



Name of meeting and date: **Licensing & Safety Committee – 18th March 2011**

Title of report: **Penalty Point System for Taxis and Private Hire Vehicles**

Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	No
Is it in the <u>Council's Forward Plan</u> ?	Not applicable
Is it eligible for "call in" by <u>Scrutiny</u> ?	Yes
Cabinet member <u>portfolio</u>	

Electoral wards affected and ward councillors consulted: **All wards**

Public or private: **Public**

1. Purpose of report

To assist the Council in improving standards by considering the proposed introduction of a penalty points scheme for Hackney Carriage, Private Hire drivers and Operators.

2. Relevant Background Details

Currently Hackney Carriage and Private Hire Operators, Drivers and Vehicles are principally governed by the Local Government (Miscellaneous Provisions) Act 1976, Town Police Clauses Act 1847, Council Byelaws and the Conditions implemented by this Licensing Authority.

When Drivers, Owners or Operators of vehicles commit an offence or breach these rules, persons involved are asked to attend the offices for an interview and then once investigations are completed, letters are sent out detailing the outcome with a record kept on the drivers file. The outcome of investigations may result in no further action being taken, a formal warning, referral to the Licensing Panel and/or prosecution which could subsequently result in the revocation of a licence.

3. Key Points

Whilst the majority of licence holders abide by the rules, there is small number of drivers that consistently do not. Officer's time is regularly unnecessarily spent chasing up drivers who do not produce required information on time and who contravene Council conditions e.g. not wearing badges. The primary objective of implementing a penalty point's scheme is to improve the levels of compliance within the trade which would subsequently help improve the standards, safety and protection for the travelling public.

The scheme is designed to work in conjunction with current procedures and assist in providing a formalised stepped enforcement plan which is easier for drivers and proprietors to understand. The basic purpose of the scheme is to record misdemeanours and to act as a record of driver's and/or operator's behaviour and conduct so as to ascertain whether they are a fit and proper person.

Penalty Points would be issued according to the agreed and published tariff, with any failure to put right any defects or infringements within the given timescales would attract further additional penalty points.

Generally infringements requiring immediate formal action and which would be the subject of a report to the Licensing Panel are rare. However, the introduction of a penalty points scheme will not in any way interfere with this process allowing the most serious cases to continue to be dealt with as they are now.

Points given will remain on record for twelve month rolling period which is considered a reasonable period of time over which the total penalty points awarded to any individual licensee should be assessed. This will allow any older points to be considered as spent and therefore excluded from the running total recorded against any individual licensee.

The period is considered to be of sufficient length so as to allow any licensee who may find themselves accumulating penalty points to take appropriate remedial action before facing the possibility of sanctions being taken.

Where it is decided that the use of the penalty points system is appropriate, the points will be imposed on the scale shown. Points will be issued under existing principles of evidence and infringements will have to be witnessed by Council Officers.

Where a licensee accumulates more than 6 penalty points in any 12 month period the matter would be referred to the Council's Licensing Panel for a decision as to whether the driver is a fit and proper person to continue to hold a licence. The Licensing Panel may then suspend or revoke their licence, or issue a warning to the licensee, depending upon the circumstances. Periods of suspension of a licence by a Panel will be dependant on the nature of the breaches of the legislation/conditions and the compliance history of the individual.

Any disputes regarding the issuing of penalty points will be referred to the Licensing Panel.

4. Consultation

The above proposal for this scheme was put before the Licensing & Safety committee on 1st March 2010, where it was decided a working group should be formed to look at the feasibility of introducing such a scheme.

The working group members chosen were:

Cllr Rochelle Parchment, Cllr Adrian Murphy, Cllr Derek Yates, Taxi Trade Representatives: Amjad Nadeem, Akmal Hussain, Akooji Badat, Council Licensing Officers Michael Stocchero and Karen Eastwood.

5. Issues to be taken into account:-

The implementation of this scheme will alter the way in which enforcement is carried out. However, the scheme does not seek to introduce new regulations in order to complicate the legal process.

Human Rights

The First Protocol 1 Article 1 is relevant in that this progressive enforcement regime could ultimately result in a Driver or Operator license being revoked. Notwithstanding this, there is derogation if the control is in the public interest. Consequently, the implementation of this scheme is a method by which vehicles are kept safe for use. However, a fair balance has to be achieved. The issues are the effect on the Driver or Operators business, the nature of the public interest, whether the public interest could be secured in another way, and if not whether there is a fair balance.

