

PENALTY POINTS SCHEME

1.0 The details of how the scheme will be operated are as follows:

- 1.1 This Policy will be fully considered by an authorised officer when determining the manner on which any breach of legislation or the requirements of this Policy are dealt with.
- 1.2 The Penalty Points Scheme will operate without prejudice to Licensing Authority's ability to take other action under appropriate legislation or as provided for by this policy.
- 1.3 The Penalty Points Scheme outlined in Schedule 1 identifies a number of breaches of conditions, byelaws and/or statutory provisions. It then indicates the number of points to be invoked should the breach be proven and by whom.

2.0 Imposition of Points

- 2.1 Where it is decided that the use of the Penalty Points Scheme is appropriate, the points will be issued in accordance with Schedule 1 to this appendix.
- 2.2 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 the 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.
- 2.3 Points issued to a proprietor, operator or driver will be confirmed in writing within three weeks of the completion of enquiries into the contravention or upon discovery of breach.
- 2.4 Points will be imposed on the licence holder by either Licensing Officers or by the Licensing Sub-Committee. The imposition shall be in accordance with Schedule 1 to this Appendix.
- 2.5 There is no financial penalty associated with the Penalty Point Scheme, and the licence holder may continue to work. However, the licence holder may be asked to attend a hearing before the Licensing Sub-Committee if 12 or more penalty points are imposed on an individual licence and are still valid, where appropriate action will be taken in accordance with this policy.

3.0 Duration of Points

3.1 When issued, the penalty points will remain “live” for the period specified in Schedule 1 to this Appendix. They will remain on the licence for consideration from the date they are imposed for the specified period indicated in Schedule 1.

4.0 Alternative to Penalty Points

4.1 Where a driver, proprietor or operator attains 12 penalty points, disciplinary options available to the Licensing Authority will include suspension or revocation of the driver’s licence.

4.2 If it is felt that the matter does not warrant suspension or revocation of the licence, a written warning may be issued to the driver as to his future conduct.

4.3 Periods of suspension of a licence will be dependent on the nature of the breach of legislation or the requirements of this Policy and the compliance history of the licence holder.

4.4 A driver will always have the right to be represented at any meeting, either legally or otherwise, and to state any mitigating circumstances they deem necessary.

5.0 Appeals

5.1 Should a driver, operator or proprietor wish to dispute the imposition of points made by an officer, then they have the right to appeal. Appeals will be made to the Licensing Sub-Committee, who may quash or uphold the officer decision as they deem appropriate. A decision notice will be provided following such an appeal hearing, which will provide the reasons for the decision. Appeals must be made in writing within 21 days of the imposition of the penalty points. When considering the appeal, all matters will be considered.

5.2 Any driver or vehicle proprietor or operator subject to suspension or revocation has the right of appeal to the Magistrates Court against the suspension or revocation. In most cases a suspension will be subject to a 21 day appeal period starting on the date of the suspension notice to allow for the formal appeal process. There may be occasions where immediate suspension is required for example, for the protection of the public.

Schedule 1 to Appendix G - Penalty Points Tariff

1.1 Legislative offences and penalties:

Two statutes principally create offences relating to hackney carriages and private hire vehicles are; i) The Town Police Clauses Act 1847; and ii) The Local Government (Miscellaneous Provisions) Act 1976. Offences may also be committed under other legislation, byelaws or conditions.

1.2 The offences are set out below under the relevant statute state the number of points and the length of time that the points will remain on the licence. Where there is an option to attach more points, Licensing Officers will only be permitted to attach the minimum number of points. Where the Licensing Officer determines that the offence is of a more serious nature, the awarding of any points or action will be determined by the Licensing Sub-Committee, who on hearing the case may attach points between the minimum and maximum, should the case be found.

1.3 When an application or licence is determined by the Licensing Sub-Committee the points attached to a licence will be taken into consideration. In such cases the hearing will consider all relevant information and will determine the review in accordance with the relevant legislative framework. Points attached to a licence will not be the reason for refusal, suspension or revocation.

1.4 The Licensing Authority reserves the right to take all appropriate action as is deemed necessary. The attachment of points to a licence in no way prejudices the Licensing Authorities right to prosecute an offender should it be deemed in the public interest to do so.

1.5 Tables 4-7 set the number of points that will be deemed attached to a licence or application when determining the said application, renewing a licence or reviewing the licence of a current driver, proprietor or operator. The term conviction will be deemed to mean any conviction or fixed penalty or any material disclosed by the police on a DBS certificate which they consider to be relevant to a person acting as a Hackney Carriage or Private Hire Driver.

