



SHEFFIELD CITY COUNCIL LICENSING COMMITTEE

Report of: Chief Licensing Officer

Date: 14th November 2013

Subject: Private Hire and Hackney Carriage Licensing

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Business and Strategy, Place Portfolio

Summary: Report – Driver & Applicant Referrals Policy – Review

Category of Report: OPEN

Hackney Carriage and Private Hire Drivers Licensing

Driver's referrals policy. - Warnings and Prosecutions.

1.0 Purpose

1.1 The current drivers and applicants referral to Licensing Committee Policy was reviewed by the Licensing Committee in September 2013. Although the Committee agreed in principal to a small change in the current policy (copy attached at appendix 1). The Committee wished to have further information on the offences and reasons that relate to the issue of warnings, cautions and the prosecution of offenders.

1.2 This report outlines the areas within Taxi and Private Hire Licensing a Local Council can take enforcement action against not only licensed holders but unlicensed vehicles and drivers.

2.0 Current Position

2.1 The current referrals criteria are attached to this report as appendix 1.

2.2 The setting out of referrals allows for applicants to understand the reason for referral and then make a considered decision on whether to make an application.

3.0 The Legal Situation – What offences can a Council Prosecute for?

3.1 The main legislation that covers both hackney carriages vehicles, private hire vehicles and their drivers and operators. Is Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.

3.2 Attached at appendix 2 of this report is a list of the “common” offences that officers may detect and which are covered by the above two acts and other legislation.

3.3 Where an offence could be prosecuted the driver /licensee could be cautioned or issued a warning. Except in the case of illegal plying for hire where officers are under instruction to prosecute every case where evidence shows the offence.

3.4 There is also in the case of Hackney Carriages and their drivers and owners, the Local Sheffield City Council Byelaws, a copy of these are attached as appendix 3 of this report. These have powers of enforcement and licenses can be prosecuted under byelaws as well.

3.5 There are many other Laws and Regulations that impinge on the use of a vehicle on the roads of Great Britain and any such breach of the law or regulation the Council can prosecute for the offences if they deem it in the public interest to do so. The prime example being Road Traffic Acts and regulations that vehicle owners and drivers have to adhere to.

For Example a vehicle that was being used whilst not road worthy, (tyre tread below legal limit) the Council through its Authorised Officers would have the power to prosecute for that offence.

3.6 Further to this the Local Government Act 1972 Section 222 it states

222 Power of local authorities to prosecute or defend legal proceedings.

(1) Where a local authority consider it expedient for the promotion or protection of the interests of the inhabitants of their area— .

(a) They may prosecute or defend or appear in any legal proceedings and, in the case of civil proceedings, may institute them in their own name, and .

(b) They may, in their own name, make representations in the interests of the inhabitants at any public inquiry held by or on behalf of any Minister or public body under any enactment. .

(2) In this section “local authority” includes the Common Council [F1 and the London Fire and Emergency Planning Authority].

This piece of legislation literally means that a Council has the power to prosecute a person or persons for any offences that the Council deemed to have been committed under any piece of legislation.

But we have to way this against the main area of the statement which is clear that to do so was in the interest of the inhabitants of the area.

3.7 Under the above act the Council has in the past have successfully prosecuted drivers for no insurance. This is mainly used cases of illegal plying for hire.

4. Consultation

4.1 The trades attended the original Policy review and contributed to the debate of the issues around the report.

4.2 This particular report was circulated around representatives of the trades in October 2013.

4.3 Trade Associations have been invited to attend this meeting and advised that, subject to the consent of the chair, they may address the meeting.

4.4 Any written representations received will be made available at the meeting.

5.0 Prosecutions, Cautions and Warnings by Officer's.

5.1 The current situation is that all cases are judged on their own merits, apart from cases where the Council, through its licensing committee have a Policy on the actions required of Officers. This is the case with illegal plying for hire. The Council Policy (currently) id to prosecute all cases where there is enough evidence and the Officers are satisfied that an offence has been committed and can be proved.

5.2 Prosecutions are deemed a last resort by officers, but will be taken where in the opinion of the Chief Licensing Officer, public safety has been compromised, the offender has shown little regard for authority or has committed the same or similar offences in the past especially if they have received warnings or cautions.

- 5.3 Official Cautions can only be issued where there is enough evidence that if a caution was declined a prosecution file could be submitted for the offence to which the Caution refers.
- 5.4 Warnings are issued for a multitude of misdemeanours and also offences such as parking offences, not wearing of badge, failure to display licence plate correctly, failure to respond to notices, and where complaints have been received investigated and in the opinion of the investigating officer the complaint has been upheld.
- 5.5 Officers have issued 130 warnings which came after enforcement checks. The majority of the warnings issued were for areas of concern, such as
- Vehicle issues.
 - Driver issues.
 - Parking issues.

5.6 Vehicle issues;

Warnings can/will be issued on second and third sightings of vehicles with defects such as not displaying the correct signage, lights not working and other such instances. These warnings will be issued to the vehicle licensee.

Defect letters and notices are sent out weekly for vehicles seen with defects by officers on enforcement which they were unable to approach or stop.

Other vehicle issues on inspection are normally dealt with by way of defect notice handed to the driver of the vehicle at the time of inspections. It may be that on return to the licensing office, it is noted that the defect notice issued may have been for a defect that has been seen before and not rectified, this may lead to the Licensee receiving a warning letter at a later stage.

Serious defects would result in immediate suspension of the vehicle licence.

5.7 Driver issues;

Most of the driver issues relate to not wearing of identification, this also covers the parking problems as well and road traffic offences such, as using a mobile phone, illegal right or left turns. This is a driver issue as the driver is at fault and the driver is not necessarily the vehicle licence holder for that vehicle. Letters to the licensee are sent for them to admit the offence or to name the driver at the time, and then the warning is sent to the named driver.

5.8 Parking issues;

Mainly these are because of the early and over ranking of hackney carriages, illegal parking of both types of vehicle, which often obstructs the highway. Some can be parking of a private hire vehicle in the vicinity of a public resort, which may be construed as illegal plying for hire.

5.9 Complaints;

This year have resulted in 12 warning's been issued to licensees. Total number of complaints received is 108 from 1st Jan to October 21st 2013. So just over 11% of complaints received result in an official warning being issued to the licensee.

Some complaints will have resulted in the licensee being referred to the Licensing Sub Committee and others will have received letters reminding them of their responsibilities as a licence holder.

5.10 In all cases apart from the complaints the warnings have been issued where offences under different many areas of legislation have been committed by the driver.

Many of the warnings issued could have been built into a case that would have been referred to the Courts, it's currently the ethos of the licensing service to try and deal with these misdemeanours at the lowest level, which in most cases is an end to the problem.

