



## 12 Transparency

- 12.1 Following the receipt of a notification of a conviction or an adverse vehicle inspection, the licence holder will be informed of the action intended to be taken as soon as possible.
- 12.2 Following the completion of an investigation into a complaint or any enforcement activity, the licence holder will be informed of the action intended to be taken.

12.3 Any written documentation issued or sent will:-

- contain all the information necessary to understand the offence and what needs to be done to rectify it. Where works are required, the period allowed for them to be completed will be indicated;
- indicate the legislation or conditions contravened and measures which will enable compliance with the legal requirements and point out, where appropriate, that other means of achieving the same effect may be chosen; and;
- clearly indicate any recommendations of good practice under an appropriate heading, to show that they are not a legal requirement.

12.4 The clear distinction between legal requirements and matters, which are recommended as good practice in all enforcement action, even if only giving verbal advice, is vitally important.



## Appendix L

# Penalty Points Scheme

## 1 The Scheme

- 1.1 Points will be issued by authorised officers of the Authority to licence holders who are found to be in breach of legislation, byelaws, this policy or conditions of licence.
- 1.2 The maximum number of points that can be imposed in respect of any particular matter is 10 but it is possible for one incident or inspection to result in more than one set of points being issued.
- 1.3 If a licence holder accumulates 20 points or more within a rolling period of 12 months then their licence will be subject to a review by the Taxi and Miscellaneous Sub-Committee.
- 1.4 Any licence holder aggrieved by the imposition of penalty points on their licence may appeal to the Taxi and Miscellaneous Sub-Committee where they will have the opportunity to explain why the points should not have been imposed.
- 1.5 Notice of the appeal must be submitted in writing to the Authority within 14 days of **receiving** the penalty points notice.
- 1.6 The following tables list the breaches of legislation that attract penalty points.

## Private Hire

A	Offences under the Local Government (Miscellaneous Provisions) Act 1976	Penalty Points
1	Vehicle not displaying plates. (Sec.48(6)(a))	10
2	Failure to notify vehicle transfer within 14 days. (Sec.49(1))	10
3	Failure to present vehicle for inspection. (Sec.50(1))	5
4	Failure to inform Authority where the vehicle is stored. (Sec.50(2))	5
5	Failure to report an accident within 72 hours. (Sec.50(3))	10
6	Failure to produce a vehicle licence and insurance certificate. (Sec50(4))	5
7	Failure to produce Private Hire driver licence. (Sec.53(3))	5
8	Failure to wear driver badge. (Sec.54(2))	10
9	Failure by Operator to keep records of bookings. (Sec.56(2))	10
10	Failure by Operator to keep records of vehicles. (Sec.56(3))	10
11	Failure to produce a Private Hire Operators licence. (Sec56(4))	5
12	Making false statement or withholding information to obtain a licence. (Sec.57(2))	10
13	Failure to return vehicle plate within 7 days after notice given. (Sec.58(2))	5
14	Failure to surrender driver licence after suspension. (Sec.61(2))	5
15	Charging more than the meter fare when HV used as a PV. (Sec.67)	10
16	Unnecessarily prolonging a journey. (Sec.69)	10
17	Obstruction of an authorised officer or constable. (Sec.73(1)(a))	10

<b>A Offences under the Local Government (Miscellaneous Provisions) Act 1976</b>		<b>Penalty Points</b>
18	Failure to comply with requirement of an authorised officer or constable. (Sec73(1)(b))	<b>10</b>
19	Failure to give information or assistance to an authorised officer or constable. (Sec.73(1)(c))	<b>10</b>

<b>B Offences under the Transport Act 1980</b>		
<b>Section</b>	<b>Offence</b>	<b>Penalty</b>
64 (2) (a)	Driving a vehicle with a sign above its roof which consists or includes the word "taxi" or "cab" whether alone or part of another word	<b>10</b>
64 (2) (b)	Causes or permits a vehicle to have a sign above its roof which consists or includes the word "taxi" or "cab" whether alone or part of another word.	<b>10</b>

<b>C Policy and Conditions of Licence</b>
All non compliance with the policy and breaches of licence conditions shall attract 10 penalty points.

## Hackney Carriage

<b>A</b>	<b>Offences under the Local Government (Miscellaneous Provisions) Act 1976</b>	<b>Penalty Points</b>
1	Failure to notify vehicle transfer (Sec.49(1))	<b>10</b>
2	Failure to present vehicle for inspection. (Sec.50(1))	<b>5</b>
3	Failure to inform Authority where the vehicle is stored. (Sec.50(2))	<b>5</b>
4	Failure to report an accident.(Sec.50(3))	<b>10</b>
5	Failure to produce a vehicle licence and insurance certificate.(Sec50(4))	<b>5</b>
6	Failure to produce HD driver licence.(Sec.53(3))	<b>5</b>
7	Making false statement or withholding information to obtain a licence.(Sec.57(2))	<b>10</b>
8	Failure to return vehicle plate within 7 days after notice given.(Sec.58(2))	<b>5</b>
9	Failure to surrender driver licence after suspension. (Sec.61(2))	<b>5</b>
10	Charging more than the fare shown on the meter for a journey ending outside the district without prior agreement (Sec.66)	<b>10</b>
11	Charging more than the meter fare when HV used as a PH.(Sec.67)	<b>10</b>
12	Unnecessarily prolonging a journey. (Sec.69)	<b>10</b>
13	Obstruction of an authorised officer or constable. (Sec.73(1)(a))	<b>10</b>
14	Failure to comply with requirement of an authorised officer or constable.(Sec73(1)(b))	<b>10</b>
15	Failure to give information or assistance to an authorised officer or constable.(Sec.73(1)(c))	<b>10</b>



<b>B Offences under the Town Police Clauses Act</b>		
<b>Section</b>	<b>Offence</b>	<b>Penalty</b>
48	Failure by HC Proprietor to hold a copy of HC driver licences of persons who use the vehicle	<b>10</b>
	Carrying other person than the hirer without consent	<b>10</b>

<b>C Offences under the Byelaws</b>	
All breaches of hackney carriage byelaws shall attract 10 penalty points.	

<b>D Policy and Conditions of Licence</b>	
All non compliance with the policy and breaches of licence conditions shall attract 10 penalty points.	

## Appendix M

# Procedure to be followed for Hearings at the Taxi and Miscellaneous Sub Committee