1.6 A list of the offences, penalty points and the relevant period that points remain on the licence are in accordance with the following tables:

Table 1

TOWN AND POLICE CLAUSES ACT 1847

List No.	Imposition of points by LO or Committee	Section and Offence	Penalty Points or Action	Period Points Remain on the Licence	Operator	Proprietor	Driver
1	LO or Committee	S40 - Giving false information on a hackney carriage licence application.	6-12*	3 Years		✓	✓
2	LO	S44 - Failure to notify change of address on a hackney carriage licence.	2	1 Year		✓	✓
3	Committee	S45 - Plying for hire without a hackney carriage licence.	12	5 Years			✓
4	Committee	S47 - Driving a hackney carriage without a hackney carriage driver's licence.	12	5 Years			✓
5	Committee	S47 - Lending or parting with a hackney carriage driver's licence.	12	3 Years			✓
6	Committee	S47 - Hackney carriage proprietor permitting or employing an unlicensed driver to drive a hackney carriage vehicle.	12	5 Years		✓	✓
7	LO	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	1 Year		✓	
8	LO	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	1 Year		✓	
9	LO	S52 - Failure to display a hackney carriage plate.	4	3 Years			✓
10	LO or Committee	S53 - Refusal to take a fare without a reasonable excuse.	8-12*	5 Years			✓
11	LO or Committee	S54 - Charging more than the agreed fare.	8	5 Years			✓
12	LO or Committee	S55 - Obtaining more than the legal fare (including failure to refund).	8	5 Years			✓
13	LO or Committee	S56 - Travelling less than the lawful distance for an agreed fare.	6	5 Years			✓
14	Committee	S57 - Failure to wait after a deposit to wait has been paid.	12	3 Years			✓
15	LO or Committee	S58 - Charging more than the legal fare.	8-12*	5 Years			✓
16	LO	S59 - Carrying persons other than with the consent of the hirer.	6	3 Years			✓
17	Committee	S60 - Driving a hackney carriage without the proprietor's consent.	12	5 Years			✓
18	Committee	S60 - Allowing a person to drive a hackney carriage without the proprietor's consent.	12	5 Years			✓
19	LO	S62 - Driver leaving a hackney carriage unattended.	2	1 Year			✓
20	LO	S64 - Hackney carriage driver obstructing other hackney carriages.	2	1 Year			✓
21	LO or Committee	S68 - Breach of Byelaws	3-6*	3 Years		✓	✓

Table 2

Local Government (Miscellaneous Provisions) Act 1976

List No.	Imposition of points by LO or Committee	Section and Offence	Penalty Points or Action	Period Points Remain on the Licence	Operator	Proprietor	Driver
22	Committee	S46(1)(a) - A licensed driver using an unlicensed vehicle for private hire purposes.	12	5 Years			✓
23	Committee	S46(1)(b) - Driving a private hire vehicle without a private hire driver's licence.	12	5 Years			✓
24	LO or Committee	S46(1)(c) - Proprietor of a private hire vehicle permitting or employing an unlicensed driver to drive a private hire vehicle.	8-12*	5 Years		✓	
25	LO or Committee	S46(1)(d) - Operating a private hire vehicle without a private hire operators' licence.	8-12*	5 Years	✓		
26	Committee	S46(1)(e) - Operating an unlicensed vehicle as a private hire vehicle.	12	5 Years	✓	✓	✓
27	Committee	S46(1)(e) - Operating a private hire vehicle when the driver is not licensed as a private hire driver.	12	5 Years	✓	✓	✓
28	LO	S48(6) - Failure to display a private hire vehicle plate.	4	1 Year		✓	✓
29	LO	S49 - Failure to notify the transfer of a vehicle licence.	3	1 Year		✓	
30	LO	S50(1) - Failure to present a hackney carriage or private hire vehicle for inspection upon request.	6	3 Years		✓	
31	LO	S50(2) - Failure to inform the Licensing Authority where a hackney carriage or private hire vehicle is stored, if requested.	3	1 Year		✓	
32	LO	S50(3) - Failure to report an accident to the Licensing Authority within seventy two hours.	6	3 Years		✓	✓
33	LO	S50(4) - Failure to produce the vehicle and/or insurance upon request.	6	3 Years		✓	✓
34	LO	S53(3) - Failure to produce a driver's licence upon request.	6	3 Years			✓
35	LO or Committee	S54(2) - Failure to wear a private hire driver's badge.	3-6*	3 Years			✓
36	LO or Committee	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.	3-8*	3 Years	✓		
37	LO or Committee	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.	3-8*	3 Years	✓		