In other cases of licensees who repeat the offence or fail to resolve the defects then further warnings are issued and then ultimately they are referred to the Licensing Sub Committee to defend their actions. Currently when and after how many warnings they are referred is down to the discretion of officers, but the rule of thumb currently is 3 warnings for any misdemeanour would lead to a case review by a senior officer and it is more likely than not that the licensee would be referred at that stage.

The Licensing Sub Committee has the powers to suspend or revoke licenses of people it deems have below the standards expected or have repeatedly offended and they are no longer deemed fit and proper to hold a licence.

6.0 Penalty Points Systems

6.1 Many Local Authorities use a penalty point system when dealing with driver's and operators. The system is similar to that which is used on normal driving licenses, through the DVLA.

6.2 The system has to be robust and must not fetter the discretion of the Council in anyway when dealing with the application, renewal or review process.

6.3 Systems work on the grounds where certain misdemeanours, offences and breach of conditions would result in the driver / operator receiving a set amount of points on their records and when they met the ceiling of points they would then be referred to the licensing committee for review of that particular licence.

6.4 The amount of points per offence would have to be publicised and agreed at Committee level.

6.5 An example of such schemes and the legal requirements of any such schemes is attached at appendix 3.

6.6 If members consider that a penalty points system may be a way forward and want a more detailed investigation in to this and a report drafting regarding a Sheffield scheme then it should instruct the Chief Licensing Officer as necessary and give a timescale for a future report to be submitted (for example: March 2014).

7.0 Financial Implications

- 7.1 There are no financial implications to the Council or to the current taxi licensing budget.
- 7.2 There may be some financial impact to consider if a process is considered that adversely affected (increased) the number of licensing committees that were held.
- 7.3 Prosecutions have a financial impact and cost the Council Licensing Service money. The "costs" recovered in successful convictions never cover the actual cost of the procedure for the Council although they are asked for at each trial.

8.0 Options

- 8.1 The Committee consider the report and any representations made.
- 8.2 The Committee take no action and consider the current referrals policy as adequate without any changes.
- 8.3 The Committee consider the report and decide on a change to the Policy giving details of the changes to be made.

9.0 Recommendations

- 9.1 The Committee consider this report and any representations made to it.

Stephen Lonnia
Chief Licensing Officer and Head of Licensing
November 2013

APPENDIX 1

Referral of Drivers or Applicants to the Licensing Board

The Licensing Authority (Sheffield City Council) has a duty under the Legislation (Local Government {Miscellaneous Provisions} Act 1976) to grant drivers licences **ONLY if it is satisfied that the person is a fit and proper person to hold a licence**. This means that it is up to you to show to the Council that you are a fit and proper person to hold a licence and not for the Council to show that you are not.

In most instances Licensing Officers are able to grant licences but in some cases the application/licence must be referred to the Licensing Sub Committee for it to make a decision about your suitability. Set out below are the circumstances which will result in an application for or your current licence being referred to the Licensing Sub Committee for decision.

Where the following offences/penalties are disclosed:-

- i) Any term of imprisonment or custody.

Except where in exceptional circumstances and in the view of the Chief Licensing Officer (Taxi Licensing) the age and nature of the offence(s) are such that a referral to the Board is not merited;

- ii) Any conviction for violence resulting in a custodial sentence, or violence offences which the Chief Licensing Officer considers to be serious nature.
- iii) Any conviction, for dishonesty resulting in a custodial sentence, or dishonesty offences which the Chief Licensing Officer considers to be serious nature.
- iv) Any conviction for sex offences resulting in a custodial sentence, or sex offences which the Chief Licensing Officer considers to be serious nature.
- v) Any conviction for any drugs offences or related offences to the supply of drugs resulting in a custodial sentence or drug related offences which the Chief Licensing Officer considers to be serious nature.
- vi) Any caution or fixed penalty notice for any drugs offences or related offences to the supply of drugs.
- vii) Any caution, warning, anti social behaviour order (ASBO), fixed penalty (non driving) or Accepted Behaviour Contract (ABC) which the Chief Licensing Officer considers to be serious nature.
- viii) Any of the following driving offences;-

Drive or attempting to drive with alcohol level above the limit. (DR10)

Driving or attempting to drive while unfit through drink. (DR20)

Driving or attempting to drive then failing to supply a specimen for analysis. (DR30)

In charge of a vehicle while alcohol above limit. (DR40)

In charge of a vehicle while unfit through drink. (DR50)

Failure to provide a specimen for analysis or breath test. (DR60 & DR70)

- Driving or attempting to drive when unfit through drugs. (DR80)
- viii) Continued.
- Driving or attempting to drive when unfit through drugs (DR90)
- Driving or attempting to drive whilst disqualified (BA10 & BA30)
- Causing Death by dangerous Driving (DD80)
- Manslaughter or culpable homicide while driving a vehicle (DD60)
- Dangerous Driving (DD40)
- Driving without due care and attention (CD10, CD20 & CD30)
- Causing death by careless driving (CD40, CD50, CD60 & CD70)
- Using a vehicle uninsured (IN10)
- ix) Several motoring offences over a period of time particularly where the penalty points awarded could have resulted in disqualification and/or the applicant has claimed undue hardship to avoid disqualification.
- x) Accumulated 9 or more penalty points or committed/been convicted of three or more motoring offences in a short period of time.
- xi) Accumulated 9 or more penalty points in 18 months or during the term of the last licence which ever is the longest.
- xii) Have accumulated 12 or more penalty points or committed/ been convicted of four or more motoring offences in a 3 year period or the last two terms of licence, which ever is the lesser).
- xiii) Any period of disqualification from driving.
- xiv) warnings issued for failure to comply with private hire and taxi legislation which the Chief Licensing Officer considers to be of a serious nature.
- xv) Any previous refusal/revocation of a licence by any Licensing Authority.
- xvi) Any other case which, at the discretion of the Chief Licensing Officer is regarded as appropriate for referral to the Board.

LICENSING BOARD DECISION 12th September 2013

APPENDIX 2

HACKNEY CARRIAGE OFFENCES

(1) S40 TPCA 1847:- Not signing licence requisition, or naming non proprietor.

Burden of Proof:- wilfully.

Points to Prove:- Application not signed.
Person named as proprietor has no knowledge.

(2) S44 TPCA 1847:- Proprietor of HCV fail to notify change of address or produce licence for endorsement.

Burden of Proof:- neglect or wilful omission.

Points to Prove:- Length of time at new address.
Licence not endorsed after offence .

(3) S45 TPCA 1847:- Ply for hire in a vehicle not licensed as HCV.

Burden of Proof:- permitting, driving, standing plying.

Points to Prove:- Vehicle is not a hackney carriage.
Evidence of plying.

