

Appendix G – Penalty Points System

- 1.1 This document provides guidance in relation to the penalty point system ~~North Northamptonshire Council operates a points-based system for hackney carriage and private hire enforcement used by North Northamptonshire Council. The system operates alongside and in addition to the Council's other enforcement powers in respect of hackney carriage and private hire licensing rules and controls. The operation of the penalty point system is not intended to fetter the Council's discretion to exercise its full complement of enforcement powers as it deems appropriate. , which allows minor breaches of the rules to be recorded and considered in context, while referring those with persistent or serious breaches to the Licensing Panel. This has the benefit of consistency in enforcement and makes efficient use of the Licensing Panel's time.~~
- 1.2 Penalty points may be awarded to Licence Holders for failure to comply with the Council's conditions, standards, byelaws, policies, and legislative requirements. Points issued under this system may be awarded to Hackney Carriage or Private Hire Drivers (and those holding a dual driver badge), holders of a Hackney Carriage or Private Hire Vehicle Licence and to Private Hire Operators.
- 4.11.3 Licence Holders should be aware that points accrued under this system are separate to the 'penalty points' (endorsements) that courts can put on a motorist's licence.
- 1.4 The penalty point system is enforced by authorised officers of the Council who are duly authorised under the Local Government (Miscellaneous Provisions) Act 1976 and the Town and Police Clauses Act 1847. Points may be issued which result from information provided by Police Officers, Police Community Support Officers, other Local Authority Officers, as well as from members of the public, where there is appropriate evidence to do so.
- 4.21.5 When determining whether a licence holder has breached relevant legislation, byelaws, standards, policy, or conditions, the enforcing officer will have reference to the Council's Enforcement Policies. 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.
- 1.3 Before penalty points are issued there must be sufficient evidence to prove the offence or breach of conditions. Evidence for penalty points is considered 'on the balance of probability', not the higher threshold of 'beyond reasonable doubt'.
- 1.4 Each case will be considered on its merits.

- 1.5 Penalty points will be issued according to the points designated for that specific breach. When points are issued by an authorised officer, the owner/proprietor, operator or driver will be sent written confirmation within 5 working days. The Council reserves the right to issue penalty points to the driver, vehicle licence holder and operator for the same contravention or breach if the circumstances warrant it. There is a right of appeal to the Licensing Panel. However, anyone wishing to appeal should be aware that the Licensing Panel may decide to extend the period for which the points have effect ~~increase points~~ or apply another sanction, should they feel there is merit in doing so.
- 1.6 Points incurred will remain on the record for a fixed period. The usual duration of a driver and private hire vehicle operator licence is 3 and 5 years respectively. To ensure that all past behaviour is taken into account when considering whether to grant a new licence, the points will remain on ~~the~~ record from the date of the incident for 3 years for drivers and proprietors and 5 years for private hire vehicle operators. If a licence lapses during this period, the points will be kept on record and will generally be carried onto any new licence issued. The Council will, however, consider whether a review is undertaken within a shorter period for example, a year in situations where points are incurred as this may indicate rapidly deteriorating standards or unsatisfactory conduct. Licence Holders who regularly accumulate points can expect more serious consequences, such as longer periods of suspension and possible revocation of their licence.
- 1.7 Any driver, proprietor or operator accumulating 12 points within the designated period will be required to appear before a hearing of the Licensing Panel for a review of the conduct of the licence holder and whether further action is necessary to address any concerns.
- 1.8 Where a driver, proprietor or operator is brought before a Licensing Panel, the Panel Members may exercise one of the following options:
- (i) Extend the ~~two-year~~ period in which points remain live
 - (ii) Issue a written warning
 - (iii) Suspend ~~the~~ licence
 - (v) Require the licence holder to undertake ~~Undertaking additional~~ training, practical assessment and / or testing, as well as or instead of any of _____ the above
 - (vi) Revoke the licence
 - (vii) Take no further action
 - (viii) Any other action the Licensing Panel deems appropriate.
- 1.9 Any driver, operator or proprietor required to appear before a Licensing Panel having accumulated 12 points shall be entitled to make representations to the Panel or be legally represented at the hearing.

1.10 Any driver, proprietor or operator given a period of suspension or having their licence revoked shall be entitled to appeal to Magistrates' Court within 21 ~~twenty-one~~ days of notification of the Licensing Panel' decision.

~~1.11 When a Licensing Panel hearing has been held, any points accumulated will be deemed as spent unless the Licensing Panel decides otherwise.~~

1.112 If the Licensing Panel decides that any points will remain live, they must stipulate the point (date) at which they will expire.

