

PENALTY POINTS SYSTEM
HACKNEY CARRIAGE/PRIVATE HIRE - DRIVERS, OPERATORS AND VEHICLE LICENCES

The penalty points system for recording non-compliance with Hackney Carriage or Private Hire requirements will operate as follows: -

1. Tendring District Council's Policies will be fully considered by the enforcing officer when determining the way any breach of the legislation or the requirements of this policy 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 offence or breach of conditions.
3. Each case will be considered on its merits.
4. When points are issued to the vehicle licence, operator or driver, written confirmation will be sent within 10 working days. There is a right of appeal to the Licensing Manager.
5. Points issued remain live for a period of 2 years from date of issue. Points will be deleted after this two-year period.
6. The Miscellaneous Licensing Sub-Committee may consider previous penalty points if a trend is identified or considered relevant by the members.
7. Any driver, vehicle licence holder or operator accumulating 12 points in a two-year period will be required to appear before a panel of the Miscellaneous Licensing Sub-Committee to consider whether they are still fit and proper to hold the licence.
8. When a driver, vehicle licence holder or operator is brought before the Miscellaneous Licensing Sub-Committee, the panel may exercise one of the following options: -
 - a. Suspend the licence.
 - b. Revoke the licence.
 - c. Issue written warning.
 - d. Extend the two-year period in which points remain live.
 - e. Take no further action.
 - f. Any other action the panel feels appropriate (including Penalty Points)
9. Any driver, operator or vehicle licence holder required to appear before the Miscellaneous Licensing Sub-Committee having accumulated 12 points shall be entitled to make representations to the panel or be legally represented at the hearing.
10. Nothing in this penalty points system will stop the council from taking action under any appropriate legislation.

	Imposition of Points by LO or Cttee	Misconduct	Points	Driver	Vehicle	Operator
1	LO/CTTEE	Providing false/misleading information for licence application, failing to provide relevant information, failure to pay relevant fees (including dishonoured cheques or other financial instruments)	6-12	✓	✓	✓
2	LO	Failure to notify the Council of a change of address as required in this Policy	2	✓	✓	✓
3	LO/CTTEE	Refusal to accept hiring/booking without reasonable justification	6-12	✓		✓
4	LO/CTTEE	Unreasonable prolongation of journeys or any misconduct regarding the charging of fares	6	✓		✓
5	LO/CTTEE	Plying for hire by private hire drivers, or hackney carriage drivers plying for hire outside of the Council's boundary	9	✓	✓	
6	LO	Private hire vehicle parking or waiting on a taxi rank, or waiting so as to imply a taxi rank is in place	9	✓	✓	
7	LO/CTTEE	Inappropriate behaviour whilst in charge of a licensed vehicle	1-12	✓		
8	LO	Leaving a taxi unattended (on a hackney carriage rank)	3-6	✓		
9	CTTEE	Using an unlicensed vehicle (as a private hire or hackney carriage)	12	✓	✓	✓
10	LO/CTTEE	Failure to produce suitable relevant documents or to fully assist an authorised officer with their reasonable enquiries within timescales when requested by an authorised officer	3	✓	✓	✓
11	LO	Unsatisfactory condition of interior or exterior of a licensed vehicle	3	✓	✓	✓
12	CTTEE	Using a vehicle that is subject to a suspension order issued by an authorised officer or a police officer	12	✓	✓	✓
13	CTTEE	Using a vehicle for which the licence has been suspended or revoked	12	✓	✓	✓
14	LO	Failure to report an accident or damage to a licensed vehicle in accordance with this Policy, and which would bring the vehicle in breach of licence conditions	3	✓	✓	
15	LO	Carrying more passengers than stated on the vehicle licence	6	✓		✓