(4) S47 TPCA 1847. Drive Hackney Carriage without a licence.

Burden of Proof:- non stated, but apply knowingly.

Points to prove:- Vehicle is licensed as Hackney Carriage.
Driving.

(5) S47 TPCA 1847:- Proprietor employ unlicensed driver.

Burden of Proof:- non stated, but consider knowingly.

Points to Prove:- Vehicle is licensed as hcv. driver is employed

(6) S48 TPCA 1847:- Proprietor fail to retain licence of driver, or produce to court on complaint.

Burden of Proof:- refusal or neglect.

Points to Prove:- Has request been made for licence.
Does proprietor know driver is attending court.

(7) S52 TPCA 1847. Drive HCV plate incorrectly displayed, or refuse to carry prescribed number of passengers, or drive at direction of hirer.

Burden of Proof:- non stated, consider without reasonable excuse

Points to prove:- Number of persons to be carried is displayed
Refusal.

(8) S52 TPCA 1847:- Proprietor of HCV allow vehicle to be used with plate incorrectly displayed.

Burden of Proof:- non stated, consider without reasonable cause.

Points to Prove:- Vehicle is licensed HCV.
Plate not displayed as required by S51 TPCA.

(9) S53 TPCA 1847:- Driver at rank refuse or neglect to drive to any place within prescribed distance.

Burden of Proof:- without reasonable excuse.

Points to prove:- Vehicle was on rank
Place was within prescribed distance.

(10) S54 TPCA 1847:- Demand more than agreed fare.

Burden of Proof:- non stated.

Points to prove:- Was agreement made for lower fare prior to hire.

(11) S55 TPCA 1847:- Demand more fare than maximum fare set by council.

Burden of Proof:- non stated.

Points to Prove:- Time/distance in relation to metered fare

(12) S56 TPCA 1847:- Carry passenger less distance than entitled to for sum agreed upon.

Burden of Proof:- non stated.

Points to Prove:- Distance carried was less than agreed with driver/proprietor.

(13) S57 TPCA 1847:- Driver refuse to wait or return deposit.

Burden of Proof:- non stated.

Points to Prove:- Hirer had not terminated journey.
Vehicle had driven away before time of waiting or
deposit had elapsed.

(14) S59 TPCA 1874:- Carry passenger without consent of hirer.

Burden of Proof:- permitting. Consent.

Points to prove:- Consent is positive and not implied.

(15) S60 TPCA 1847:- Driver not authorised by proprietor, or person
suffers another person to act as driver.

Burden of Proof:- suffers, authorised.

Points to Prove:- Driving.

(16) S61 TPCA 1847:- Intoxicated or wanton and furious driving.

Burden of Proof:- wanton, furious, wilful misconduct.

Points to prove:- Is driver intoxicated.
Conduct of driving.
Conduct of behaviour.
Any injury or damage caused.

(17) S62 TPCA 1847:- Driver leaving vehicle unattended in public resort.

Burden of Proof:- non stated.

Points to prove:- Driver was not in physical control of the vehicle.

(18) S64 TPCA 1847:- Driver obstructing other drivers.

**Burden of proof:- non stated, consider without reasonable excuse,
wilful.**

Points to Prove:- Was there an obstruction.

(19) S49 LGMPA 1976:- Proprietor fail to notify council transfer of ownership.

Burden of Proof:- without reasonable excuse.

Points to Prove:- Notice not in writing.
Fourteen days have past since transfer date.
Name and address of new licensee not specified.

(20) S50(1) LGMPA 1976:-Proprietor fail to present vehicle for test.

Burden of Proof:- council has reasonably required vehicle test.

Points to Prove:- Location of test is within council area.
Time and date of test is reasonable.
Notice has been sent for test.

(21) S50(3) LGMPA 1976:- Proprietor of HCV fail to report accident as soon as practicable, or in any case within 72 hours.

Burden of Proof:- without reasonable excuse.

Points to Prove:- As soon as practicable.
Period of time after 72 hours.
Has accident caused damage that materially effects
The safety, performance, or appearance of vehicle.
Or comfort or convenience of persons carried.

(22) S50(4) LGMPA 1976:- HCV proprietor fail to produce vehicle licence, or certificate of insurance on request of authorised officer.

Burden of Proof:- without reasonable excuse contravenes.

Points to Prove:- Any requirement was properly made.
Request must be from authorised officer.

(23) S53(3)(a) LGMPA 1976:- HCV driver fail to produce driving licence within 5 days of request by authorised officer,

Burden of Proof:- without reasonable excuse contravenes.

Points to Prove:- Production must forthwith, or at council office within 5 days commencing the day after the request
Request is from authorised officer..

(24) S57(2) LGMPA 1976:- Applicant for drivers licence makes false statement.

Burden of Proof:- knowingly, recklessly, omits.

Points to Prove:- False statement.

(25) S58(1)(a)or(b) LGMPA 1976:- Proprietor of HCV fail to return plate.

Burden of Proof:- without reasonable excuse.

Points to Prove:- Vehicle licence is, expired, revoked, or suspended under S68 of this act.
Seven days have past since notice served.

(26) S73 LGMPA 1976:- Proprietor of HCV obstruct authorised officer.

Burden of Proof:- wilfully, reasonable excuse, reasonable cause, Reasonably require, knows to be false.

Points to Prove:- Officer acting in pursuance of act.
Any requirement was properly made.

(27) S66 LGMPA 1976:- Driver require greater fare outside district.

Burden of Proof:- knowingly contravenes.

Points to Prove:- End of journey is outside district.
No rate of fare was agreed before hiring

(28) S67 LGMPA 1976:- Driver or proprietor of HCV charge more than rate of fares or charges, when under contract as PHV.

Burden of Proof:- knowingly contravenes.

Points to prove:- Vehicle under or purported under contract as PHV.
Fare charged is greater than metered fare.

(29) S69 LGMPA 1976:- Prolong passengers journey.

Burden of proof:- without reasonable cause, unnecessarily prolong

Points to prove:- Distance and/or time involved.

(30) S72 LGMPA 1976:- Offence due to fault of other person.

Burden of Proof:- any act or default.

Points to Prove:- An offence has been committed.
The offence would not have occurred, without the actions of another person.

(31) S73 LGMPA 1976:- Driver obstruct authorised officer.

Burden of Proof:- wilfully, reasonable excuse, reasonable cause, reasonably require, knows to be false.

Points to Prove:- Officer acting in pursuance of act.
Any requirement was properly made.

(32) Byelaw 9. Drive HCV not wearing badge.

Burden of Proof:- non stated, apply without reasonable excuse.

Points to prove:- Vehicle is HCV.
Driving .
No badge.
Badge worn but not plainly and distinctly visible.