38	LO	S56(4) - Failure of a private hire operator to produce his licence upon request.	4	1 Year	✓		
39	Committee	S57 - Making a false statement or withholding information to obtain a hackney carriage/private hire driver's licence.	12	5 Years			✓
40	LO or Committee	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.	6-12*	5 Years		✓	
41	LO or Committee	S61(2) - Failure to surrender a driver's licence or badge on or after suspension, revocation, or refusal to renew.	6-12*	5 Years			✓
42	LO or Committee	S64 - Permitting a private hire vehicle to wait on a hackney carriage rank.	6-12*	5 Years			✓
43	LO or Committee	S66 - Hackney Carriage charging more than the meter fare for a journey ending outside the District, without prior agreement.	8	3 Years			✓
44	LO or Committee	S67 - Hackney Carriage charging more than the meter fare when a hackney carriage is used as a private hire vehicle.	8	3 Years			✓
45	LO or Committee	S69 - Unnecessarily prolonging a journey.	8	3 Years			✓
46	Committee	S71 - Interfering with a private hire taxi-meter with intent to mislead.	12	5 Years		✓	✓
47	LO or Committee	S73(1)(a) - Obstruction of an authorised officer of the Licensing Authority or a police officer.	6-12*	5 Years	✓	✓	✓
48	LO or Committee	S73(1)(b) - Failure to comply with a requirement of an authorised officer of the Licensing Authority or a police officer.	3-12*	5 Years	✓	✓	✓
49	LO or Committee	S73(1)(c) - Failure to give information or assistance to an authorised officer of the Licensing Authority or police officer.	3-12*	5 Years	✓	✓	✓

Table 3

LICENSING AUTHORITY POLICY

List No.	Imposition of points by LO or Committee	Section and Offence	Penalty Points or Action	Period Points Remain on the Licence	Operator	Proprietor	Driver
50	Committee	Failure to ensure the safety of passengers.	12	5 Years	✓	✓	✓
51	LO or Committee	Concealing or defacing a vehicle licence plate.	6	3 Years	✓	✓	✓
52	LO	Failure to attend on time for a pre-arranged appointment at the request of the Licensing Authority for interview without reasonable cause.	2	1 Year	✓	✓	✓
53	LO or Committee	Conveying a greater number of passengers than permitted.	6-12*	5 Years			✓
54	LO	Failure to give reasonable assistance with passenger's luggage.	2	1 Year			✓
55	LO or Committee	Private hire soliciting for hire or accepting a fare that is not pre-booked.	6	3 Years			✓

56	LO	Operating/using a vehicle that is not clean and tidy internally or externally.	2	1 Year		✓	✓
57	LO or Committee	Operating/using a vehicle that is not in a safe condition internally or externally.	6-12*	5 Years		✓	✓
58	Committee	Driving without the consent of the proprietor.	12	5 Years			✓
59	LO	Drinking or eating in the vehicle whilst carrying passengers.	2	1 Year			✓
60	LO or Committee	Smoking in the vehicle at any time.	4-8*	3 Years			✓
61	LO	Causing excessive noise from any radio or sound-reproducing equipment.	2	1 Year			✓
62	LO	Sounding the horn to signal that the vehicle has arrived. disturbing residents	2	1 Year			✓
63	LO	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	3 Years			✓
64	LO	Parking a Hackney Carriage Vehicle or Private Hire Vehicle illegally so as to cause an obstruction to other road users.	3	1 Year			✓
65	LO or Committee	Using a non-hands free mobile telephone whilst driving/engine running.	6-12*	5 Years			✓
66	Committee	Failure to advise of a relevant medical condition.	12	5 Years			✓
67	LO	Failure to provide a receipt for a fare when requested.	2	1 Year			✓
68	LO or Committee	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.	8-12*	5 Years			✓
69	LO	Failure to notify the Licensing Authority of relevant change to licence details within the time specified in the associated licence conditions.	2	1 Year	✓	✓	✓
70	LO	Failure to produce a hackney carriage or private hire licence upon request.	3	1 Year	✓	✓	✓
71	LO	Failure to show a private hire driver's licence to the private hire operator at the commencement of employment.	2	1 Year			✓
72	LO	Failure of a private hire operator to request and keep a copy all driver's licence in his employ at the beginning of employment.	2	1 Year	✓		
73	Committee	Failure of a licence holder to disclose convictions within seven days of conviction.	12	5 Years	✓	✓	✓
74	LO	Refusing a guide, hearing or other prescribed assistance dog without holding the relevant exemption.	6	3 Years			✓
75	LO	Failure to search a vehicle after a journey or failure to take found property to the police within forty eight hours of finding.	3	3 Years			✓
76	LO	Failure to report an accident within seventy two hours.	6	3 Years			✓

