

**REPORT FROM: REGENERATION SERVICES  
ENGINEERING AND SPECIAL PROJECTS MANAGER**

**TO: TAXI LICENSING COMMITTEE**

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## **PENALTY POINT SCHEME**

### **PURPOSE OF REPORT**

To consider an update to the penalty point procedure.

### **RECOMMENDATION**

at the procedure for the issuing of penalty points as set out in the Appendix be approved.

### **REASON FOR RECOMMENDATION**

To update the officers who will consider infringements.

### **BACKGROUND**

1. The penalty point scheme was brought into effect on 1 April 1991 (revised on 26 June 1996). It aims at effective taxi control without having to take legal proceedings for minor infringements. It takes repeated occurrences of minor infringements before sufficient points have been accumulated causing more serious action against the licensees to be taken.
2. If over a three-year period the number of points accrued by a licensee reaches 15 or more, then that licensee must attend before the Taxi Licensing Committee to allow members to consider the future of the licence.

### **ISSUE**

3. As members of staff have left and new job titles given, a revised procedure as set out in the Appendix is submitted for approval.

### **IMPLICATIONS**

**Policy:** None arising directly from the report.

**Financial:** None arising directly from the report.

**Legal:** None arising directly from the report.

**Risk Management:** None arising directly from the report.

**Health and Safety:** None arising directly from the report.

**Sustainability:** None arising directly from the report.

**Community Safety:** None arising directly from the report.

**Equality and Diversity:** None arising directly from the report.

## **APPENDICES**

Appendix 1: Penalty Point Procedure.

Appendix 2: Details of Offences and Points.

## **LIST OF BACKGROUND PAPERS**

None.



## **Penalty Points Scheme**

The penalty point scheme was brought into effect on 1 April 1991 (revised on 26 June 1996). It aims at effective taxi control without having to take legal proceedings for minor infringements. It takes repeated occurrences of minor infringements before sufficient points have been accumulated causing more serious action against the Licensees to be taken.

If over a three-year period the number of points accrued by a Licensee reaches 15 or more, then that Licensee must attend before the Taxi Licensing Committee to allow members to consider whether the Licensee remains a fit and proper person to hold the licence.

### **Rules and Procedure for Determining whether Penalty Points should be Imposed**

1. The Licensee shall be provided with full details of any infringement he has allegedly committed and the number of points allocated to that infringement and that he may make any representations he wishes with regard to the infringement.
2. Any representation by a Licensee may be in writing or by telephone or by calling in at the Taxi Licensing Office. If the representation is by telephone or in person, a note will be made of that representation by one of the licensing staff.
3. The alleged infringement will be considered by the Taxi Licensing Manager and a solicitor and in considering the alleged infringement, the officers will take into account any representation made by the Licensee and any other relevant evidence. Such representations must be in writing and may be made by the Licensee, his legal adviser or any other person on his behalf.
4. The alleged infringement will have to be proved to the satisfaction of the officers. If it is not proved beyond all reasonable doubt, no penalty points will be issued.
5. Decisions will be made by agreement between the officers. If agreement cannot be reached, no penalty points will be issued.
6. As soon as possible after taking the decision, the Licensee will be informed in writing that either no points have been allocated against his record or that points have been allocated and the number of points.

