

Appendix H Penalty Points Scheme

Penalty Points Scheme Purpose

This local authority uses a 'penalty point' system of enforcement. The purpose of the scheme is to provide a balanced, consistent and transparent approach of enforcement against licence holders who commit offences. The scheme does not prevent the Council from taking any other enforcement actions it is entitled to take under legislation or byelaws.

The overriding aim of the licensing function is to protect the public from harm and reduce public nuisance being caused by the trades breaching the law, regulations and conditions of licence.

Method of operation

Points will be issued by this Licensing Authority to licence holders who are found to be in breach of legislation, byelaws, policy or conditions of licence. Points will be issued by means of a written notice on which shall be supplied the number of points imposed and the reason/s for which they have been issued.

The maximum number of points that can be imposed in respect of any particular matter is set out in the table below, but it is possible for one incident or inspection to result in more than one set of points being issued.

- a) The imposition of penalty points against a driver who is an employee will not necessarily result in the additional imposition of points to his/her employer or operator. However, this Licensing Authority will issue penalty points to drivers, proprietors, driver/proprietors, and operators for a single contravention if the circumstances warrant it, i.e., the breach is one against all these licences and it is considered joint responsibility is held.

If a licence holder accumulates 12 points or more within a rolling period of 12 months, then their licence will be subject to a referral to the Licensing sub-committee.

Any licence holder aggrieved by the imposition of penalty points on their licence may appeal to either the Magistrates Court within 21 days of date of the penalty points letter.

The tables list the breaches of legislation that attract penalty points. Any subsequent amendments to the legislation will supersede the tables and this document may be amended to reflect the revised legislation, condition or byelaw.

Where a breach is proven that is a combination of any of the offences, the option to allocate points for each of the offences can be utilised by any authorised licensing officer or the Licensing sub-committee.

Following a revocation by the Licensing sub-committee, due to the accumulation of penalty points, a new licence application will not usually be accepted and granted by the council for a minimum period of six months.

Town and police clauses act 1847

List no.	Section and Offence	Penalty Points or Action
1.	S40 - Giving false information on a hackney carriage licence application	Referral to Service Manager/Principal Officer
2.	S44 – Failure to notify change of address on a hackney carriage licence.	3
3.	S45 – Plying for hire without a hackney carriage licence.	Referral to Service Manager/Principal Officer
4.	S47 – Driving a hackney carriage without a hackney carriage driver's	Referral to Service Manager/Principal Officer
5.	S47 – Lending or parting with a hackney carriage driver's licence	Referral to Service Manager/Principal Officer
6.	S47 – Hackney carriage proprietor permitting or employing an unlicensed driver to drive a hackney carriage.	Referral to Service Manager/Principal Officer
7.	S48 – Failure of a proprietor to retain in his/her possession copies of any hackney carriage driver's licence that permits them to drive their vehicle.	3
8.	S48 - Failure of a proprietor to produce on request by an authorised officer any hackney carriage driver's licence for whom he has permitted to drive his/her vehicle.	3
9.	S52 - Failure to display a hackney carriage plate.	6

10.	S53 - Refusal to take a fare without a reasonable excuse.	6
11.	S54 - Charging more than the agreed fare.	6
12.	S55 - Obtaining more than the legal fare (including failure to refund).	6
13.	S56 - Travelling less than the lawful distance for an agreed fare.	6
14.	S57 - Failure to wait after a deposit to wait has been paid	4
15.	S58 - Charging more than the legal fare.	6
16.	S59 - Carrying persons other than with the consent of the hirer.	6
17	S60 - Driving a hackney carriage without the proprietor's consent.	Referral to Service Manager/Principal Officer
18.	S60 - Allowing a person to drive a hackney carriage without the proprietor's consent	Referral to Service Manager/Principal Officer
19.	S62 - Driver leaving a hackney carriage unattended	2
20.	S64 - Hackney carriage driver obstructing other hackney carriages.	6
21.	S68 – Breach of Byelaws	6

Local Government (Miscellaneous Provisions) Act 1976

List no.	Section and Offence	Penalty points or Action
22.	S46 (1)(a) - A licensed driver using an unlicensed vehicle for private hire purposes.	Referral to Service Manager/Principal Officer