1.132 Nothing in this penalty points system will stop the Council from acting under any other appropriate legislation.

1.143 This penalty points system will be reviewed in tandem with the next review of the Council's Hackney Carriage and Private Hire Licensing Policy, but may be reviewed in the intervening period where necessary, two years after implementation and as necessary thereafter.

1.154 The Council reserves the right to suspend, revoke or refuse to renew a licence or to prosecute in appropriate circumstances and without reference to the penalty points system. Any breaches of a vehicle licence condition which results in penalty points being awarded, will be applied to the driver and/or the operator / proprietor as deemed appropriate in that case.

Private Hire and Hackney Carriage Vehicle Licence – Penalty Points [will be issued to the vehicle owner / proprietor or operator]

Penalty Point Type	Points
Failing to display clearly licence plates on exterior of vehicle.	4
Failing to display clearly interior licence plate so that it is visible to passengers.	4
Carrying more persons than permitted by the vehicle licence.	8
Fixing the exterior licence plates to the vehicle other than in a manner authorised by the Council when not undertaken by the Council.	4
Failing to notify changes affecting the particulars on the vehicle registration document in writing to the Council e.g. change of address within 7 days.	4
Proprietor of a licensed hackney carriage vehicle exhibiting business advertising details on rear doors exceeding the prescribed limits.	3
Fixing any form of advertising on the inside of the hackney carriage vehicle without written consent.	4
Failing to provide a first aid kit in the vehicle in such a position to be readily available for use with the vehicle registration number clearly marked and legible.	4
Affixing a roof sign, roof light or any commercial advertising on a private hire vehicle	6
Failing to display notice in vehicle requiring passengers to wear the seat belts provided.	3
<u>Failing to display Council-issued notices or other signage in accordance with the Council's Policy and any relevant Licence Conditions or Byelaws</u>	<u>6</u>
Permitting a child under the age of 13 years to use a front passenger seat.	6
Permitting a child to be carried in a rear facing carrier in the front passenger seat in a vehicle fitted with a passenger side airbag.	6
Vehicle proprietor failing to ensure the seats are clean and in a good state of repair.	3
Vehicle proprietor failing to ensure the vehicle floor and coverings are clean and in a good state of repair.	3
Vehicle proprietor failing to ensure the fittings, furniture and vehicle exterior is kept in a clean and well-maintained condition.	3
Failing to permit inspection and/or testing by a Council authorised officer at any reasonable time.	6
Failure to return a plate after notice has been given following expiry, revocation, or suspension of a private hire vehicle licence.	6
Failure to undertake daily vehicle checks recorded on the inspection form.	4
The driver of a licensed vehicle failing to ensure the safety of persons conveyed in or entering or alighting from the vehicle.	6
Failing to carry out necessary repair work after roadside check reveals the need for some.	6

Hackney Carriage Vehicle Licence ONLY – Penalty Points [will be issued to the vehicle owner / proprietor]

Penalty Point Type	Points
Proprietor of a hackney carriage vehicle failing to notify the Council within 24 hours of taximeter being broken.	6
The proprietor of a hackney carriage vehicle transferring hackney carriage plate to another vehicle without advising the Council within 14 days.	6
Hackney carriage proprietor failing to provide sufficient means by which any person in the carriage may communicate with the driver.	3
Proprietor of a hackney carriage failing to provide taxi meter bearing the words 'For Hire' and so constructed, attached, and maintained to comply with requirements.	3
Failing to ensure that the word 'Taxi' is exhibited on the roof sign in plain letters which are legible.	3
Proprietor of a hackney carriage failing to ensure that taxi meter is not in operation when the 'Taxi' sign is illuminated.	3
Proprietor of a hackney carriage failing to ensure that correct fare and the word FARE is displayed clearly and legibly on the meter including in the hours of darkness.	6
Proprietor of a hackney carriage failing to ensure that a meter fixed to a hackney carriage shall be sealed so that no person can tamper with the meter except by breaking the seal.	6
A proprietor or driver of a hackney carriage vehicle, when standing or plying for hire shall not call out or otherwise importune any person to hire a carriage.	3
The proprietor of a hackney carriage vehicle failing to cause a statement of fares to be exhibited inside the carriage in clearly distinguishable letters and figures.	3

Hackney Carriage and Private Hire Driver ~~Conditions~~ Licence [points will be issued to the licensed driver]