**BOROUGH OF PENDLE**  
**PENALTY POINT SCHEME**

<b><u>PRIVATE HIRE – OPERATOR</u></b>	
<b>A. <u>Offences under the Local Government (Miscellaneous Provisions) Act 1976</u></b>	
1. Operating a vehicle as a Private Hire Vehicle without that vehicle having a current Private Hire Vehicle Licence (Section 46).	15
2. Employing a driver who does not have a current Private Hire Driver's Licence (Section 46).	10
3. Permitting a Private Hire Vehicle to be used without a plate or disc displayed on that vehicle in accordance with the Council's Conditions (Section 48).	10
4. Failing to keep a record of all bookings in accordance with the Council's requirements or failing to produce that record on request by an authorised Officer of the Council or any Constable (Section 56).	4
5. Failing to keep a record of all Private Hire Vehicles operated by him or failing to produce this record on request to any authorised Officer of the Council or any Constable (Section 56).	3
6. Failing to produce his Private Hire Operator's Licence on request to any authorised Officer of the Council or any Constable (Section 56).	3
7. Altering any taximeter with intent to mislead (Section 71).	8
8. Wilfully obstructing an authorised Officer of the Council or Constable acting in pursuance of this Act (Section 73).	12
9. Failing to comply with any requirement properly made by any authorised Officer of the Council or any Constable acting in pursuance of this Act (Section 73).	6
10. Failing to give an authorised Officer of the Council or Constable any assistance or information which he may reasonably require for the purpose of the performance of his functions under this Act (Section 73).	6
<b>B. <u>Breach of Condition attached to the Operators</u></b>	
1. Permitting to be conveyed in a Private Hire Vehicle a greater number of persons than specified in the licence for that vehicle.	6
2. Failing without reasonable excuse to ensure attendance of a Private Hire Vehicle at the appointed time and place of hiring.	2
3. Failing to keep the premises provided to which the public have access clean, adequately heated, ventilated and lit.	2
4. Failing to ensure the waiting area provided has adequate seating facilities.	2

5.	Failing to ensure telephone facilities and radio equipment provided are maintained in a sound condition and defects are repaired.	2
6.	Failing to notify the Council of any change of address including change of address from where the business operates.	6
7.	Operating a Private Hire Vehicle from an address other than that stated on the application form.	8
8.	Failing to specify to hirer the fare or the rate of fare for the journey to be undertaken.	6
9.	Failing to provide a written receipt when requested.	2
10.	Permitting to be displayed in, on or from any vehicle or premises, or published matter in relation to the operator's business signs, notices or advertisements which consists of or includes the words "Taxi" or "Cab".	5
11.	Advertising on vehicle apart from the name and telephone number of private hire firm or the name of the private hire firm and the vehicle licence number.	4
12.	Failing to ensure that all vehicles, including vehicles of which he is not the owner or proprietor, are at all times when in use as Private Hire Vehicles under his operation properly insured for commercial private hire.	12
13.	Failing to insure the premises provided to which the public have access against Occupiers and Public Liability in a sum not less than £250,000.	4
14.	Failing to disclose in writing within seven days details of any conviction imposed on him or any partners in the same firm.	10
15.	Failing to return the Private Hire Operator's Licence if the licence is revoked or suspended.	8
16.	Failing to display Private Hire Operator's Licence conditions in premises to which members of the public have access in a readily visible position.	2
17.	Failing to keep records of bookings for a period of six months following the date of the last entry in the record book.	3
<b><u>PRIVATE HIRE DRIVER</u></b>		
<b><u>A. Offences under the Local Government (Miscellaneous Provisions) Act 1976</u></b>		
1.	Operating a vehicle as a Private Hire Vehicle without having a current licence under Section 55 (Section 46).	10
2.	Driving a Private Hire Vehicle without having a current licence under Section 51 (Section 46).	10
3.	Using a vehicle as a Private Hire Vehicle without a plate or disc displayed on that vehicle in accordance with the Council's conditions (Section 48).	10
4.	Failing to produce a Driver's Licence to the Council within 5 days of being requested to do so (Section 53).	6