23.	S46 (1)(b) - Driving a private hire vehicle without a private hire driver's licence.	Referral to Service Manager/Principal Officer
24.	S46 (1)(c) - Proprietor of a private hire vehicle permitting or employing an unlicensed driver to drive a private hire vehicle.	Referral to Service Manager/Principal Officer
25.	S46 (1)(d) - Operating a private hire vehicle without a private hire operators' licence	Referral to Service Manager/Principal Officer
26.	S46 (1)(e) - Operating an unlicensed vehicle as a private hire vehicle.	Referral to Service Manager/Principal Officer
27.	S46 (1)(e) - Operating a private hire vehicle when the driver is not licensed as a private hire driver	Referral to Service Manager/Principal Officer
28.	S48 (6) - Failure to display a private hire vehicle plate.	6
29.	S49 - Failure to notify the transfer of a vehicle licence.	6
30.	S50 (1) - Failure to present a hackney carriage or private hire vehicle for inspection upon request	6
31.	S50 (2) - Failure to inform the Licensing Authority where a hackney carriage or private hire vehicle is stored, if requested	3
32.	S50 (3) - Failure to report an accident to the Licensing Authority within seventy-two hours.	6
33.	S50 (4) - Failure to produce the vehicle and/or insurance upon request.	6

34.	S53 (3) - Failure to produce a driver's licence upon request.	6
35.	S54 (2) - Failure to display a private hire driver's badge.	6
36.	S56(2) - Failure of a private hire operator to keep proper records of all bookings, or failure to produce them upon request of an authorised officer of the Licensing Authority or a police officer within reasonable time / or time specified.	8
37.	S56(3) - Failure of a private hire operator to keep proper records of all private hire vehicle licenses and driver licenses, or failure to produce them on request of an authorised officer of the Licensing Authority or a police officer within reasonable time / or time specified.	8
38.	S56 (4) - Failure of a private hire operator to produce his licence upon request.	4
39.	S57 - Making a false statement or withholding information to obtain a hackney carriage/private hire driver's licence.	Referral to Service Manager/Principal Officer
40.	S58(2) - Failure to return a plate after notice has been given following expiry, revocation, or suspension of a hackney carriage or private hire vehicle licence.	6
41.	S61 (2) - Failure to surrender a driver's licence or badge on or after suspension, revocation, or refusal to renew.	6
42.	S64 - Permitting a private hire vehicle to wait on a hackney carriage rank.	6
43.	S66 - Hackney Carriage charging more than the meter fare for a journey ending outside the District, without prior agreement.	6
44.	S67 - Hackney Carriage charging more than the meter fare when a hackney carriage is used as a private hire vehicle.	8

45.	S69 - Unnecessarily prolonging a journey.	8
46.	S71 - Interfering with a private hire taxi- meter with intent to mislead.	Referral to Service Manager/Principal Officer
47.	S73 (1) (a) - Obstruction of an authorised officer of the Licensing Authority or a police officer.	6
48.	S73 (1) (b) - Failure to comply with a requirement of an authorised officer of the Licensing Authority or a police officer.	6
49.	S73 (1) (c) - Failure to give information or assistance to an authorised officer of the Licensing Authority or police officer.	6

Licensing Policy/ Conditions

List no.	Offence	Penalty Points or Action
50.	Failure to ensure the safety of passengers.	Referral to Service Manager/Principal Officer
51.	Concealing or defacing a vehicle license plate.	6
52.	Failure to attend on time for a pre-arranged appointment at the request of the Licensing Authority for interview without reasonable cause.	3
53.	Conveying a greater number of passengers than permitted.	Referral to Service Manager/Principal Officer
54.	Failure to give reasonable assistance with passenger's luggage.	2

55.	Private hire soliciting for hire or accepting a fare that is not pre-booked.	Referral to Service Manager/Principal Officer
56.	Operating/using a vehicle that is not clean and tidy internally or externally.	2
57.	Operating/using a vehicle that is not in a safe condition internally or externally.	Referral to Service Manager/Principal Officer
58.	Driving without the consent of the proprietor.	Referral to Service Manager/Principal Officer
59.	Drinking or eating in the vehicle whilst carrying passengers.	2
60.	Smoking in the vehicle at any time. Including the use of an electronic or vaporizing device	Referral to Service Manager/Principal Officer
61.	Causing excessive noise from any radio or sound-reproducing equipment.	2
62.	Sounding the horn to signal that the vehicle has arrived. disturbing residents.	2
63.	Allowing a private hire vehicle to stand in such a position as to suggest that it is plying for hire or using a hackney carriage stand.	6
64.	Parking a Hackney Carriage Vehicle or Private Hire Vehicle illegally so as to cause an obstruction to other road users.	3
65.	Using a non-hands-free mobile telephone whilst driving/engine running.	