Equality Impact Assessment

The challenge is to ensure that the scheme is consistently applied in all cases without exception, and that it will promote consistency of approach regardless of race, religion, gender etc.

6. Representations

The working group met on 19th April 2010.

Taxi Trade Representatives :

Members of the working group from the taxi trade were not in favour and declined to offer any suggestions other than a blanket refusal to accept a points system in any form, and produced a petition against the proposals. (attached as appendix 1)

Members of the group state that drivers feel the existing system is working well, none of them would welcome a penalty point system. They feel this is just focusing on the 'negatives' and treating all drivers as 'bad drivers'. They pointed out that many of the offences that would incur penalty points were in fact legal requirements enforceable by law.

These views are mirrored in the petition, with drivers believing the proposals to be direct discrimination and many of them calling for strike action.

An updated proposal was sent out to members of the working party requesting any comments. (attached as appendix 2)

West Yorkshire Police Road's Policing:

Representations have been made by West Yorkshire Police Roads Policing advising the inclusion of further offences. These have now been included in the list.

Other Representations:

A number of councillors and drivers have called instead for a 'Reward Scheme' to give credit to drivers and operators rather than penalties, i.e using the carrot approach rather than the stick. However at this time the Licensing Department do not have the capacity for developing and implementing such a scheme.

7. Recommendation

It is recommended that the committee give consideration as to whether to progress the implementation of a penalty point scheme, although at present our IT capabilities will not support this penalty point scheme and further work would be required to go live with this scheme.

8. Contact officer and relevant papers

Catherine Walter, Licensing Manager 01484 456860 Neal Fearn, Assistant H of S (Building Control) 01484 221550

List of Appendices

Appendix 1 – Petition from drivers

Appendix 2 – Updated proposal

WE HAVE ARRANGED A PETITION AGAINST THIS PROPOSAL
TO BE PUT FORWARD IN OUR NEXT MEETING.

PLEASE PUT YOUR OPINIONS ON THIS MATTER/PETITION

NAME	BADGE	FOR	AGAINST	FORM OF PROTEST IF PLAN IS IMPLEMENTED/IDEAS?	PROTEST	STRIKE
ZANUJ 172	1080		✓			✓
ANWAR KUMAR	0375		✓	DRIVING VEHICLES, IS CONTROLLED BY LAW & POLICE, AND THEY CONTROL DRIVING VEHICLES, NOT THE COUNCIL		✓
MANDIT SINGH	0585		✓	ON WE PUT MUSIC ON, BECAUSE OF WHICH LONG JOURNALS, NOT FOR PLEASURE. OR TO ENTERTAINMENT ENTERTAINMENT FOR CUSTOMERS.		✓
GUL BAINAZ	0408		✓			✓
DWINDER SINGH	536		✓			✓
ANUM	4366		✓	Too Harsh - Grab the Taxi Drivers		✓
JERATHA HA	1301		✓			✓
M. SALBEH	1291		✓	MUSIC IS A THING WHEN ON LONG JOURNALS, AND SAYS US FROM BOARDER.		✓
MR. B.S. SINGH	1085		✓			✓
M KASLAM	579		✓			✓
SASID HUSSAIN	4288		✓			✓
TICKA KHAM	4062		✓			✓

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NAME	BADGE	FOR	AGAINST	FORM OF PROTEST IF PLAN IS IMPLEMENTED/IDEAS?	PROTEST	STRIK
B. HUSSAIN	1391		✓			✓
G. SIKANDY	46		✓			✓
M. RAM	1636		✓			✓
S. Siddique	5244		✓			✓
B. S. Sandhu	0067		✓			✓
Khuram	5679		✓			✓
A. PARVIZ	483		✓			✓
M. Shoaib	1973		✓			✓
I. SMAIL	2557		✓			✓
SADIS	DE4945		✓			✓
LEADER JIN H	0807		✓			✓
LAKSHMI SINHA	0101		✓			✓