5.	Failing to wear the badge issued by the Council in such a position and such manner as to be plainly and distinctly visible (Section 54).	4
6.	Failing to return the Private Hire Driver's Badge when the licence has been suspended or revoked (Section 61).	4
7.	Permitting the vehicle to wait on Hackney Carriage Stand (Section 64).	8
8.	Prolonging a journey in distance or in time (Section 69).	4
9.	Tampering with any seal on any taximeter without lawful excuse (Section 71).	3
10.	Altering any taximeter with intent to mislead (Section 71).	12
11.	Wilfully obstructing an authorised Officer or Constable acting in pursuance of this part of the Act (Section 73).	10
12.	Without reasonable excuse failing to comply with any requirement properly made to him by an authorised Officer or Constable under this part of the Act (Section 73).	8
13.	Without reasonable excuse, failing to give an authorised Officer or Constable any other assistance or information which he may reasonably require of such person for the purpose of the performance of his functions under this part of the Act (Section 73).	8
<b>B.</b>	<b><u>Breach of Conditions attached to the Private Hire Driver's Licence</u></b>	
1.	Failing to notify the Council in writing of change of address within seven days.	6
2.	Failing to disclose in writing any convictions within seven days of their being imposed.	10
3.	Touting or soliciting on a road or other public place any person to hire or to be carried for hire in any Private Hire Vehicle.	10
4.	Accepting an offer for the immediate hire of that vehicle while the driver of that vehicle is on a road or other public place except where such offer is first communicated to the licensed operator by telephone or by radio apparatus fitted to that vehicle.	10
5.	Letting another person drive the Private Hire Vehicle without the consent of the operator.	6
6.	Permitting a greater number of persons to be conveyed than that prescribed in the licence for the vehicle.	6
7.	Permitting a child below the age of 10 to be conveyed in the front of the vehicle.	6
8.	Permitting to be conveyed in the front of a Private Hire Vehicle more than one person above the age of 10.	8
9.	Conveying a person in the vehicle whilst hired without the consent of the hirer.	2
10.	Carrying an animal in a Private Hire Vehicle belonging to or in the custody of himself or the proprietor or operator of the vehicle.	2
11.	Allowing an animal to be conveyed in the front of the vehicle.	2

12.	Failing to afford all reasonable assistance with passengers' luggage.	6
13.	Failing to be clean and respectable in dress and person and to behave in a civil and orderly manner.	4
14.	Failing to take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by him.	8
15.	Eating or drinking in the vehicle without express consent of the hirer.	4
16.	Playing a radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle without express consent of the hirer.	4
17.	Permitting the noise emitted by any radio or other previously mentioned equipment whether inside or outside the vehicle to be a source of nuisance or annoyance to any person.	4
18.	Failing to appear or being late in response to a hiring.	2
19.	Failing to proceed to the destination by the shortest practicable route.	2
20.	Concealing the exterior or interior identification plate from public view and failing to keep the plates in a clean condition.	4
21.	Asking for more fare than was previously agreed.	6
22.	Failing to provide a written receipt if requested.	2
23.	Failing to carry in the vehicle a copy of the Driver's Licence Conditions and to produce those on request by the hirer or any other passenger.	2
24.	Failing to deposit the Private Hire Driver's Licence with the operator for whom he is working.	4
25.	Failing to inform the Council of any illness or worsening of any health condition likely to cause him to be a source of danger to the public when driving.	10
26.	Failing to produce a Department of Transport driving licence within 48 hours of receiving written notification.	5
<b><u>PRIVATE HIRE VEHICLE</u></b>		
<b>A.</b>	<b><u>Conditions attached to the vehicle licence</u></b>	
1.	Failing to have displayed in the interior of the vehicle a plate indicating the number of passengers allowed to be carried and the licence number of the vehicle.	4
2.	Failing to maintain the identification plate or failing to keep it in such a condition that the information contained on the identification plate is clearly visible to public view at all times.	4
3.	Failing to carry a spare wheel and tool kit with which to change a wheel.	2
4.	Failing to have adequate lighting and heating for the interior of the vehicle.	2
5.	Conveying luggage by means of the roof.	3

6.	Failing to provide sufficient means by which any person in the private hire vehicle may communicate with the driver during the course of the hiring.	4
7.	Failing to cause the interior of the vehicle to be kept wind and watertight.	4
8.	Failing to cause the seats in the passenger compartment to be properly cushioned and covered.	4
9.	Failing to cause the floor in the passenger compartment to be provided with a proper carpet, mat or other vehicle covering.	2
10.	Failing to provide facilities for the conveyance of luggage safely and protected from inclement weather.	2
11.	Failing to provide an approved fire extinguisher.	4
12.	Failing to have the fire extinguisher held permanently by brackets and in a readily accessible position.	3
13.	Failing to provide an approved first aid kit.	4
14.	Failing to mark the first aid box with the number of the vehicle licence.	2
15.	Failing to keep radio equipment in a safe and sound condition and in a position where its use by the driver does not impair his control of the vehicle.	4
16.	Failing to keep vehicle and fittings in an efficient, safe, tidy and clean condition when in use.	4
17.	Materially altering or changing the specification, design or condition of the vehicle without approval from the Council.	10
18.	Failing to disclose within seven days any conviction imposed on him.	10
19.	Failing to produce within 60 days a certificate of insurance.	8
20.	Permitting a greater number of passengers in the vehicle than the number prescribed in the Licence.	4
21.	Allowing a person under 10 to be conveyed in the front of the front of the vehicle.	4
22.	Allowing more than one person to be conveyed in the front of the vehicle.	6
23.	Allowing an animal to ride in the vehicle except an animal in the custody or control of the hirer and which shall be conveyed in the rear of the vehicle.	2
24.	Displaying any sign, notice, etc except those required by the Local Government (Miscellaneous Provisions) Act 1976 or the Private Hire Vehicle Licence Conditions.	6
25.	Failing to affix and maintain in a conspicuous position any sign required by the Council.	6
26.	Failing to notify Council of change of address within seven days.	6