(33) Byelaw offences:- Fail to comply with byelaws

Burden of Proof:- includes wilfully, negligently, cause, suffer, permit, sufficient cause, reasonable precautions, express consent, importune, reasonable assistance, reasonably practicable, tamper,

(34) Various legislation:- Proprietor of HCV fail to respond to notices.

Burden of Proof:- includes without reasonable cause, without reasonable excuse, reasonably require, knows to be false.

Points to Prove:- Any requirement was properly made under the act.

(35) Various legislation:- Driver fail to respond to notices.

Burden of Proof:- Includes without reasonable cause, without reasonable excuse, reasonably required, knows to be false.

Points to prove:- Any requirement was properly made under the act.

PRIVATE HIRE OFFENCES

- (1) S45 TPCA 1847. Ply for hire in vehicle not a hackney carriage.

BURDEN OF PROOF:- *permitting, driving, standing, or plying.*

POINTS TO PROVE:- Vehicle is not hackney carriage.
Evidence of plying incident.

- (2) S46 (1)(a) LGMPA 1976:- Any person use a vehicle as a phv without a vehicle licence.

BURDEN OF PROOF:- *knowingly contravenes.*

POINTS TO PROVE:- Use that vehicle is being put to.

- (3) S46 (1) (b) LGMPA 1976. Drive a private hire vehicle without a Licence.

BURDEN OF PROOF:- *knowingly contravenes.*

POINTS TO PROVE:- Person was driving.
Vehicle is private hire.
Location is a controlled district.
Person does not hold licence.

- (4) S46 (1)(c) LGMPA 1976:- proprietor of phv employ unlicensed driver.

BURDEN OF PROOF:- *knowingly contravenes.*

POINTS TO PROVE:- Vehicle is licensed.
Driver is not licensed.
Employ.

- (5) S46 (1)(d) LGMPA 1976:- Take bookings for phv without operators Licence.

BURDEN OF PROOF:- *knowingly contravenes.*

POINTS TO PROVE:- Vehicle is licensed.
Booking not contract work.
No current operator licence.

- (6) S46 (1)(e)(i) LGMPA 1976:- phv operator to operate a vehicle as phv that is not licensed .

BURDEN OF PROOF:- *knowingly contravenes.*

POINTS TO PROVE:- Vehicle not licensed.
Vehicle used / caused to be used in connection company.

(7) S 46 (1)(e)(ii) LGMPA 1976:- Operator to operate phv with
unlicensed driver.

BURDEN OF PROOF:- *knowingly contravenes.*

POINTS TO PROVE:- Vehicle is phv.
Driver is not licensed.
Operator is using or causing vehicle to be used.

(8) S48 (6) LGMPA 1976. Drive private hire vehicle with plate
incorrectly displayed.

BURDEN OF PROOF:- *without reasonable excuse.*

POINTS TO PROVE:- Person was driving.
Vehicle is private hire.
Condition attached to licence.
Controlled district.

(9) S48(6) LGMPA 1976:- Proprietor allow phv to be used with the
plate incorrectly displayed.

BURDEN OF PROOF:- *without reasonable excuse.*

POINTS TO PROVE:- Use or permit.
Controlled district.
Condition attached to licence.

(10) S49 LGMPA 1976:- Proprietor fail to give notice of transfer of
vehicle licence.

BURDEN OF PROOF:- *without reasonable excuse.*

POINTS TO PROVE:- Notice is not in writing.
Fourteen days has past since transfer date.
Name and address of new licensee is **not**
specified.

(11) S50 (1) LGMPA 1976:- Proprietor of phv fail to present vehicle for
test.

BURDEN OF PROOF:- *without reasonable excuse.*

POINTS TO PROVE:- Notice issued.
Did not present vehicle within period or place as
required.

(12) S50(3) LGMPA 1976:- Proprietor fail to report accident as soon as practicable, or in any case within 72 hours.

BURDEN OF PROOF:- *without reasonable excuse.*

POINTS TO PROVE:- As soon as practicable.
Period of time after 72 hours.
Has accident caused damage that materially
Effects the safety, performance, or appearance
of vehicle or comfort or convenience of persons
carried.

(13) S50(4) LGMPA 1976:- Proprietor fail to produce vehicle licence, and certificate of insurance on request of authorised officer.

BURDEN OF PROOF:- *without reasonable excuse.*

POINTS TO PROVE:- Request is from authorised officer.
Failed to produce.

(14) S53(3)(a) LGMPA 1976:- Driver fail to produce on request phv drivers licence.

BURDEN OF PROOF:- *without reasonable excuse.*

POINTS TO PROVE:- Not produced forthwith on request, or within 5 days, commencing the day after request at the council office.
Request is from authorised officer.

(15) S54(2)(a) LGMPA 1976. Drive private hire vehicle not wearing badge.

BURDEN OF PROOF:- *without reasonable excuse.*

POINTS TO PROVE:- Person was driving.
Vehicle is private hire.
Badge not worn, or plainly and distinctly visible.

(16) S56 LGMPA 1976:- Operator fail to comply with conditions.

BURDEN OF PROOF:- *without reasonable excuse.*

POINTS TO PROVE:- Condition that has been contravened.

(17) S56(3) LGMPA 1976:- Operator fail to produce records on request.

BURDEN OF PROOF:- *without reasonable cause.*

POINTS TO PROVE:- Request from authorised officer.
Fail to produce.

(18) S56(4) LGMPA 1976:- Operator fail to produce operators licence on request.

BURDEN OF PROOF:- *without reasonable excuse.*

POINTS TO PROVE:- Request from authorised officer.
Failed to produce licence.

(19) S(58)(1)(a) or (b) LGMPA 1976:- Proprietor fail to comply with terms of notice to return licence plate.

BURDEN OF PROOF:- *without reasonable excuse.*

POINTS TO PROVE:- 7 days have past since service of notice.
Licence plate has not been returned.

(20) VARIOUS ACTS:- Driver of phv fail to respond to notices.

BURDEN OF PROOF:- Includes *without reasonable cause, without reasonable excuse, reasonably required, knows to be false.*

POINTS TO PROVE:- Any requirement was properly made under the act.

(21) S61(2)(a) LGMPA 1976:- Driver fail to return licence.

BURDEN OF PROOF:- *without reasonable cause.*

POINTS TO PROVE:- No appeal has been lodged.
Notice of grounds for suspension, revocation, refusal of licence have been given to driver within 14 days of decision.

(22) S64 LGMPA 1976:- Prohibition of other vehicles on hackney stands.

BURDEN OF PROOF:- *without reasonable excuse.*

POINTS TO PROVE:- cause or permit any vehicle other than hcv to wait on rank during appointed time.
Is rank clearly marked and legally appointed.

(23) S69 LGMPA 1976:- Prolong passengers journey.