		Referral to Service Manager/Principal Officer
66.	Failure to advise of a relevant medical condition.	Referral to Service Manager/Principal Officer
67.	Failure to provide a receipt for a fare when requested.	2
68.	Failure to operate the meter from the commencement of the journey and /or charging more than the fixed charge for hire of a hackney carriage.	8
69.	Failure to notify the Licensing Authority of relevant change to license details within the time specified in the associated licence conditions.	3
70.	Failure to produce a hackney carriage or private hire licence upon request.	3
71.	Failure to show a private hire driver's licence to the private hire operator at the commencement of employment.	3
72.	Failure of a private hire operator to request and keep a copy all driver's licence in his employ at the beginning of employment.	3
73.	Failure to notify the Licensing Authority in writing within 72 hours of an arrest and release, charge, conviction or warning of any sexual offence, any offence involving dishonesty or violence and any conviction for a motoring offence.	Referral to Service Manager/Principal Officer
74.	Refusing a guide, hearing or other prescribed assistance dog without holding the relevant exemption.	Referral to Service Manager/Principal Officer
75.	Failure to search a vehicle after a journey or failure to take found property to the police within forty-eight hours of finding.	3

76.	Failure to report an accident within seventy-two hours.	6
77.	Failure to comply with requirements for the safe carrying of a wheelchair	6
78.	Operating a vehicle that does not comply with the Licensing Authority's licensing policy or relevant legislation where such a breach of policy/legislation is not otherwise specified herein.	8
79.	A Private Hire driver using a Hackney Carriage vehicle without a Hackney Carriage driver licence.	Referral to Service Manager/Principal Officer
82.	Modifying a licensed vehicle without the consent of the Licensing Authority.	Referral to Service Manager/Principal Officer
83.	Failure to display or maintain external plates as issued by the Licensing Authority or displaying them incorrectly E.g. in the window of a vehicle.	6
84.	Affixing or displaying a roof sign on a private hire vehicle or failure to affix a roof sign to a Hackney Carriage Vehicle.	4
85.	Displaying a sign or advertisement on a licensed vehicle that does not satisfy the policy requirements or has not been approved by the Licensing Authority.	4
86.	Using a taximeter that does not conform to Licensing Authority requirements.	6
87.	Driving with no insurance or inadequate insurance for the vehicle.	Referral to Service Manager/Principal Officer

88.	Permitting the vehicle to be used for any illegal or immoral purposes.	Referral to Service Manager/Principal Officer
90.	Failure of a private hire operator to keep the operating premises in accordance with Licensing Authority requirements.	3
91.	Failure of a private hire operator to ensure that all vehicles operated by him are adequately insured.	Referral to Service Manager/Principal Officer
92.	Failure of a private hire operator to obtain public liability insurance for the operating premises if the public are allowed access.	6
93.	Driving or allowing a hackney carriage or private hire vehicle to be driven with tinted windows which do not conform to licence conditions.	6
95.	Failing to display "SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL" on the vehicles top sign.	2
96.	Allowing a hackney carriage vehicle to be driven with a top sign that is in breach of the policy or conditions.	2
97.	Any other offence; breach of policy or condition; and/or failure to comply with legislation or byelaw not covered above.	Referral to Service Manager/Principal Officer
98.	Failure to display the internal vehicle notice.	2
	Failure to carry out daily vehicle inspection checks and/or failure to provide copies on request to an authorised officer.	Referral to Service Manager/Principal Officer

	Failure to maintain DBS update service subscription	Referral to Service Manager/Principal Officer
	Displaying signage on a private hire vehicle that suggests it is a Hackney Carriage vehicle.	Referral to Service Manager/Principal Officer
	Failure to maintain/operate a Council approved CCTV system in a licensed vehicle	Referral to Service Manager/Principal Officer