77	LO	Failure to comply with requirements for the safe carrying of a wheelchair	6	3 Years		✓	✓
78	LO or Committee	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.	3-12*	5 Years		✓	✓
79	Committee	A Private Hire driver using a Hackney Carriage vehicle without a Hackney Carriage driver licence.	12	5 Years			✓
80	LO	Failure to carry an approved fire extinguisher.	2	1 Year		✓	✓
81	LO or Committee	Modifying a licensed vehicle without the consent of the Licensing Authority.	6-12*	5 Years			✓
82	LO	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.	4	3 Years		✓	✓
83	LO	Affixing or displaying a roof sign on a private hire vehicle or failure to affix a roof sign to a Hackney Carriage Vehicle.	4	3 Years		✓	✓
84	LO	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	3 Years		✓	✓
85	LO	Using a taxi-meter that does not conform to Licensing Authority requirements.	6	3 Years	✓	✓	✓
86	Committee	Driving with no insurance or inadequate insurance for the vehicle.	12	5 Years		✓	✓
87	Committee	Permitting the vehicle to be used for any illegal or immoral purposes.	12	5 Years	✓	✓	✓
88	LO	Failure of a private hire operator to ensure that office staff act in a civil and courteous manner at all times.	2	1 Year	✓		
89	LO	Failure of a private hire operator to keep the operating premises in accordance with Licensing Authority requirements.	3	1 Year	✓		
90	Committee	Failure of a private hire operator to ensure that all vehicles operated by him are adequately insured.	12	5 Years	✓		
91	LO or Committee	Failure of a private hire operator to obtain public liability insurance for the operating premises if the public are allowed access.	6	3 Years	✓		
92	LO	Driving or allowing a hackney carriage or private hire vehicle to be driven with tinted windows which do not conform to licence conditions.	2	1 Year		✓	✓
93	LO	Driving or allowing a hackney carriage or private hire vehicle to be driven without displaying the door signs or attaching the signs other than in accordance with the Councils Policy.	2	1 Year		✓	✓
94	LO	Failing to display "SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL" on the vehicles top sign.	2	1 Year		✓	
95	LO	Allowing a hackney carriage vehicle to be driven with a top sign that is in breach of the licence conditions.	2	1 Year		✓	

Table 4

Convictions - Violence											
		Number of Points									
Date Since Conviction Received (Years or Part Thereof)		1	2	3	4	5	6	7	8	9	10
List No.	Type of Offence	Points are doubled for a term of imprisonment served									
96	Common Assault	12	12	12	5	4	3	2	1	0	0
97	Assault, s47	12	12	12	5	4	3	2	1	0	0
98	Grievous Bodily Harm, s20	12	12	12	12	12	12	8	6	4	2
99	Grievous Bodily Harm, s18	12	12	12	12	12	12	12	12	8	6
100	Assault Police	12	12	12	8	6	5	4	3	2	1
101	Affray	12	12	12	6	5	4	3	2	1	0
102	Riot	12	12	12	12	8	6	4	2	0	0
103	Murder	12	12	12	12	12	12	12	12	12	12
104	Manslaughter	12	12	12	12	12	12	12	12	12	12
105	Manslaughter or Culpable Homicide while Driving	12	12	12	12	12	12	12	12	12	12
106	Using Threatening, Abusive Words or Behaviour	5	4	3	2	1	0	0	0	0	0
106 A	Battery	5	4	3	2	1	0	0	0	0	0
107	Breach of the Peace	3	2	1	0	0	0	0	0	0	0
108	Drunk and Disorderly	3	2	1	0	0	0	0	0	0	0
109	Common Assault - Aggravated	12	12	12	8	6	4	3	2	1	0
110	Obstruction	12	12	12	6	4	2	0	0	0	0
111	Robbery	12	12	12	12	12	12	12	12	8	6
112	Possess Offensive Weapon	12	12	12	8	6	4	2	0	0	0
113	Possess Firearm	12	12	12	8	6	4	2	0	0	0
114	Possess Firearm with intent	12	12	12	12	12	8	6	4	2	0
115	Criminal Damage	12	12	12	8	6	4	2	0	0	0
116	Violent Disorder	12	12	12	8	6	4	2	0	0	0
117	Resist Arrest	12	12	12	8	6	4	2	0	0	0
118	Arson	12	12	12	12	12	12	12	12	12	12

