the licensee, depending upon the circumstances. Periods of suspension of a licence by a Sub-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 range between 7 to 31 days.
- 1.12 Where a licensee holds multiple licences from the Council, points can accumulate across those licences as they are against the holder of the licence. This is necessary to ensure that the scheme is effective in identifying behaviour that brings into question a Licensees fitness and propriety.
- 1.13 The system will operate without prejudice to the Council's ability to take other action that it is entitled to take under legislation and conditions.
- 1.14 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

<u>Offence / Breach</u>	Code	Points
Failure to supply vehicle inspection test when vehicle is over 1 year of age	V1	4
For WAVs failure to have a means of loading wheelchairs into the vehicle available at all times	V3	12
Failure to supply a current mechanical tail lift safety certificate to the Licensing Authority (LOLER requirement)	V4	4
Failure to provide an annual LPG safety compliance Certificate	V5	4
Failure to maintain seat belts in a safe condition	V6	4
Undertaking alterations to equipment, dimensions or other specification to a licensed vehicle without consent	V7	4
Failure to display approved roof sign	V8	2
Failure to maintain roof sign in working order	V9	2
Private Hire vehicles advertising incorrectly	V13	4
Display sign that does not comply	V14	4
Failure to display "no smoking" signs in the vehicle	V15	4
Private Hire displaying the word "taxi"	V16	4
Incorrectly displaying licence plate	V17	4
Failure to return plate on expiry of licence if requested to do so by licensing team	V18	4
Failure to report loss or damage of a vehicle plate, following discovery of loss or damage	V19	2
Failure to surrender vehicle licence and plate if proprietor does not wish to retain vehicle licence	V20	2
Advertising on vehicle without written authorisation from the Licensing Authority	V21	4
Failure to submit taximeter for testing when requested to do so by Licensing Authority	V22	2
Tampering or allowing an unauthorised person to tamper with taximeter	V23	6

<u>Offence / Breach</u>	<u>Code</u>	<u>Points</u>
Failure to display a statement of fares inside the Hackney Carriage	V24	2
Wilfully or neglectfully causing letters or figures in the statement of fares to be obscured	V25	2
Displaying a statement of fares which differ from the approved fares	V26	2
Failure to notify licensing team within 72 hours of accidents or damage affecting the safety, performance or appearance of the vehicle	V27	6
Failure to have insurance for the licensed vehicle	V29	12
Failure to provide evidence of insurance prior to expiry	V30	6
Failure to notify Licensing Authority within 72 hours of change of address or other contact details	V35	2
Failure to present vehicle and trailer for inspection	V38	4
Using a driver without the appropriate DVLA category code to tow a trailer	V39	6
Failure to maintain a reasonable standard of behaviour	V40	2
Failure to provide information requested by an authorised officer	V41	4
Failure to provide assistance to an authorised officer	V42	4
Failure to provide evidence of insurance or vehicle compliance test prior to expiry (1 st instance)	V43	4
Failure to provide evidence of insurance or vehicle compliance test prior to expiry (2 nd instance)	V44	6
Failure to show evidence of continuous MOT, vehicle test or insurance	V45	12

3. List of Offences/Breaches of Driver Code of Conduct

<u>Offence / Breach</u>	<u>Code</u>	<u>Points</u>
Driver not complying with the Driver Dress Code	D1	2
Driver not behaving in a civil and orderly manner	D2	4

<u>Offence / Breach</u>	<u>Code</u>	<u>Points</u>
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	D3	2
Driver smoking/vaping/similar whilst in the vehicle	D4	6
Driver of Private Hire vehicle plying for hire	D6	6
Driver of a Private Hire vehicle calling out or influencing person to travel in the vehicle for gain without a prior appointment	D7	6
Failure to have in possession driver badge whilst driving a licensed vehicle	D8	4
Driver badge not visible to passengers being conveyed in the vehicle	D9	2
Drivers failure to wear the driver badge around their neck	D10	2
Failure to surrender driver badge to the Licensing Authority upon expiry, revocation or suspension of their licence when requested by licensing team	D11	4
Failure to carry evidence of insurance cover, this can be a cover note, in the vehicle whilst on duty	D12	2
Failure of driver to check vehicle proprietor has insurance on the vehicle	D13	2
Driver carrying greater number of persons than the number specified on the licence	D14	12
Carrying other persons in the vehicle without the consent of the hirer	D15	6
Carry a member of family/friend in a licensed vehicle when it is for hire/hired	D16	6
Failing to carry or ensure safety of passenger luggage	D17	4
Failing to offer reasonable assistance with luggage	D18	2
Failing to take steps to ensure passenger safety	D19	6
Failing to ensure passengers are dropped off safely, at the correct destination	D20	6
Fail to operate taxi meter correctly	D21	4