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NAME	BADGE	FOR	AGAINST	FORM OF PROTEST IF PLAN IS IMPLEMENTED/IDEAS?	PROTEST	STRIK
AMISAD NADIM	4360	NO	YES	PROTEST AGAINST ALL ISSUES.	✓	✓
Mohammad IHSAN	4322	NO	YES	// //	✓	✓
ASGHAR ALI	4433	NO	YES	// //	✓	✓
M. RIAZ	0473		YES	// //	✓	✓
I. DAD	1357		YES	// //	✓	✓
K. NAZIR	4019		YES.	— — — — —	✓	✓
UMER KHAN	2363		YES	// //	✓	✓
ABDUL LATIF	DR 2028	NO	YES	YES	✓	✓
M. RIAZ	DR 5078	NO	YES	YES	✓	✓
A-S-Somir	267		YES	YES	✓	✓
K. YOUSUF	229		YES	YES	✓	✓
Ashraf Rashid	2378		YES	Protest against all issues	✓	✓

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M.N.B.P.	1103	*	YES		✓	✓
Z-majeed	4936	No	YES	//	✓	✓
JAVED	2294	No	YES	//	✓	✓
ATIF	5274	No	Yes	"	✓	✓
M-Naeem	5376	No	Yes	//	✓	✓
R. SINGH	4831	No	Yes	//	✓	✓
K. SINGH	5639	No	YES	//	✓	✓
M. NAEEM	2135	No	YES	//	✓	✓
M-NAEEM	2407	No	YES	//	✓	✓
MILVAS	2247	No	Yes	//	✓	✓
M. R. SINGH	2749	No	Yes	//	✓	✓
M. SALEEM	546	No	YES	"	✓	✓
M. ANWAR	826	No	Yes	//	✓	✓

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NAME	BADGE	FOR	AGAINST	FORM OF PROTEST IF PLAN IS IMPLEMENTED/IDEAS?	PROTEST	STRIK
A. KHAN	2365		X			X
M. H. SAIED	4125		X			X
A. HADI	2550		X			X
M. AFZAL	2233		X			X
TARIG			X			X
SAIWAH	5682		X			X
LIAQWA M.	4061		X			X
M. RAFIQ	2762		X			X
K. HAJI	2017		X			X
S. MAHMOUD	5678		X			X
S. ALI	4778		X			X
S. AHMED	2797		X			X

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NAME	BADGE	FOR	AGAINST	FORM OF PROTEST IF PLAN IS IMPLEMENTED/IDEAS?	PROTEST	STRIK
Narinder Bassi	5843		✓			✓
Amir Akbar	5687		✓			✓
Gurmukh Singh	2501		✓			✓
Naheed Choudry	5062		✓			✓
Mohinder Singh	0514		✓			✓
Lynton Simpson	2878		✓			✓
Kulbir Singh	2801		✓			✓
Mahmood Hussain	0911		✓			✓
Muhammad Imran	5852		✓			✓
Shahad Amir	1473		✓			✓
Khalid Younis	2796		✓			✓
Intizar Hussain	4445		✓			✓

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NAME	BADGE	FOR	AGAINST	FORM OF PROTEST IF PLAN IS IMPLEMENTED/IDEAS?	PROTEST	STRIKE
Javed Iqbal	4318		✓			✓
Muhammad Nahroof	5825		✓			✓
SUKHDEV SINGH	1461		✓			✓
NOOR AHMAD	0975		✓			✓
MOHAMMED AZAM	0486		✓			✓
ZAFFER ABBAS	5705		✓			✓
JEET SINGH	4243		/			✓
TARIQ TEHTOO)	4417		/			✓
SADID HUSSAIN	5751		/			✓
NAKHAN SINGH	5136		/			/
FAQIR SINGH	0387		/			/
LAMBAR SINGH	4358		/			✓

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NAME	BADGE	FOR	AGAINST	FORM OF PROTEST IF PLAN IS IMPLEMENTED/IDEAS?	PROTEST	STRIK
ZUBAIR Ahmed	DR 4733		✓		✓	
M. ISCAN	DR 4524		✓		✓	
MALIC	DR 5966		✓		✓	
Kashif Shahzad	D R 5338		✓		✓	
A Munir	DR 2404		✓	Saturday night strike 8 PM - 10 PM - 7 AM Sunday	✓	✓
M. SHAHZAD	DR 4275		✓	ONE WEEK STRIKE	✓	✓
MA	DR 5714		✓		✓	✓
S. Shahzad	DR 5331		✓		✓	✓