BURDEN OF PROOF:- *without reasonable cause. Unnecessarily prolong.*

POINTS TO PROVE:- distance and/or time involved.

(24) S72 LGMPA 1976:- Offence due to fault of other person.

BURDEN OF PROOF:- *offence committed due to act or default of another.*

POINTS TO PROVE:- An offence has been committed under the act.
The offence has only been committed due to the act or default of another.
Nb. Even if no action is taken against offender, the other person (act or defaulter) can still be liable for the offence (same charge, same penalty)

(25) S73 LGMPA 1976:- Any person obstruct authorised officer.

BURDEN OF PROOF:- *wilfully, reasonable excuse, reasonable cause, reasonably require, knows to be false.*

POINTS TO PROVE:- Officer acting in pursuance of act.
Any requirement was properly made.

(26) **VARIOUS ACTS:-** Proprietor of phv fail to respond to notices.

BURDEN OF PROOF:- *includes without reasonable cause, without reasonable excuse, reasonably required, knows to be false.*

POINTS TO PROVE:- Any requirement was properly made under the act.

APPENDIX 3

PENALTY POINTS SCHEMES

- Penalty points schemes work on a system similar to that of the DVLA where drivers, operators and proprietors receive points on their licensing record, when they have committed offences, breach of conditions, and or misdemeanours.
- Points issued within a period of time then tot up and a ceiling previously stated and agreed would result in the person or persons being referred to the Licensing Committee to review their licence at that time.
- The Legal Situation with such schemes?
- A recent High Court ruling has assisted in the clarification on how such schemes can be run and what the legal requirements.
- A High Court Judgement – R(app Singh) v Cardiff City Council (2012) EWHC.
- In this case paragraph 65 is the part of the decision that concerns the legalities of a Points system being adopted by a Local Authority.
- Mr Justice Singh said
 - “In my view, there is nothing wrong in principle with the defendant authority such as at present, adopting the policy, which seeks, both in fairness to the driver potentially affected and also protect the public interest, to have as it were, a staged process by which the cumulative effect of incidents of misconduct may well lead ultimately to the conclusion that in the judgement of the local authority a person is not a proper person to continue to enjoy the relevant licence”.
- What let Cardiff down in this situation is the that they had a hard and fast rule that stated a driver’s licence would be revoked when they had amassed a certain number of points in certain period of time.
- What needs to be part of the system is that when the ceiling is reached then that would activate a referral to the Licensing Committee would sit then in judgement on the continued fit and properness of the person, and each case in front of them would be dealt on the individual merits of each case.
- Practicalities and procedures of a penalty point system
- On detection of an incident misconduct or breach of conditions Officers would issue a ticket/defect notice or letter to the offender.
- There would be a list of offences, breach of conditions and the list would detail the amount of points that the offence or breach would attract.
- These need to be straight forward and not subjective such as 1 to 3 points.

- Having subjective or sliding scales leaves the process open to subjective issues and could lead to confusion of drivers, and lead to officers being subjected to claims of bias or unfairness.
- It may be that the same offence or breach may have a sliding scale but only on the grounds of multiple incidents of the same offence or breach. In simple terms a first offence may attract (if agreed) 1pt but a second offence for the same thing may attract 3 pts.
- What needs also to be in the document is the drivers/licensees right to appeal the points awarded and this would be to the licensing committee, this is then where they could view the case and facts and take the Drivers representation into account and make a decision.
- On this it can be stated that if the driver appeals and the opinion of the Licensing Committee that it was a frivolous appeal in any way they could award higher points than the original offence would have attracted. As before the driver may appeal and win the points would be removed from record. If the appeal is lost although not frivolous the points remain, if deemed an inappropriate appeal then the committee may wish to give a higher tariff such as 3pts rather than the 1pt already awarded.
- Procedures need to be transparent and set out clear and concisely to applications and renewal applicants so that driver and licensees are fully aware of the scheme prior to being licensed.
- Signing of the application for a licence means then that they understand and have agreed to abide by the licensing conditions and procedures, and are aware of the penalty points procedures and the consequences of being issued with points.
- There should be an end date as to the effect of the of the points and it is usual to follow the DVLA example of having the totting up procedure over 3 year period. This would tally up nicely with the current licence length in Sheffield of 18 months per licence meaning the totting up procedure would carry over a 2 licence issue period.
- Below is some examples of the current penalty points systems in place around the Country you will see that there are many and varied ideas of what points are given and for what sort of offences and misconduct.
- It also shows that some Councils have relatively subjective issues that are deemed to acquire penalty points. Some reasons are very loosely written "bald" tyre is one area that is subjective and anything like that should have the proper legal statement, from the appropriate act. For example in Sheffield you may state that it would be 3 pts per tyre where the tread on at least 1/3 rd of the whole tyre was below the legal minimum standard of 1.6mm and you may add that it would be 1pt per tyre where the tread fell below the current Sheffield City Council testing requirement of 2mm.
- Being ambiguous in the reasons for issues leaves the officer and the applicant unsure on what points to award and could lead to confusion and mistakes.

Points and Offences.

- I have set out below some of the current schemes around the country and what sort of offences attracts what number of points.

Salford City Council

	Code	Points
Hackney Carriage Licensee fails to notify change of address in writing to the Local Authority. Section 44 Town Police Clause Act 1847	H1	2
Hackney Carriage Driver refusing to carry prescribed number of passengers. Section 52 Town Police Clause Act 1847	H2	2
Hackney Carriage Driver refusing to drive. Contrary to Section 53 Town Police Clauses Act 1847	H3	3
Hackney Carriage Driver permitting persons to be carried without the consent of hirer. Contrary to Section 88 Town and Police Clauses Act 1847	H4	3
Leaving a Hackney Carriage Vehicle unattended in public place. Contrary to Section 62 Town and Police Clauses Act 1847	H5	2
Leaving Hackney Carriage Vehicle obstructing other drivers on the rank. Contrary to Section 64 Town and Police Clauses Act 1847	H6	3
Hackney Carriage Driver fails to produce Hackney Carriage drivers licence contrary to Section 53 Local Government (Miscellaneous Provisions) Act 1976	H7	2
Hackney Carriage Driver fails to wear drivers badge. Contrary to Section 54(2)(b) Local Government (Miscellaneous Provisions) Act 1976	H8	3
Person causing a vehicle other than a Hackney Carriage to stand on a taxi rank. Contrary to Section 64 and 76 Local Government (Miscellaneous Provisions) Act 1976	H9	3