<b>2. <u>Proprietor of a Private Hire Vehicle</u></b>	
<b>B. <u>Offences under the Local Government (Miscellaneous Provisions) Act 1976</u></b>	
1. Allowing a vehicle to be used as a Private Hire Vehicle without the appropriate licence (Section 46).	15
2. Employing a driver to drive a Private Hire Vehicle without that driver having a current licence under Section 51 of this Act (Section 46).	10
3. Permitting or using a Private Hire Vehicle without a plate or disc displayed on that vehicle in accordance with the Council's licence conditions (Section 48).	10
4. Failing to inform the Council of transfer of interest in Private Hire Vehicle Licence within 14 days (Section 49).	6
5. Failing to present Private Hire Vehicle for inspection and testing (Section 50).	6
6. Failing to state in writing the address of every place where such Private Hire Vehicle is kept when not in use when requested to do so and failing to provide such facilities as may be reasonably necessary to enable them to cause such Private Hire Vehicle to be inspected and tested there (Section 50).	4
7. Failing to report to the Council within 72 hours of the occurrence thereof any accident to Private Hire Vehicle causing damage materially affecting the safety, performance or appearance of the Private Hire Vehicle or the comfort or convenience of persons carried therein (Section 50).	10
8. Failing to provide the policy of insurance in respect of Private Hire Vehicle (Section 50).	8
9. Failing to return identification plate or disc upon the revocation, suspension or expiry of a Private Hire Vehicle Licence (Section 58).	8
10. Causing or permitting a vehicle other than a hackney carriage to wait during any period for which that stand has been appointed or is deemed to have been appointed (Section 64).	8
11. Tampering with any seal on any taximeter without lawful excuse (Section 71).	3
12. Altering any taximeter with intent to mislead (Section 71).	8
13. Wilfully obstructing an authorised Officer or Constable acting in pursuance of this part of the Act (Section 73).	12
14. Without reasonable excuse failing to comply with any requirement properly made to him by such Officer or Constable under this part of the Act (Section 73).	12
15. Without reasonable excuse, failing to give such an Officer or Constable so acting any other assistance or information which he may reasonably require of such person for the purpose of the performance of his functions under this part of the Act (Section 73).	8

<b><u>HACKNEY CARRIAGES</u></b>	
<b><u>Hackney Carriage Drivers</u></b>	
<b>A. <u>Offences under the Local Government (Miscellaneous Provisions) Act 1976</u></b>	
1. Failing to produce Driver's Licence within five days when requested (Section 53).	6
2. Failing to return the Hackney Carriage Driver's Badge when licence has been suspended or revoked (Section 61).	10
3. Charging more than was agreed for a long journey or charging more than is indicated on the taximeter (Section 66).	6
4. Charging more than the fares fixed by the byelaws when using hackney carriage under contract or purported contract for private hire (Section 67).	8
5. Prolonging a journey in distance or in time (Section 69).	4
6. Wilfully obstructing an authorised Officer of the Council or Constable acting in pursuance of the Act (Section 73).	12
7. Failing to comply with any reasonable requirement properly made by an Officer authorised by the Council or Constable under this Act (Section 73).	6
8. Failing to give an Officer or Constable any assistance or information which he may reasonably require for the purpose of the performance of any function under this Act (Section 73).	6
9. Giving information which he knows to be false (Section 73).	10
<b>B. <u>Offences under the Town Police Clauses Act 1847</u></b>	
1. Driving a Hackney Carriage without having a current licence under Section 46 (Section 47).	15
2. Employing a driver to drive a Hackney Carriage without that driver having a current licence under Section 46 (Section 47).	12
3. Refusing to accept a hiring whilst standing at a Hackney Carriage Stand (Section 53).	2
4. Demanding a greater fare than has been agreed beforehand or than is allowed under the byelaws (Section 58).	6
5. Failing to refund to the hirer any sum paid beyond the proper fare (Section 55).	8
6. Accepting a deposit to wait for the hirer but then driving away (Section 57).	8
7. Permitting a person to be carried in the Hackney Carriage whilst hired without the consent of the hirer (Section 59).	2
8. Permitting any other person to act as a driver of a hackney carriage without the consent of the proprietor (Section 60).	6