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NAME	BADGE	FOR	AGAINST	FORM OF PROTEST IF PLAN IS IMPLEMENTED/IDEAS?	PROTEST	STRIKE
Mark JASHIYI	DR 4819		✓	SINCE TAXI DRIVERS CAN NOT DO ANYTHING RIGHT. I PROPOSE ALL TAXI DRIVERS GO ON THE PAYROL YOU PROVIDE THE CARS AND WE	✓	✓
M. A JAVAD	DR 2351		✓	WILL DRIVE. YOU PAY US £8/hour	✓	✓
MEN PERVEZ	DR 4947		✓	//	✓	✓
PERVEZ	DR 4257		✓	//	✓	✓
MOHAMMED ALI	DR 4141		✓	Kirklees Need to sort their act out, they are so unfair to drivers	✓	✓
YASIR IHSAN	DR 5612		✓	// // //	✓	✓
Khalid MAHMOOD	5178		✓	// C F R	✓	✓
Wadeen	DR 4895		✓			

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NAME	BADGE	FOR	AGAINST	FORM OF PROTEST IF PLAN IS IMPLEMENTED/IDEAS?	PROTEST	STR
MOHAMMED ASIF HABIB	0980	+			✓	✓
AMJED ALI	2427	+			✓	✓
SUKHSHINDER CHIMA	2040	+			✓	✓
TARIK SALEM	5583	+			✓	✓
ABDUL WAHID	2849	X			✓	✓
MUHAMMAD RASHID	5810 5810	X			✓	✓
RAHIM KABIR	2755	+			✓	✓
M. YOUSUF	2253	+			✓	✓
J. IQBAL	1609	+			✓	✓
D. B. MACK	2048	+			✓	✓
FAROOQ TAJAMAL	2077	+			✓	✓
RAFIQ	2593	+			✓	✓
K. HUSAM	4876	X			✓	✓
SALEEM AMU	DR 2430				✓	✓

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NAME	BADGE	FOR	AGAINST	FORM OF PROTEST IF PLAN IS IMPLEMENTED/IDEAS?	PROTEST	STRIKE
M. SHAHID			✓	I FEEL THIS IS DISCRIMINATION. AGAINST GOOD DRIVERS	✓	✓
M. ASHFAQ	DR4828		✓	We do not agree with this proposal because its all about the public even though they have not asked for this.	✓	✓
A. HUSSAIN	DR2063		✓	Discrimination is the word, we are always being targeted, when will it all stop, do we not matter.	✓	✓
SAAKAT ALI	DR 1033		✓	we do not agree with this proposal because its all about the public even though they have not asked for this.	✓	✓
SACEY GAG	Controller		✓	Has anyone taken into consideration the drivers day in day out drivers are putting themselves at risk, who's going to stand up for them as they are not in a variety.	✓	✓
MOHAMMED KHAMID	0786		✓	This proposal has discrimination written all over it, what goes around comes around. isn't that what they say.	✓	✓
MOHAMMED SALEEM			✓	NO GOOD DISAGREE	✓	✓
HSAD HUSSAIN	2045		✓	NOT VERY FAIR ON TAXI DRIVERS ITS ALL FOR THE PASSENGERS	✓	✓
JAVAD IQBAL	CONTROLLER		✓	THIS IS ANOTHER MEET MEETING MADE STUNT FROM COUNCIL AGAINST DRIVERS	✓	✓
M-YASIN	2251		✓		✓	✓
MOHAMMED WASIM AYMIS	DR4324		✓	It seems unfortunate that one again the council has failed to provide a suitable and adequate proposal to suit all. Every heard the expression 'you can not run before you walk. The council need to get their act together.	✓	✓
ZULFIQAR ALI	DR 1361		✓		✓	✓

P.S KIRKLEES LICENSING NEED TO ORGANISE THEIR OFFICE BEFORE ~~START~~ DIRECTING OFFERS IN DIRECTIONS. THE RECEPTION STAFF DO NOT KNOW WHAT THEY'RE DOING AND IT AFFECTS DRIVERS AND WASTES THEIR TIME.