Private Hire Vehicle / Private Hire Driver Breach of Conditions

	Code	Points
Failure to provide assistance with passengers luggage	P1	2
Failure to be clean and respectable in dress and person	P2	2
Failure to ensure passenger safety	P3	3
Smoking, drinking or eating without the express permission of hirer	P4	2
Playing the radio or other sound reproducing instruments without permission of hirer	P5	2
Proprietor displaying an unauthorised sign i.e. commercial advert on vehicle	P6	2
Failure to display "Insurance invalid without prior booking with operator" signs on vehicle	P7	3
Failure to display operators private hire signs	P8	3
Causing excessive noise from any radio or sound producing instrument which annoys anyone in or outside the vehicle	P9	2
Failure to carry assistance dog without exemption certificate	P10	3
Failure to check vehicle for lost property after each fare	P11	2
Failure to report property found to the Local Authority as soon as possible or within 24 hours of finding	P12	2
Carrying a pet animal other than an assistance dog	P13	2
Failure to attend a time for pre-arranged booking without sufficient cause	P14	2
Failure to notify The Authority change of address in writing within 7 days	P15	2
Failure to notify The Authority any conviction in writing immediately once the conviction has been imposed	P16	3
Driving a licensed vehicle which is not clean and tidy inside and out	P17	2
Driving a licensed vehicle which is not properly maintained	P18	3
Failure to display licence plate or plate not in correct position	P19	3
Failure to carry an authorised fire extinguisher	P20	2
Failure to display operators fare table in vehicle	P21	2
Failure to carry conditions in vehicle	P22	2
Failure to behave in a civil and orderly manner	P23	3
Carrying a child under the age of 10 in the front of the vehicle	P24	3
Driver of Private Hire Vehicle demanding fare in excess of that shown on meter (if fitted)	P25	3
Sounding vehicles horn or using audible to attract customers attention day or night	P26	3
Failure to report to The Authority damage to Private Hire Vehicle caused by a road accident or other means affecting safety, performance or appearance as soon as possible or within 72 hours of occurrence	P27	3
Failure to notify The Authority the transfer of Private Hire Vehicle Licence within 14 days of such transfer.	P28	3
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Private Hire Driver fails to produce Insurance within 7 days of request.	P29	3
Private Hire Driver Fail to display Private Hire drivers identity badge as prescribed by Council	P30	3

Hackney Vehicle Licence Conditions & Byelaws

	Code	Points
Driving a licensed vehicle that is not clean and tidy inside and out	HV10	2
Driving a licensed vehicle not properly maintained	HV11	3
Failure to display internal licence number	HV12	3
Failure to display external plates in the correct position or a dirty condition	HV13	3
Display of an unauthorised sign i.e. commercial advert	HV14	2
Failure to carry an authorised fire extinguisher	HV15	3
Failure to proceed to the nearest Hackney Carriage stand when not hired (contrary to Byelaws)	HV16	2
Failure to proceed to the nearest Hackney Carriage stand when stand is full (contrary to byelaws)	H17	2
Failure to drive to rear of the last Hackney Carriage Vehicle on the stand	H18	2
Calling out or importuning persons to use the Hackney Carriage when standing or plying for hire	H19	3
Failure to behave in a civil and orderly manner.	H20	3
Failure to attend for hiring without good reason	H21	2
Failure to assist with luggage to and from the vehicle or from any building, station or other place	H22	2
Failure to display fare chart in vehicle	H23	3
Failure to check vehicle for lost property after each fare	H24	2
Failure to carry and produce copy of byelaws	H25	2
Failure to report damage to Hackney Carriage Vehicle caused by a road accident or other means affecting safety, performance or appearance as soon as possible or within 72 hours of occurrence	H26	3
Failure to notify the Authority the transfer of Hackney Carriage Vehicle licence to another person within 14 days of such a transfer	H27	3
Hackney Carriage driver fail to carry Assistance Dog without exemption certificate	H28	3
Hackney Carriage driver fail to produce Insurance within 7 days of request.	H29	3

If 12 or more points are accrued in the 2-year period the offender will be requested to attend the Councils Licensing Regulatory Panel for interview.

WATFORD BOROUGH COUNCIL

CONTRAVENTION

- Adopting an unpleasant manner towards a passenger 3
- Verbal abuse towards any person whilst working as a driver 5 – 8
- Physical abuse towards any person 10 - 20
- Rudeness or failure to co-operate with Council officers 10 - 12
- Failing to ensure the safety of a passenger entering, alighting or conveyed in a vehicle 8 - 15
- Failing to provide a customer with reasonable assistance with their luggage 4 – 6
- Refusal to take a guide dog or other assistance dog 10 - 12
- Eating or drinking whilst conveying passengers 5 - 8
- Consuming alcohol whilst on duty 12
- Smoking in a licensed vehicle whilst conveying a passenger/waiting on a rank 5 - 8
- Failure to produce driver's badge on request to authorised officer 5 - 8
- Failing to use taximeter when hired as a hackney carriage 10 - 12
- Failing to agree a fare with passenger before starting journey in hackney carriage where taximeter is not being used 10 - 12
- Charging hackney carriage passenger more than the metered or agreed fare 10 - 12
- Failing to advise private hire passenger of estimated fare at start of journey 10 - 12
- Failure to display fare tariff within a hackney carriage vehicle 10 - 12
- Failure to notify the Council of a change in drivers' name or address 4
- Failure to notify the Council in writing of accidents to a vehicle 6
- Failure to advise council in writing of previous convictions when applying for licence or of other convictions within twenty-eight days 6
- Exterior/interior of vehicle not maintained in clean, sound and roadworthy condition 8 - 12
- Failing to ensure the display of the vehicle licence plate on the inside or the outside of the vehicle in the prescribed manner 10 – 12
- Failing to comply with byelaw 7 relating to the use of hackney carriage stands 6 - 8
- Failure to ensure the vehicle is equipped with a First Aid kit and readily-accessible fire extinguisher or failing to ensure either is properly secured 5
- Using a hand-held mobile telephone whilst driving 10
- Failure to wear a seatbelt when required 5
- Knowingly giving false information to passengers 3 - 8
- Failure to pick up pre-booked passengers 3 – 5

Failure to wear driver's badge or display large drivers' badge 6

Unspecified behaviour or misconduct 3 – 6

Factors to be taken into account when imposing penalty points include

- previous warnings
- previous track record
- mitigating circumstances
- gravity of the misconduct
- effect of incident on passengers, the public or other drivers
- any health and safety implications to passengers, public or drivers
- the potential for the incident to recur
- whether the licensee can still be considered to be a fit and proper person.

Drivers who have more than 20 points in any 12-month period may have their licence revoked.
(Penalty points for the same offence that are more than 12 months old may be taken into account where it is considered appropriate to do so).