9.	Driving a Hackney Carriage while intoxicated or wanton and furious driving, or any other wilful misconduct which could cause injuries or endangers persons in his life, limbs or property (Section 61).	15
10.	Leaving the Hackney Carriage unattended (Sections 62 and 64), obstructing the driver and others.	2
11.	Obstructing other drivers in taking or setting down their own passengers (Section 64).	2
<b>C. <u>Offences under the Byelaws</u></b>		
1.	Failing to bring the taximeter into action.	4
2.	Failing to keep the dial of the taximeter properly illuminated throughout a hiring.	4
3.	Failing to proceed with reasonable speed to one of the stands fixed by the byelaws.	2
4.	Failing to keep behind the Hackney Carriages already in the Hackney Carriage Stand and failing to move forward when one of the other carriages moves out.	2
5.	Failing to behave in a civil and orderly manner.	4
6.	Failing to ensure the safety of persons conveyed in or entering or alighting from the Hackney Carriage.	4
7.	Failing to wear the badge issued by the Council in such a position and manner as to be plainly visible.	8
8.	Failing to help with the luggage of any person.	4
9.	Failing to hand in any property accidentally left in the vehicle to a Police Station or to the owner within 48 hours.	6
10.	Causing the licence number to be concealed from public view while the carriage is standing or plying for hire.	8
11.	Failing to attend at an appointed time and place.	4
12.	Conveying a greater number of persons than the number of persons specified on the plate.	6
<b>D. <u>Conditions attached to the Hackney Carriage Driver's Licence</u></b>		
1.	Failing to notify Council in writing of any change of address within seven days.	6
2.	Failing to disclose in writing any conviction imposed on him within seven days.	10
3.	Permitting a greater number of persons to be carried within the Hackney Carriage than prescribed in the licence for the vehicle.	6
4.	Permitting a child below the age of 10 to be conveyed in the front of the Hackney Carriage.	6
5.	Failing to help passengers with luggage.	2

6. Tampering with the taximeter.	8
7. Failing to provide a receipt for the fare paid when requested.	2
8. Failing to give details of onset or worsening of any health condition likely to be a source of danger to the public when driving.	10
<b><u>Proprietor of the Hackney Carriage</u></b>	
<b><u>A. Offences under the Town Police Clauses Act 1847</u></b>	
1. Failing to give seven days' notice of any change of address (Section 44).	6
2. Allowing a vehicle to be used as a Hackney Carriage Vehicle without the appropriate licence (Section 45).	12
3. Failing to have displayed whilst standing or plying for hire the plate stating the number of persons allowed to be carried (Section 52).	10
4. Demanding a greater fare than has been agreed beforehand or allowed by byelaw.	6
5. Permitting a person to be carried in a Hackney Carriage without the consent of the hirer.	2
<b><u>B. Conditions attached to the Hackney Carriage Licence</u></b>	
1. Failing to ensure that the vehicle carries a spare wheel and a tool kit to change a wheel and to ensure that the vehicle has adequate lighting and heating for the interior of the vehicle.	2
2. Conveying luggage by means of the roof.	3
3. Failing to provide an approved first aid kit.	4
4. Failing to mark the first aid kit with the number of the licence.	2
5. Failing to have fixed to the roof a sign bearing the words "FOR HIRE" which should not be illuminated when the vehicle is hired but illuminated when the vehicle standing or plying for hire.	4
6. Failing to keep radio equipment in the Hackney Carriage in a safe and sound condition.	2
7. Failing to keep radio equipment in a position where its use by the driver does not impair his control of the vehicle.	4
8. Failing to keep the Hackney Carriage and fittings in an efficient, safe, tidy and clean condition when in use.	4
9. Materially altering or changing specification, design or condition of Hackney Carriage without approval from the Council.	12
10. Failing to produce a Certificate of Insurance within 60 days.	8
11. Failing to disclose within seven days any conviction imposed upon him.	10