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	BADGE	FOR	AGAINST	FORM OF PROTEST IF PLAN IS IMPLEMENTED/IDEAS?	PROTEST	STRIKE
WVZ	DR4819		✓	SINCE TAXI DRIVERS CAN NOT DO ANYTHING RIGHT. I PROPOSE ALL TAXI DRIVERS GO ON THE PAYROL YOU PROVIDE THE CARS AND WE WILL DRIVE. YOU PAY VS £8/hour	✓	✓
WID	DR2351		✓	///	✓	✓
WVZ	DR4847		✓	///	✓	✓
WVZ	DR4257		✓	///	✓	✓
WVZ	DR4141		✓	Kirklees Need to sort their act out, they are so unfair to drivers.	✓	✓
WVZ	DR5612		✓	///	✓	✓
WVZ	5178		✓	///	✓	✓
WVZ	DR 4895		✓			

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NAME	BADGE	FOR	AGAINST	FORM OF PROTEST IF PLAN IS IMPLEMENTED/IDEAS?	PROTEST	STRIKE
RAJWAL JAIN	1368		✓		✓	
PAOHU MANN	1273		✓		✓	
RICHARD GEE			/		✓	
UMR. AZIZ	4250		/		✓	
VJ JOLTA	DR5363		✓		✓	
AS GOSAI	DR5756		✓		✓	
Amarich Singh	1684		✓		✓	
AMAL YASIN	2817		/		✓	
M. HAMMED			/		✓	
GOOWIND COLLINS	DR 1225		/		✓	
M. YASIN	4245		/		✓	
IMRAN AHMED	DR4577		✓		✓	

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M. AFZAL						
M. AFZAL	DR4943		✓		✓	✓
A. GHAFAR	DR1683		✓		✓	✓
M. JAMIL	DR6604		✓		✓	✓
M. HAN	DR1387		✓		✓	✓
T. A.	DR4113		✓		✓	✓
M. J.	DR1511		✓		✓	✓
A. GHAFAR	0381		✓		✓	✓
M. SARFARAZ	DR4951		✓		✓	✓
M. IQBAL	DR5028		✓		✓	✓
BOB KERRIGAN	CONTROLLER		✓		✓	✓
M. ABID	DR		✓		✓	✓
M. S.	0127		✓		✓	✓

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NAME	BADGE	FOR	AGAINST	FORM OF PROTEST IF PLAN IS IMPLEMENTED/IDEAS?	PROTEST	STRIK
EMTAZ MAHMOUD	4537		✓	Kirklees money making scheme. STRIKE? Need to control crime against drivers not punish drivers.	YES	YES
Anthony Stephenson			✓	kirklees money making scheme	YES	YES
AFZAL			✓	We are taxi drivers not MP's or working in Financial services. STRIKE STRIKE STRIKE!!!	✓	✓
MRHAMMAD NAEEN	4770		✓	kirklees needs to reviews it's new conditions.	✓	✓
MOLHAMMED SITGHAZ			✓	kirklees money making STRIKE STRIKE	✓	✓
SHAHID MAHMOUD			✓	kirklees money making STRIKE STRIKE STRIKE	✓	✓
ARIF RASHID	4556			STRIKE STRIKE STRIKE	✓	✓
MOLHAMMED ALAMAR MANZOUR	4505			money making strike, strike, strike	✓	✓
TANGORR				kirklees take time for good terms & conditions		

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22500

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AME	BADGE	FOR	AGAINST	FORM OF PROTEST IF PLAN IS IMPLEMENTED/IDEAS?	PROTEST	STRIKE
TARSIQ	5046		✓		✓	✓
Label No 2	DR 4896		✓		✓	✓
M. M. SAAD	2121		✓		✓	✓
WAZ MASIO	5173		✓		✓	✓
L. ALI	DR 1220		✓		✓	✓
Label	DR 5420		✓		✓	✓
Label	DR 4970		✓		✓	✓
ashid KRAM	DR 5370		✓		✓	✓
Label	DR		✓		✓	✓
Label	DR 5521		✓		✓	✓
KAZMI	DR 2119		✓		✓	✓
Label	DR 5699		✓		✓	✓

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ARYAD	DR 4737		✓		✓	✓
USSA	DR 4086		✓		✓	✓
ASHIF AHMED	DVR		✓		✓	✓
HABIB RAH	DR 5411		✓		✓	✓
JAD -I	DR 4022		✓		✓	✓
AMMAD AHIR	DR 4287		✓		✓	✓
AMMAD IAZ	4298		✓		✓	✓
HALID ALI M	DR		✓		✓	✓
FZAL FAMAZ	4464		✓		✓	✓
ANWAR	2566		✓		✓	✓
ITAN	41543		✓		✓	✓
ABEEL	CONTROR		✓		✓	✓
AVEED	DR 4762		✓		✓	✓