Penalty Point Type	Points
Using vehicle as private hire vehicle without a licence for that vehicle.	12
Lending or parting with a hackney carriage driver's licence.	8
Failure to present a hackney carriage or private hire vehicle for inspection on request by an authorised officer of the Council.	6
Making a false statement or withholding information to obtain a hackney carriage/private hire driver's licence.	12
Failure to surrender a driver's licence after suspension, revocation, or refusal to renew <u>within 7 days-</u>	12
Private hire drivers and vehicles, using or waiting on a Hackney Carriage rank.	4
Obstruction of an authorised officer of the Council or a Police Officer.	12
Failure to comply with a requirement of an authorised officer of the Council or a Police Officer.	6
Failure to give information or assistance to an authorised officer of the Council or a Police Officer.	6
Giving false information on an application for a hackney carriage/private hire driver's licence.	12
Failure to notify change of address of a licensed driver within 7 days.	4
Failing to take a hackney carriage fare.	6
Carrying other persons in a private hire vehicle or hackney carriage vehicle other than with the consent of the hirer.	4
Being under the influence of alcohol or drugs when driving a hackney carriage or private hire vehicle.	12
Failure to wear a driver badge or display the driver badge in a prominent position in the vehicle so that it may be clearly seen by passengers.	4
Failure to return licence and licence plates when vehicle ceases to be used as a hackney carriage or private hire vehicle <u>within 7 days-</u>	6
Recklessly and dangerous driving of a hackney carriage or private hire vehicle leading to injury or danger.	12
Licensed driver failing to notify the Council of any <u>arrest,</u> cautions, convictions, including any pending convictions or fixed penalties within <u>48 hours 7 days-</u> of notification. This includes any Road Traffic Act offences.	8
<u>Failure to notify the Council of a change in medical condition that may affect driving within 7 days of the change occurring.</u>	<u>4</u>
Driver failing to ensure that at all times when driving for hire that the driver is clean and smartly dressed.	4
<u>D</u> The driver behaving in an abusive, aggressive, threatening, or intimidating manner to any passenger, officer of the Council or contracted garage personnel.	6

<u>Driver displaying poor conduct: for example, engaging in any discriminatory behaviour, poor driving, inappropriate behaviour or conversation with passengers, and failure to provide reasonable passenger assistance.</u>	<u>4</u>
The proprietor or driver of a hackney carriage hired to be at a certain place and time failing so to be without sufficient cause or failing to notify the hirer in good time that they will be unable to keep the booking.	4
The driver of a hackney carriage failing to take the shortest route to any destination unless given other directions by the hirer.	6
Proprietor or driver of a hackney carriage or private hire vehicle carrying more than the prescribed number of persons specified on the plate.	8
Licensed driver failing to wear <u>or display the provided driver licence badge in the vehicle</u> the provided badge in a position and manner to be plainly visible.	4
<u>Driver failing to report a lost or stolen driver badge to the Council within 7 days.</u>	<u>2</u>
Licensed driver refusing or failing to carry, load or unload a reasonable quantity of luggage when requested by the hirer.	4
Interfering/ <u>tampering</u> with a taxi meter with intent to mislead.	12
<u>Driving with a faulty taxi meter</u>	<u>6</u>
<u>Charging more than the agreed fare or metered fare if no prior fare agreed (private hire)</u>	<u>6</u>
Leaving a Hackney Carriage Vehicle unattended on any Council stand (taxi rank).	6
Failing to comply with the requirements of the Highway Code or Traffic Order - i.e. parking/stopping/waiting /leaving your vehicle unattended on a double yellow line, waiting or stopping on a bus stop, disabled bay, double yellow area, private land (without the owner's permission), failure to comply with the conditions/use of bus lanes, parking, waiting or stopping in a disabled bay longer than the permitted time, parking, waiting or becoming stationary or stopping the vehicle in a parking bay (without a valid ticket), causing an obstruction to traffic, parking in a dangerous position (i.e. Double parked, parked close to a road junction) or on a footway, blocking the driveway or entrance to any business, residence, school or other public building or space, or contravening any section of the Highway Code, traffic laws, regulations, orders or guidance	6
Hackney carriage and/or private hire driver failing or refusing to carry an assistance dog for a disabled passenger when requested by the dog's owner, unless the driver holds an Exemption Certificate issued by the Council.	12
Charging a fare for the carriage of an assistance dog or wheelchair/mobility aids for a disabled passenger.	12
Failing to provide reasonable mobility assistance to disabled passengers, unless the driver holds an Exemption Certificate issued by the Council.	12