12.	Allowing a person under the age of 10 years to be conveyed in the front of the vehicle.	6
13.	Allowing more than one person to be conveyed in the front of the vehicle.	6
14.	Permitting an animal to ride in the vehicle other than an animal in the custody or control of the hirer.	4
15.	Using a taximeter which the Council has not sealed.	12
16.	Failing to display in the Hackney Carriage a copy of the fare tables supplied by the Council.	2
17.	Displaying any sign in the Hackney Carriage other than that required by the Local Government (Miscellaneous Provisions) Act 1976 or the Hackney Carriage Licence Conditions.	4
18.	Failing to have displayed on the front nearside and offside doors of the carriage in white lettering, three inches in height, in a style approved by the Council, the name of the owner or the name of the business with which the proprietor is connected.	6
19.	Failing to have displayed on the front nearside and offside doors of the carriage, in white lettering, four inches in height, the licence number of the vehicle.	6
20.	Failing to keep the first aid kit in such a position as to be readily available for use, and failing to keep the dressings and appliances in good condition.	5
<b>C. <u>Offences under the Local Government (Miscellaneous Provisions) Act 1976</u></b>		
1.	Failing to inform the Council of transfer of interest in Hackney Carriage Licence within 14 days (Section 49).	4
2.	Failing to present Hackney Carriage for inspection and testing (Section 50).	6
3.	Failing to state in writing the address of every place where such Hackney Carriage is kept when not in use when requested to do so and failing to provide such facilities as may be reasonably necessary to enable them to cause such Hackney Carriage to be inspected and tested there (Section 50).	4
4.	Failing to report to the Council within 72 hours of the occurrence thereof any accident to Hackney Carriage causing damage materially affecting the safety, performance or appearance of the Hackney Carriage or the comfort or convenience of persons carried therein (Section 50).	10
5.	Failing to provide the policy of insurance in respect of Hackney Carriage (Section 50).	8
6.	Failing to return identification plate or disc upon the revocation, suspension or expiry of a Hackney Carriage Licence (Section 58).	8
7.	Tampering with seal on taximeter without lawful excuse (Section 71).	8
8.	Altering taximeter with intent to mislead (Section 71).	10
9.	Wilfully obstructing an authorised Officer or Constable acting in pursuance of this part of the Act (Section 73).	12

10.	Without reasonable excuse failing to comply with any requirement properly made to him by an authorised Officer or Constable acting under this part of the Act (Section 73).	8
11.	Without reasonable excuse, failing to give an authorised Officer or Constable any other assistance or information which he may reasonably require of such person for the purpose of the performance of his functions under this part of the Act (Section 73).	8
<b>D. <u>Offences under the Byelaws</u></b>		
1.	Failing to cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto.	10
2.	Causing the licence number to be concealed from public view while the carriage is standing or plying for hire.	2
3.	Plying or standing for hire with any painting, marking or plate defaced so that figures or material particulars are illegible.	6
4.	Failing to provide sufficient means by which any person in the carriage can communicate with the driver.	4
5.	Failing to cause the roof or covering to be watertight.	4
6.	Failing to provide a means of opening and closing on each side of the vehicle.	6
7.	Failing to cause the seats to be properly cushioned or covered.	4
8.	Failing to cause the floors to be provided with a proper carpet, mat or other suitable covering.	2
9.	Failing to provide means for securing luggage if the carriage is so constructed as to carry luggage.	2
10.	Failing to provide an efficient fire extinguisher.	6
11.	Failing to attend at an appointed time and place.	4
12.	Prolonging a journey in distance or in time.	4
13.	Conveying a greater number of persons than the number of persons specified on the plate.	6