NAME	BADGE	AGAINST	COMMENTS	PROTEST	STRIKE
ASSAIN	2110	✓		✓	✓
ANWAR	4820	✓		✓	✓
ABAS	5788	✓		✓	✓
ANWAR	4899	✓	STRIKE No less than a week!	✓	✓
? ANWAR DR	4230	✓		✓	✓
ILYAS	5780	✓		✓	✓
MAHMOOD		✓		✓	✓

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YUSUF	1672		✓			
S. MANN	729		✓			
ASAM	018		✓			
ASAM	0775		✓			
Rasheed	4363		✓		✓	✓
I. QAISER	2081		✓			
SCHAA						
SIKARIM	2880		✓		✓	
Jalle	4571		✓			

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SARFED	2333		✓			
SADOM			✓			
SARIE			✓			
SADOM	1265		✓			
SADOM	2220		✓			
LAM SHER RIA 2.04	DR 0214		✓			
LAFI	DR 2793		✓			✓
SADOM	1446		✓		✓	✓
LANSOM	521703		✓			
IF 1434L	DR 2024		✓			
IOR NIA2	1755		✓		✓	✓
WAD	4201		✓		✓	✓

WE HAVE ARRANGED A PETITION AGAINST THIS PROPOSAL TO BE PUT FORWARD IN OUR NEXT MEETING.

PLEASE PUT YOUR OPINIONS ON THIS MATTER/PETITION

E	BADG	FOR	INST	FORM OF PROTEST IF PLAN IS IMPLEMENTED/IDEAS?	PROTEST	STRIKE
mmad med-	DR 4704		✓		✓	
loof	4080		✓		✓	
EIKW HIR KEHMAU	DR. 6029		✓		✓	
AZAIKAI	DR 4418		✓		✓	
ussair	DR 4115		✓	<div style="border: 1px solid black; padding: 5px;"> Disappointed with the licensing panel and officer, who one I believe out of touch with reality. don't know the real issue - ABOUT A TAX! Driver being Abused physically, verbal and etc. people not paying the tax. they should be considering how to protect the tax payer and people who don't pay the panel. </div>	✓	
phairmae SHAD	DR 4115		✓			✓
shanno ADNEW	DR 1358		✓	↑ IGNORE THIS, TALKING ABOUT SOMETHING ELSE	✓	
ALAT	DR 1476		✓		✓	
ABIZ LOSSAIR	DR 1386		✓		✓	
izur LEHAMAN	1685		✓	if we dont do any thing know they keep chunching rate every week-	✓	
IR LAMAM	2061		✓		✓	

PENALTY POINTS SCHEME

The aim of introducing this scheme is to provide stepped enforcement for those licence holders who have contravened licence conditions or associated legal provisions. Introduction of the scheme does not however prejudice the Councils ability to take other action, which it is entitled to take under legislation, bye laws or regulation.

The scheme will be operated as follows:

1. Issuing of Points.

- a) Penalty points will be applied by officers of the Council upon completion of investigation of relevant breaches of the Councils hackney carriage and private hire conditions or other relevant statutory provisions where breaches of those conditions or other relevant statutory provisions are identified.
- b) Penalty points when issued will be confirmed in writing to the relevant licence holder. There will be a 21 day period provided to allow for any appeal to be made against the points issued.
- c) The number of penalty points issued will be in accordance with the attached table.
- d) The Council retains the discretion to issue penalty points to both drivers, driver/owners and operators for a single contravention if the circumstances warrant it.
- e) The imposition of penalty points against a driver who is an employee will not necessarily result in additional imposition of points to his/her employer or operator.
- f) Imposition of penalty points is at the discretion of officers of the Council and is not negotiable. The scheme does however have an appeals procedure.
- g) Penalty points issued under this scheme will have a 'life' of twelve months, and then will be deemed spent. The system is based on a rolling twelve month period.
- h) Six points become spent at the conclusion of any suspension of a driver or driver/owner. Twelve points become spent at the conclusion of any suspension of an operator.
- i) Penalty points will be issued by the Licensing manager or in his absence the deputy licensing manager. The officer investigating the breach will not issue penalty points.
- j) The Licensing manager will determine any appeals in relation to the imposition of penalty points. Only written appeals will be considered.

2. Actions

- a) On the accumulation of 12 or more penalty points in a rolling twelve month period a driver will be subject to a recommendation to suspend his/her licence.
- b) On accumulation of 12 or more penalty points in a rolling twelve month period a driver/owner will be subject to a recommendation to suspend his/her licence.
- c) On accumulation of 24 or more penalty points in a twelve month period an operator will be subject to a recommendation to suspend his/her licence.
- d) Where a letter is sent to a driver, a copy will be forwarded to the relevant vehicle owner or operator.