Epsom & Ewell BC

Penalty Points System for Hackney Carriage and Private Hire Drivers, Vehicle Proprietors and Operators

The Scheme will cover all Drivers, Vehicle Proprietors and Private Hire Operators licensed by Epsom & Ewell Borough Council (The Authority). Where an offence or breach has been witnessed by an Authorised Officer and/or admitted, then Points will be endorsed against an individual or operator. When an individual has accrued 12 points within a two year rolling period, or commits the same offence/breach three times in a 12 month period then the individual will be referred to the Licensing Hearings Sub-Committee.

The Scheme will not bar the Authority from administering a caution or initiating legal proceedings following an offence or breach of condition or Byelaw, and Points may also be issued following a prosecution in appropriate cases. The Scheme shows the maximum points for the offence; the Grants and Licensing Team Leader will have discretion to decide on the points given based on circumstances. If more than one offence takes place the points will be added consecutively to the individual's file.	Points
Vehicle offences	
Failure to keep the interior and exterior in a clean and tidy condition, free from damage	6
Failure to display internal identification plate and/or securely fix the external identification plate to the rear of the vehicle as instructed by an Authorised Officer, or failure to keep exemption notice in vehicle.	6
Failure to carry a fully serviceable Fire Extinguisher	6
Failure to provide valid hire and reward insurance within a seven day period on request of the Authority.	8
Making a false statement or withholding information to obtain a licence	12
Failure to notify change of name, address, telephone number or Operator within seven days of change.	6
Plying for hire (*); Unlawful Touting or Soliciting Customers (#)	12
Refusal to take passenger without good cause	4
Charging more than the metered fare	8
Using an unlicensed or uninsured vehicle for hire or reward	12
Failure to notify transfer of ownership for Private Hire or Hackney Carriage.	4
Failure to present vehicle for inspection at time appointed by an Authorised Officer	4
Failure to report an accident to local authority	6
Failure to return plate after notice given after expiry, revocation or suspension of Private Hire Vehicle License (except Dual Licensed Vehicles)	4
Evidence of smoking in a vehicle ascertained by officers whilst carrying out vehicle checks	4
Stationary Hackney Carriage Vehicle plying for hire whilst parked other than on a designated rank.	6
Driver offences	Points
Failure to be clean and presentable whilst working (clothing to be clean, smart casual and secure footwear suitable for driving must be worn ie no vests or flip flops)	4

Failure to reasonably assist passengers without good cause or exemption certificate	6
Driving a licensed vehicle without a valid Hackney or Private Hire Driving Licence.	12
Failure to return Private Hire Driver Licence after notice given after revocation or suspension	4
Failure to notify change of name, address, telephone number, Operator, medical condition which may impact on driving within seven days of change	6
Failure to produce DVLA drivers licence within seven days on request of the Authority	4
Driver leaving a Hackney Carriage unattended, or obstructing other Hackney Carriages (#)	4
Failure to wear Driver's Badge in prominent position without exemption	4
Admitting to unnecessarily prolonging a journey	8
Making a false statement or withholding information to obtain a licence	12
Failure to attend a time appointed by an Authorised Officer	4
Admitting or being observed by an Authorised Officer of driving in a careless and inconsiderate manner in accordance with the Road Traffic Act	12
Admitting or being observed by an Authorised Officer of drivers using threatening or offensive language or behaviour	8

Rochdale MBC Licensing Penalty Points Scheme

Offence(s) / Breach of Condition(s) Points Applicable* Driver Vehicle Proprietor or Operator

- 1 Failure to notify, in writing, the Council of change address within 7 calendar days. 3
- 2 Failure to produce relevant documents including failing to provide proof of insurance within timescale when requested by an Authorised Officer. 3
- 3 Failure to carry fire extinguisher. 3
- 4 Failure to use authorised roof light. 3
- 5 Evidence of smoking in vehicle. 3
- 6 Failure to wear driver's badge in such a position and manner as to be plainly and distinctly visible. 3
- 7 Unsatisfactory appearance of driver. 3
- 8 Failure to issue receipt on request 3
- 9 Failure to return vehicle licence/plate and/or Private Hire Drivers/Hackney Carriage Drivers licence/badge within 5 days after due notice following expiry, revocation or suspension of such licence. 3
- 10 Cause excessive noise from any radio or sound reproducing equipment 3
- 11 Operating the horn as a means of signalling that the vehicle has arrived 3
- 12 Failure to give assistance, without reasonable cause, with loading/unloading luggage to or from any building or place. 3
- 13 Failure to display fare card. 3
- 14 Failure to comply with any other conditions and by-laws contained in the Private Hire/Hackney Carriage Driver's conditions, vehicle conditions and Private Hire Operator conditions. 3
- 15 Failure to take found property to the Licensing Office within 72 hours of finding 3
- 16 Unsatisfactory condition of vehicle, interior and/or exterior. 3
- 17 Failure to display external/internal licence plate or signs as required. 3
- 18 Displaying unauthorised, unsuitable or inappropriate sited signs or advertisements in or on the vehicle. 3
- 19 Using a non-calibrated taximeter. 3
- 20 Displaying any feature on private hire vehicle that may suggest that it is a taxi. 3
- 21 Failure to carry spare wheel / Gel as per the requirement of Vehicle Compliance Testing 3
- 22 Driving or attempting to drive a licensed vehicle with a bald tyre. 3 per tyre
- 23 CCTV not conforming to the Council's requirements. 3
- 24 Parking a Vehicle contrary to Road Traffic Regulations 3
- 25 Using a licensed vehicle with a bulb not operational i.e. light bulb, brake light, indicator bulb, fog light etc 3

- 26 Failure to report, in writing, within 72 hours of accident or damage to licensed vehicle, which would cause the vehicle to breach licence condition. 4
- 27 Failure to notify transfer of Private Hire or Hackney Carriage vehicle licence within 14 days. 4
- 28 Unreasonable prolongation of journeys or any misconduct regarding the charging of fares. 4
- 29 Failure to observe rank discipline (relating to Hackney Carriage Drivers) 4
- 30 Allowing a Private Hire Vehicle to use a Hackney Carriage stand 4
- 31 Failure to produce Hackney Carriage or Private Hire vehicle for testing when required. 4
- 32 Providing false or misleading information on licence application form / failing to provide relevant information or the relevant fee. 6
- 33 Failure to maintain records in a suitable form of the commencement and cessation of work of each driver each day. 6
- 34 Failure to produce on request records of drivers work activity. 6
- 35 Failure to maintain proper records of private hire vehicle. 6
- 36 Failure to keep or produce records of Private Hire bookings or other documents required to be kept or produced. 6
- 37 Failure to notify, in writing as soon as is reasonably practicable, a change in medical circumstances.6
- 38 Misleading use of the words 'Taxi' or 'Cab' on advertising materials. 6
- 39 Failure to notify the Council immediately, in writing, of any motoring and/or criminal convictions and/or cautions, warnings, reprimands during initial application and/or the period of current licence. 6
- 40 Failure to display valid and current vehicle excise licence. 6
- 41 Obstruction of an Authorised officer or Police officer in the execution of his/her duties. 6
- 42 Driving whilst using a mobile phone or the contravention of any other driving/road traffic offence, whether convicted or not 6
- 43 Urinating or defecating in a public place 6
- 44 Carrying more passengers than stated on the vehicle licence. 6
- 45 Modifying a vehicle without the consent of the Council. 6
- 46 Displaying the incorrect Operator Award or advertising the incorrect Award 6
- 47 Driving a licensed Private Hire/Hackney Carriage vehicle without a valid Private Hire/Hackney Carriage Driver's Licence 9
- 48 Plying for hire. 12
- 49 Driver not holding a current DVLA Licence. 12
- 50 Using an unlicensed vehicle or licensed vehicle without valid and current motor insurance for Private Hire / Hackney Carriage purposes. 12