Failure to display an Exemption Notice in a position within the vehicle so that it can be clearly seen by passengers or an authorised officer of the Council.	6
Failure to report an accident to the Council within 72 hours <u>and /</u> or failure to subsequently submit the completed accident form within 7 days.	6
<u>Failing to provide a receipt on request by a passenger.</u>	<u>2</u>
Failure to return a plate within 7 days after notice has been given following expiry, revocation, or suspension of a private hire vehicle licence.	6
Driver failing to check the vehicle after a hiring for property inadvertently left behind and failing to notify the lost property to their Operator or the vehicle proprietor within 24 hours when not claimed sooner by the owner.	3
Smoking in the licensed vehicle.	12
Using or permitting the use of an E-cigarette/vaping cigarette or equivalent in the licensed vehicle.	6
Using a hand-held mobile telephone or a hand-held device while driving.	12
Using personal information such as mobile phone numbers <u>and email addresses</u> , inappropriately.	6
Hackney carriage and/or private hire driver failing to keep the Council informed within 7 days of the Operator he/she is working for.	4

Private Hire Operator Licence – Penalty Points [will be issued to the private hire operator]

Penalty Point Type	Points
Proprietor of private hire vehicle using an unlicensed driver.	12
Operating a vehicle as a private hire vehicle without a Private Hire Operator Licence.	12
Operating a vehicle as a private hire vehicle when the driver is not licensed as a private hire driver.	12
Operator refusing to accept a booking by or on behalf of a disabled person accompanied by an 'assistance dog' when the reason for failure or refusal is that the disabled person will be accompanied by the 'assistance dog'.	12
Failure to accept a booking made by or on behalf of a wheelchair user without good cause.	12
Charging a fee in respect of the carriage of an assistance dog or in respect of the carriage of mobility aids, including wheelchairs.	12
Failure to have in place suitable public liability insurance on display in the public waiting area.	6
Failure to report an accident to the Council within 72 hours and/or failure to subsequently submit the completed accident form within 7 days.	6
Failure to keep proper and legible (in ink or computerised) records of all bookings, or failure to produce them on request of an authorised officer of the Council or a police officer, or failure to keep above records for a period of 3 years after the last entry.	8
Failure to keep the up to date, legible (in ink or computerised) private hire vehicles register, or failure to produce them on request of an authorised officer of the Council or a police officer, or failure to keep above records for a period of 3 years after the last entry.	8
Failure to keep the up to date, legible (in ink or computerised) booking staff register, or failure to produce them on request of an authorised officer of the Council or a police officer, or failure to keep above records for a period of 3 years after the last entry.	8
Failure to produce his/her licence on request.	4
Failure to return a plate within 7 days after notice has been given following expiry, revocation, or suspension of a private hire vehicle licence.	6
Failure Private Hire Operator who ceases to carry on a private hire vehicle business failing to return the Operator Licence to the Council without delay within 7 days of the private hire business ceasing to operate.	12
Failure to notify the Council within 10 working days of any change of home address, whether permanent or temporary.	6

Failure to notify the Council, providing full details, of any conviction, binding over, caution, warning, reprimand, or arrest for any matter (whether or not charged) imposed on him / her (or if the Operator is a Company or Partnership on any of the Directors, Secretary or Partners) during the period of the licence within 10 working days of the offence.	8
Failure to notify the Council, in writing, within 7 days of the engagement or employment of a new hackney carriage /private hire driver/ <u>dual licensed driver</u> .	4
Failure to notify the Council in writing, within 7 days of the termination of engagement or employment of hackney carriage /private hire driver/ <u>dual licensed driver</u> .	4
Failure to inform the Council if operator is going to be absent from the day to day running of the business for a period of 2 consecutive months or more. In doing this, the operator must give the name of the person that will be responsible for the running of the business on their behalf.	6
Failure without good reason to ensure that a booked vehicle attends at the appointed time and place.	4
Failure to retain Private Hire Driver Licence as long as the driver remains in his/her employ.	3
Failure to make available for inspection at reasonable times original private hire driver licences held by him/her.	3
Failure to maintain vehicles used under the licence in a very high standard of mechanical efficiency with the bodywork free from rust and dents; the interior and exterior in a good state of repair and cleanliness.	4
Failure to ensure that their licensed drivers are clean or smartly dressed.	4
Failure to ensure that the drivers of private hire vehicles do not ply the streets for hire or use hackney carriage stands.	4
Failure to ensure that the conduct of their licensed drivers remains free from repeated complaints.	4
Failure to return the Private Hire Driver Licence to the licensed driver when no longer employed by the operator.	6
Failure to notify the Council in writing of any change in partnership, directorship, ownership, management or control of the business within 5 working days.	6
Failure to notify the Council in writing of any change in partnership, directorship, ownership, management or control of the business within 5 working days.	4