3. The suspension process.

- a) All suspensions will be determined by regulatory panel
- b) On accumulating 12 or more penalty points a driver or driver operator will be advised in writing that his/her licence is the subject of a possible suspension.
- c) On accumulation of 24 or more penalty points an operator will be advised in writing that his/her licence is the subject of possible suspension.
- d) The licence holder will be advised of the accrued total of penalty points and the specific infringements identified. The licence holder will be advised of the details of the regulatory panel that will hear the case for suspension.
- e) For drivers or driver/owners the first occasion with the accumulation of 12 or more points within a twelve month period the recommendation will be suspension for 28 consecutive days.
- f) For drivers or driver/owners a second occasion with the award of 12 or more penalty points the recommendation would be for suspension for 56 consecutive days.
- g) A third accumulation of 12 points by a driver or driver/owner would result in a recommendation to revoke his/her licence(s).
- h) An operator accumulating 24 points on the first occasion would result in a recommendation to suspend their operators licence for 28 consecutive days.
- i) A second accumulation of 24 points would result in a recommendation to suspend their operators licence for 56 consecutive days.

Offence/ Breach of condition	Max Points	Driver	Vehicle owner/Operator
Failure to notify the Council of change of name or address within 7 calendar days.	3*	#	#
Unreasonably prolonging a journey, or overcharging of fares.	4*	#	#
Failure to produce documents within a timescale when requested to do so.	4*	#	#
Vehicle in unsatisfactory condition inside or out.	4	#	#
Failure to produce vehicle for testing when required.	4*	#	#
Failure to report within 72 hours an accident or damage to a licensed vehicle.	3	#	#
Overloading of licenced vehicle, including exceeding the licensed number of passengers.	6*	#	#
Failure to display external licence plate or door sign as required (including not attaching plate in suitable manner)	4*	#	#
Failure to notify transfer of Private Hire or Hackney Carriage Licence within 14 days.	4*	#	#
Failure to provide information on vehicle location.	3	#	#
Failure to have a working fire extinguisher correctly fitted and serviced.	3	#	#
Failure to display 'taxi' sign on roof of Hackney carriage.	4	#	#
Failure to maintain, keep or produce records of private hire bookings, or other documents required to be kept.	6	#	#
Unsatisfactory behaviour or conduct of driver.	3	#	#
Failure to wear drivers badge.	4*	#	#
Failure to be in possession of drivers badge.	4*	#	#
Failure to notify change of medical circumstances.	6	#	#
Failure to return drivers badge within 7 days of being requested to do so.	4*	#	#

Failure to return vehicle licence plate within 7 days of being requested to do so.	4*	#	#
Failure to notify the Council of any motoring or criminal convictions or cautions during period of current licence.		6 #	#
Providing false/misleading information on application form, or failing to provide relevant information.	6*	#	#
Obstructing an officer of the council while undertaking their duties.		3 #	#
Using a mobile phone whilst driving.		3 #	#
Smoking in licensed vehicle.	3*	#	#
Minor defects to vehicle.		3 #	#
Eating food whilst driving licensed vehicle.		3 #	#
Making dangerous road manoeuvre.	3*	#	#
Behaviour resulting in substantiated complaint from member of the public or elected member.		3 #	#
Driver not holding a current Hackney Carriage/Private Hire Drivers Licence	12*	#	#
Refusal to accept hiring without reasonable cause (eg. Drunk or rude customer) [HC]	4*	#	#
Touting/Illegally plying for hire	9*	#	#
Failure to display/no vehicle excise licence	6*	#	#
Using unlicensed vehicle or vehicle without insurance	12*	#	#
Using a vehicle subject to a suspension order		12 #	#
Carrying an offensive weapon in a vehicle		6 #	#
Driver not holding current DVLA Licence	12*	#	#
Failure to observe Rank discipline	3*	#	#
Failure to display internal licence plate		4 #	#
Inappropriate use of specialist equipment	6*	#	#

provided for disabled or wheelchair client
accessibility

Using Hackney Carriage without a sealed
taxi meter fitted to the vehicle

Defective Tyres

Failure to maintain lights

Failure to present vehicle for inspection

Using Licensed vehicle without MOT

Failure to wear seatbelt