Table 5

Convictions - Dishonesty											
		Number of Points									
Date Since Conviction Received (Years or Part Thereof)		1	2	3	4	5	6	7	8	9	10
List No.	Type of Offence	Points are doubled for a term of imprisonment served									
119	Theft	12	12	12	6	4	2	1	0	0	0
120	Theft – Shoplifting	12	12	12	6	4	2	1	0	0	0
121	Theft – Employee	12	12	12	6	4	2	1	0	0	0
122	Theft – From Vehicle	12	12	12	6	4	3	2	1	0	0
123	Burglary & Theft - Dwelling	12	12	12	12	8	6	4	2	1	0
124	Burglary & Theft – Non Dwelling	12	12	12	6	4	3	2	1	0	0
125	Burglary & Theft – Aggravated	12	12	12	12	12	12	8	6	4	2
127	Fraudulent Use	12	12	12	6	4	3	2	1	0	0
128	Handling	12	12	12	6	4	3	2	1	0	0
129	Receiving	12	12	12	6	4	3	2	1	0	0
130	Forgery	12	12	12	6	4	3	2	1	0	0

131	Conspiracy to Defraud	12	12	12	6	4	3	2	1	0	0
132	Obtain Money by Deception	12	12	12	6	4	3	2	1	0	0
133	Obtain Money by Forged Instrument	12	12	12	6	4	3	2	1	0	0
134	Deception	12	12	12	6	4	3	2	1	0	0
135	False Accounting	12	12	12	6	4	3	2	1	0	0
134	False Statement to Obtain Benefit	12	12	12	6	4	3	2	1	0	0
136	Going Equipped	12	12	12	6	4	3	2	1	0	0
137	Taking/Driving or Attempt to Steal Vehicle	12	12	12	6	4	3	2	1	0	0
138	Allow to be Carried in a Stolen Vehicle	12	12	12	6	4	3	2	1	0	0
139	Perverting the Course of Justice	12	12	12	12	8	6	4	2	0	0

Table 6

Convictions - Drugs

		Number of Points									
Date Since Conviction Received (Years or Part Thereof)		1	2	3	4	5	6	7	8	9	10
List No.	Type of Offence	Points are doubled for a term of imprisonment served									
140	Possessing Controlled Drugs	12	12	12	12	8	6	4	2	1	0
141	Possessing Controlled Drugs with Intent to Supply	12	12	12	12	12	12	10	8	6	4
142	Producing Controlled Drugs	12	12	12	12	12	10	8	6	4	2
143	Import Drugs	12	12	12	12	12	12	10	8	6	4

Table 7

Convictions - Indecency

		Number of Points									
Date Since Conviction Received (Years or Part Thereof)		1	2	3	4	5	6	7	8	9	10
List No.	Type of Offence	Points are doubled for a term of imprisonment served									
144	Indecent Exposure	12	12	12	12	12	12	12	10	8	6
145	Indecent Exposure to the Annoyance of Residents	12	12	12	12	12	12	12	10	8	6
146	Indecent Exposure with intent to insult a female	12	12	12	12	12	12	12	12	10	8
147	Unlawful Sexual Intercourse	12	12	12	12	12	12	10	8	6	4
148	Importuning	12	12	12	12	12	12	12	10	8	6
149	Gross Indecency with a Female	12	12	12	12	12	12	12	12	12	12
150	Gross Indecency with a Male	12	12	12	12	12	12	12	12	12	12
151	Indecent Assault on a Female	12	12	12	12	12	12	12	12	12	12
152	Indecent Assault on a Child under 16 years of age	12	12	12	12	12	12	12	12	12	12
153	Living Off Immoral Earnings	12	12	12	12	12	12	12	10	8	6
154	Prostitution	12	12	12	12	12	12	10	8	6	4
155	Possessing or Distributing Obscene Material	12	12	12	12	12	12	12	12	10	8
156	Buggery	12	12	12	12	12	12	12	12	12	12
157	Rape	12	12	12	12	12	12	12	12	12	12
158	Indecent or Nuisance Telephone Calls	12	12	12	12	12	8	6	4	2	1

Any subsequent amendments to the legislation will supersede the tables above and this appendix may be amended to reflect the revised legislation by way of an addendum to this policy.

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