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16	LO	Failure to display or maintain external plate as issued by the Licensing authority or displaying incorrectly e.g., in the window of a vehicle	4	✓	✓	
17	CTTEE	Carrying or allowing to be carried an offensive weapon in a licensed vehicle	12	✓		
18	LO	Failure to notify a transfer of vehicle licence in accordance with this Policy	3		✓	
19	LO	Failure to carry a working fire extinguisher in a licensed vehicle	3	✓	✓	
20	LO	Displaying signage or advertisements otherwise than in accordance with this Policy	3	✓	✓	✓
21	LO	Failure to use a roof light where required	4	✓	✓	
22	LO/CTTEE	Obstruction of an authorised officer or police officer	6-12	✓	✓	✓
23	LO	Smoking or evidence thereof in a licensed vehicle and/or failing to display no smoking signs	4	✓	✓	
24	LO	Displaying any feature on a private hire vehicle that may suggest it is a hackney carriage	6	✓	✓	✓
25	CTTEE	Failure to carry an assistance animal without requisite medical exemption certificate	12	✓		
26	CTTEE	Driver not holding a current DVLA licence	12	✓		
27	LO	Failure to display driver's badge otherwise in accordance with this Policy	4	✓		
28	LO/CTTEE	Failure to notify a change in medical circumstances otherwise in accordance with this Policy	6	✓		
29	LO	Unsatisfactory appearance of driver	3	✓		
30	LO	Failure to issue receipt on request	3	✓		✓

	Imposition of Points by LO or Cttee	Misconduct	Points	Driver	Vehicle	Operator
31	LO/CTTEE	Using a licensed vehicle in a dangerous condition	9	✓	✓	✓
32	LO/CTTEE	Failure to return vehicle licence plate otherwise in accordance with this Policy	4	✓	✓	✓
33	LO/CTTEE	Unsatisfactory behaviour or conduct of a driver	1-12	✓		
34	LO/CTTEE	Failure to notify the Council of any motoring or criminal convictions otherwise in accordance with this Policy	12	✓	✓	✓
35	LO/CTTEE	Failure to provide reasonable assistance to a passenger	1-12	✓		
36	LO	Failure to display a correct up to date fare tariff	3	✓	✓	
37	LO/CTTEE	Use of licensed vehicle with a bald, dangerous, or defective tyre	3 (per tyre)	✓	✓	✓
38	LO/CTTEE	Failure to submit licence renewal application including documents	4	✓	✓	✓
39	LO	Waiting or stopping on a zigzags, red routes or bus stops.	3	✓		
40	LO/CTTEE	Driving whilst using a handheld electronic communications device or some other device	6-12	✓		
41	CTTEE	Plying for hire without a Hackney Carriage Driver Licence	12	✓		
42	CTTEE	Driving a licensed vehicle without the appropriate Council issued Driver Licence	12	✓	✓	
43	LO	Failing to produce upon request by an authorised officer any driver licences for whom they have permitted to drive that vehicle.	3		✓	✓
44	LO	Failure to present a vehicle for an inspection upon request	3		✓	
45	LO	Failure to return a plate/licence/badge after notice has been given following an expiry, revocation, or suspension of the licence	6-12	✓	✓	✓

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46	LO/CTTEE	Failure to ensure the safety of passengers	3-12	✓	✓	✓
47	LO	Failure to attend on time for a pre-arrange appointment at the request of the Licensing Authority without reasonable cause.	3	✓	✓	✓
48	LO	Failure to give reasonable assistance with passengers' luggage (unless the holder of an exemption)	3	✓		
49	LO	Failure of a Private Hire Operator to request and keep a copy of all driver's licence in his employ	3			✓
50	LO/CTTEE	Failure of the Private Hire Operator to keep to proper records, or failure to produce them upon request of an authorised officer of the Licensing Authority or a Police Office within a reasonable time/or time specified.	3-8			✓
51	LO/CTTEE	Failing to comply with a requirement of an authorised officer of the Licensing Authority or Police Officer	3-12	✓	✓	✓
52	LO/CTTEE	Failure to give information or assistance to an authorised officer of the Licensing Authority or Police Officer	3-12	✓	✓	✓
53	LO/CTEE	Failing to adhere to any of the driver/vehicles or operator licence conditions	1-12	✓	✓	✓
54	LO/CTEE	Use of unacceptable behaviour and/or language towards staff/Councillors of Tendring District Council.	1-12	✓	✓	✓