<u>Offence / Breach</u>	<u>Code</u>	<u>Points</u>
Charging more than the metered fare (HCV only)	D22	4
Tampering or allowing tampering of a taximeter	D23	4
Cancelling the fare or concealing the fare on meter before the hirer has agreed the fare	D24	2
Demanding more than the previously agreed fare (PHV only)	D25	4
Starting the fare before the hirer enters the vehicle unless specified in the tariff sheet	D27	4
Failure to notify proprietor of complaints made by the passengers	D28	2
Failure to notify passengers of their right to refer their complaint to the Licensing Authority	D29	2
Failure to attend at appointed time or place without sufficient cause	D30	2
Unnecessarily prolonging journey in distance or time	D31	4
Failure to ensure insurance cover for them to drive vehicle	D32	4
Failure to ensure vehicle is licensed by Licensing Authority for the purpose used	D33	4
Failure to notify Licensing Authority of change of address/telephone number within 72 hours	D34	4
Failure to notify Licensing Authority within 72 hours of motoring offences over 3 penalty points or criminal convictions during the period of licence	D35	12
Failure to notify Licensing Authority of motoring convictions up to 3 penalty points during the period of licence	D36	6
Failure to notify Licensing Authority of involvement in incidents which the Police are involved and may lead to a caution/conviction	D37	12
Failure to notify Licensing Authority in writing within 72 hours of serious injury or illness	D38	12
Failure to notify the Licensing Authority within 72 hours of a DVLA notifiable condition	D39	12
Failure to carry assistance dog and allow it to remain with the owner without exemption This is also a legal requirement	D40	12

<u>Offence / Breach</u>	<u>Code</u>	<u>Points</u>
Failure to provide mobility assistance to any passenger in a wheelchair when driving a Hackney Carriage designated as a wheelchair accessible vehicle This is also a legal requirement	D41	12
Failure to provide mobility assistance to any disabled passenger This is also a legal requirement	D42	12
Making additional charge for carrying assistance dog	D43	12
Failure to apply for or provide an exemption certificate on medical grounds for not being medically fit to carry an assistance dog	D44	4
Not using mobile phone in accordance with The Road Vehicle (Construction and Use) (Amendment) (No.4) Regulations 2003	D45	12
Failure to notify Licensing Authority of vehicle damage within 72 hours or present vehicle if requested to do so	D46	4
Failure to provide a written receipt for the fare paid if requested to do so by the passenger	D47	2
Failure to co-operate with any authorised officer of the Licensing Authority, Constable or any other clearly identifiable person nominated by the Licensing Authority	D48	4
Failure to comply with the regulations governing the wearing of seat belts	D49	4

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

<u>Offence</u>	<u>Code</u>	<u>Points</u>
Failure to obtain and maintain insurance on vehicle	O2	12
Failure to produce evidence of insurance cover to the Licensing Authority	O3	4
Fail to provide valid insurance on expiry for any premises where the public have access	O4	4
Fail to provide evidence of public liability insurance for premises	O6	2
Failure to operate the business in a manner which does not cause nuisance to the public or to persons in nearby premises	O7	2
Failure to attend a booking at appointed time or place without sufficient cause	O8	4

<u>Offence</u>	<u>Code</u>	<u>Points</u>
Knowingly allowing a greater number of persons in the licensed vehicle than is prescribed on the licence	O9	12
Operating the business from a premises outside the District	O11	12
Failure to keep booking or waiting areas which the public have access, clean, adequately heated, ventilated and lit	O12	2
Failure to provide seating facilities in waiting areas	O13	2
Failure to supply written confirmation within 72 hours of changes to the particulars shown on the application form relating to the licence	O16	4
Fail to notify Licensing Authority of change of address	O17	4
Failure to notify the Licensing Authority within 72 hours of any convictions imposed on them, during the period of the licence	O18	6
Failure to keep proper records for a period of not less than 6 months	O19	4
Failure to keep proper records or entries	O20	4
Fail to keep records of Private Hire vehicles operated	O23	2
Displaying the word Taxi or Cab on a Private Hire vehicle	O24	4
Failure to keep records of all drivers employed or failure to produce details of the drivers	O25	4
Failure to notify Licensing Authority within 7 days of the particulars of any driver who is no longer employed by the operator	O26	2
Failure to maintain telephone or radio equipment in sound condition or failure to repair defects promptly	O27	2
Failure to have or produce evidence of a Licence issued by the Department of Trade and Industry licence for all radio equipment	O28	2
Using unlicensed drivers to drive a Mid Devon Licensing Authority licensed vehicle	O29	12
Failure to keep a written record of all complaints or failure to make available to the Licensing Authority	O30	4
Late to provide evidence of insurance or vehicle test (1 st Occasion)	O31	4

<u>Offence</u>	<u>Code</u>	<u>Points</u>
Late to provide evidence of insurance or vehicle test (2 nd Occasion)	O32	6
Failure to carry out or provide the required DBS checks on dispatch staff	O33	12
Failure to record, maintain or provide details of checks on dispatch staff in a register	O34	6
Failure to make appropriate checks of any operator for which work is outsourced	O35	12
Failure to establish, maintain or provide a policy on employing ex-offenders to the licensing authority	O36	12
Failure to require notification of convictions as part of the contract of employment	O37	12