



BROMSGROVE DISTRICT COUNCIL

HACKNEY CARRIAGE AND PRIVATE HIRE PENALTY POINTS SYSTEM

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

1. Bromsgrove District Council's Enforcement Policies will be fully considered by the enforcing officer when determining the manner in which any breach of the legislation, byelaws or the requirements of this licence conditions are dealt with. Where it is decided that the use of penalty points is appropriate they will be issued in accordance with the rate in the attached schedule.
2. Before penalty points are issued, there must be sufficient evidence to prove the relevant offence(s) or breach of condition(s).
3. Each case will be considered on its own merits.
4. When points are issued, the relevant proprietor, driver or operator will be sent written confirmation within five working days.
5. Points may be issued to the driver, proprietor and/or operator of a vehicle in accordance with the table below depending on the circumstances of the case.
6. Where the driver of the vehicle is also the proprietor and/or operator of the vehicle, only one set of points will be issued in respect of each offence or breach of condition identified.
7. There is a right of appeal to the Licensing and Support Services Manager at Worcestershire Regulatory Services against any points that are issued.
8. Points issued will remain "live" for a rolling period of two years from the date of issue. Points will be considered "spent" once it is more two years from the date of issue.

9. Any driver, proprietor or operator accumulating 12 points in a two year period will be referred to a Licensing Sub-Committee for a review of whether the individual remains a fit and proper person to hold the relevant licence.
10. When a driver, proprietor or operator appears before a Licensing Sub-Committee, the following options are available to the Sub-Committee:
 - Take no further action
 - Issue a written warning
 - Extend the two year period for which the points remain live
 - Suspend the licence
 - Revoke the licence
 - Any other action that the Sub-Committee feels appropriate in the circumstances of the case
11. Any driver appearing before a Licensing Sub-Committee will have the right to make representations to the Sub-Committee and be legally represented at the hearing.
12. Any driver, proprietor or operator who has their licence suspended or revoked by a Licensing Sub-Committee will have the right to appeal against the decision to a Magistrates Court within 21 days unless in the interests of public safety, the Sub-Committee further resolves that the suspension or revocation should have immediate effect.
13. Once a Licensing Sub-Committee has considered a case involving accumulated points, the points will be treated as spent unless the Sub-Committee decides otherwise.
14. If the Sub-Committee decides that any points are to remain live, they must stipulate the date at which they will be considered spent.
15. Nothing in this penalty points system will prevent the Council from taking action under any appropriate legislation.
16. The penalty points scheme will be subject to review two years after implementation and as necessary thereafter.

SCHEDULE – TARIFF OF POINTS ISSUED FOR OFFENCES / BREACHES

| | Offence (s) / Breach of condition (s) | Points applicable | Vehicle Driver | Vehicle Proprietor | Operator (PH) |
|----|--------------------------------------------------------------------------------------------------------------|--------------------------|-----------------------|---------------------------|----------------------|
| 1 | Failing to behave in a civil and orderly manner | 4 | X | | |
| 2 | Failure to proceed to another hackney carriage stand on finding a hackney carriage stand full (over-ranking) | 3 | X | | |
| 3 | Failing to wear drivers badge so it is plainly visible | 3 | X | | |
| 4 | Failing to display vehicle licence plate on the outside rear of the vehicle | 3 | X | X | |
| 5 | Vehicle interior in unacceptable condition | 3 | X | X | |
| 6 | Vehicle exterior in unacceptable condition | 3 | X | X | |
| 7 | Failure to provide fire extinguisher | 3 | X | X | |
| 8 | Failure to provide adequate first aid kit | 3 | X | X | |
| 9 | Taximeter defective or not clearly visible | 4 | X | X | |
| 10 | Failing to afford reasonable assistance with loading and unloading luggage | 3 | X | | |
| 11 | Failure to display table of fares | 3 | X | X | |
| 12 | Conveying more passengers in the vehicle than permitted by the licence | 4 | X | | |
| 13 | Leaving hackney carriage unattended on a stand | 3 | X | | |
| 14 | Charging more than the prescribed fare for a journey | 4 | X | | |
| 15 | When hired to do so, failing to attend at the appointed time and place without reasonable cause | 3 | X | X | X |
| 16 | Failing to hand in property left in a licensed vehicle by a passenger | 3 | X | X | X |
| 17 | Failing to notify the Council of motoring or other convictions within 7 days | 4 | X | X | X |
| 18 | Failing to keep appropriate records of bookings | 4 | | | X |
| 19 | Failing to notify the Council of a change of name or address | 3 | X | X | X |
| 20 | Refusing a fare without reasonable cause | 3 | X | | |
| 21 | Failing to report an accident to the Council within 72 hours | 3 | X | X | |
| 22 | Failing to produce insurance certificate to officer on request | 4 | X | X | |
| 23 | Failing to produce vehicle for inspection on request | 4 | X | X | |
| 24 | Failure to produce booking records upon request | 4 | | | X |
| 25 | Causing or permitting any vehicle other than a hackney carriage to wait on a hackney carriage stand | 4 | X | | |
| 26 | Unnecessarily prolonging a journey without reasonable cause | 4 | X | | |
| 27 | Obstructing an authorised officer or constable | 3 | X | X | X |

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|----|------------------------------------------------------------------------------------------|---|---|---|---|
| 28 | Failing to comply with a requirement properly made by an authorised officer or constable | 3 | X | X | X |
| 29 | Using vehicle horn otherwise than in accordance with the rule 112 of the Highway Code. | 3 | X | | |
| 30 | Allowing smoking in a licensing vehicle | 3 | X | | |
| 31 | Smoking in a licensed vehicle | 3 | X | | |
| 32 | Parking a vehicle in an illegal or dangerous position | 3 | X | | |