- 51 Failure to carry an assistance dog without the requisite valid and current exemption. 12
- 52 Failure to ensure the reasonable safety of passengers conveyed in, entering or leaving the Vehicle 12
- 53 Using a vehicle subject to a suspension order issued by an Authorised officer or a Police officer. 12
- 54 Using a vehicle for which the licence has been revoked. 12
- 55 Failure to comply with the requirements for the safe carrying of a wheelchair. 12
- 56 Driving or attempting to drive vehicle when unfit through drugs or being in possession of drugs whilst in vehicle 12
- 57 Unsatisfactory/Inappropriate behaviour or conduct of driver (May be referred to the Panel) 1-12
- 58 Failure to behave in a civil and orderly manner (May be referred to the Panel) 1-12
- 59 Refusal to accept hiring without reasonable cause e.g. Drunk or rude customer etc. (May be referred to the Licensing Panel) 1-12
- 60 Appeal of points by way of Licensing Panel. 4-12

EAST LINDSEY DISTRICT COUNCIL
PENALTY POINT SCHEME

- 1 Providing false or misleading information on licence application form / failing to provide relevant information or the relevant fee (including dishonoured cheques). 6
- 2 Failure to notify, in writing, the Authority of change of address within seven calendar days. 3
- 3 Refusal to accept hiring without reasonable cause (N.B. reasonable excuse can include drunk or rude customer) 6
- 4 Unreasonable prolongation of journeys or any misconduct regarding the charging of fares. 6
- 5 Plying for hire by private hire drivers. 9
- 6 Failure to display current vehicle excise licence (tax disc). 4
- 7 Using unlicensed vehicle for carrying passengers for hire or reward or vehicle without insurance. 12
- 8 Failure to produce relevant documents within timescale, when requested by a Licensing Officer/Police Officer. 4
- 9 Unsatisfactory condition of vehicle - interior or exterior. 4
- 10 Failure to provide proof of insurance cover when requested. 6
- 11 Failure to produce hackney carriage or private hire vehicle for testing when required. 4
- 12 Using a vehicle whilst subject to a suspension order issued by a Licensing Officer/Police Officer. 12
- 13 Using a vehicle for which the licence has been revoked. 12
- 14 Failure to report, in writing, within 72 hours, accident or damage to licensed vehicle, which would cause the vehicle to breach licence condition. 4
- 15 Carrying more passengers than stated on the vehicle licence. 6
- 16 Failure to display external licence plate as required. 4
- 17 Carrying an offensive weapon in the vehicle. 12
- 18 Failure to notify transfer of private hire or hackney carriage vehicle licence. 4
- 19 Failure to carry fire extinguisher. 4
- 20 Using unauthorised signage on the outside of the vehicle. 3
- 21 Displaying unsuitable or inappropriately sited signs or advertisements in or on the vehicle. 3

- 22 Failure to use authorised roof light. 4
- 23 Displaying unauthorised written or other material on the vehicle's rear window. 4
- 24 Failure to comply with a requirement, provide information or assistance to a Licensing Officer/Police Officer. 6
- 25 Using a non-approved or non-calibrated taximeter. 6
- 26 Obstruction of Licensing Officer/Police Officer wishing to examine a licensed vehicle. 12
- 27 Evidence of smoking in vehicle. 3
- 28 Evidence of unacceptable food or drink in vehicle. 3
- 29 Displaying any feature on a private hire vehicle that may suggest that it is a taxi. 6
- 30 Using a vehicle the appearance of which suggests that it is a taxi. 6
- 31 Failure to carry an assistance dog without requisite exemption. 12
- 32 Driver not holding a current DVLA Driving licence. 12
- 33 Failure to wear driver's badge. 4
- 34 Failure to notify, in writing, a change in medical circumstances. 6
- 35 Unsatisfactory appearance of driver. 3
- 36 Failure to observe rank discipline (hackney carriage only). 4
- 37 Failure to maintain proper records of private hire vehicle. 3
- 38 Failure to keep or produce records of private hire bookings or other documents required to be kept or produced. 6
- 39 Private Hire - Misleading use of the words 'Taxi' or 'Cab' on advertising materials. 3
- 40 Failure to issue receipt on request. 3
- 41 Failure to return vehicle licence plate within 7 days after due notice following expiry, revocation or suspension of such licence. 4
- 42 Unsatisfactory behaviour or conduct of driver. 4
- 43 Failure to notify the Authority, in writing, of any motoring or criminal convictions within 7 days of said conviction or cautions during period of current licence. 6
- 44 Failure to behave in a civil and orderly manner. 4
- 45 Failure to give assistance with loading/unloading luggage to or from any building or place. 3
- 46 Failure to display table of fares. 4

- 47 Failure to carry legal spare wheel 4
- 48 Failure to attend punctually at appointed time and place without sufficient cause. 4
- 49 Using a vehicle with bald tyre(s). 4 per tyre
- 50 Failure to submit vehicle for six monthly vehicle CoC inspection. 6
- 51 Failure to display a current licence plate. 4
- 52 Waiting or stopping on a double yellow line area, bus stop or private land (without the owner's permission) and double parking unless requested by a paying customer present in the vehicle. 3
- 53 Failure to comply with any other condition not detailed in the table. 3
- 54 Driver using a hand held mobile phone while driving a licensed vehicle. 6
- 55 Driver smoking in licensed vehicle. 6

Where a licence holder accumulates 12 or more penalty points in any three year period, the matter will be referred to the Licensing Committee for the Committee to decide whether the driver is a 'fit and proper' person. The Committee may then suspend or revoke a licence, or issue a warning to the licence holder, depending on the circumstances.

Periods of suspension of a licence by the Committee will be dependent on the nature of the breaches of licensing legislation/conditions and the compliance history of the individual.

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