

## **Brighton & Hove City Council Hackney Carriage & Private Hire Penalty Point Scheme**

### Introduction

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's Byelaws and the Rules, Regulations and Conditions set by the Licensing Committee.

The aim of the penalty point scheme is to regulate and ensure the safety, quality, and fairness of taxi services. It is used to monitor and enforce compliance with regulations and conditions and to provide the public and licenced drivers operators and proprietors with a professional service.

It provides a formalised stepped enforcement plan to help those providing taxi services to learn from their mistakes to improve customer satisfaction and maintain a safe and profession service.

### How will it work?

The process of investigating usually begins with the receipt of a formal complaint, the report may come from various sources, such as a passenger, other drivers, law enforcement agencies, members of the public or Officers on enforcement duties. The complaint is evaluated to determine its credibility and seriousness. If the complaint appears to involve a potential offence or beach of regulation the investigation moves forward and further information is gathered, this may include witness statements, CCTV footage, photographs, documentation, or any other evidence that can shed light on the alleged offence. The complainant, any witnesses and the driver may then be interviewed, with the aim is to gather additional details, clarify any inconsistencies, and allow the involved parties to provide their side of the story.

Based on the finding of the investigation, appropriate action is taken if the evidence supports that an offence has been committed. The specific consequences depend on the severity of the offence or breach and the applicable laws and regulations. Words of advice, warnings, additional relevant training, suspension, revocations, and legal prosecutions.

If penalty points are deemed to be appropriate this allows officers to allocate points depending upon the nature and severity of the alleged misdemeanour

Penalty Points will remain current for 3 years for drivers and proprietors & 5 years for Operators from the date the points were issued. The period is on a roll forward basis, to allow any older points to be considered as spent and therefore excluded from the running total recorded against any individual licensee.

Points issued to either the proprietor(s) of a vehicle, operator or a driver will be confirmed in writing.

Where a licensee accumulates 12 penalty points in a current 3-year period for drivers and proprietors & 5 years for Operators period consideration will be made as to whether the driver is a fit and proper person to hold a licence. A decision will then be made as to whether the licence should be suspended or revoked

Appeals regarding the issuing of penalty points by Officers will be referred to the Regulatory Services Manager who has been independent of any investigation, this allows the drivers to

present additional evidence or challenge the finding. The Regulatory Services Manager who will have discretion to award a lesser or greater number of points than displayed on the tariff if the complaint is upheld. Drivers must appeal any points issued by Officers to the Regulatory Services Manager in writing within 7 days from the date of any points issued. There is no right of appeal against the awarding of points by the Regulatory Services Manager. The only recourse to a legal challenge is by way of judicial review.

The system will operate without prejudice to the Council's ability to take other action that it is entitled to take under legislation, byelaws, and regulations.

If points are issued to a proprietor/driver for a matter which is also a criminal offence, e.g., bald tyres, no badge, those persons(s) will not then be the subject of a prosecution by the Council.

If a licence holder has had their licence revoked, they may apply for a new licence, but its Council policy that such an application under the Penalty Point Scheme will not be entertained until a suitable period from the date of revocation has elapsed, as detailed below:

- i. where the penalty points which resulted in the revocation included any infringements that attracted 10 or more points, then this period will be 24 months.
- ii. where none of the infringements individually attracted more than 10 points, then this period is reduced to twelve months.

	<b>Details of the misconduct</b>	<b>Points Applicable</b>	<b>Driver</b>	<b>Vehicle Proprietor</b>	<b>Operator</b>
1	Providing false or misleading information on licence application form / failing to provide relevant information	6-12	✓	✓	✓
2	Failure to notify, in writing, the Council of change of address within 7 calendar days	3	✓	✓	✓
3	Refusal to accept hiring without reasonable cause e.g., Drunk, or rude customer	3-12	✓		
4	Unreasonable prolongation of journeys or any misconduct regarding the charging of fares	3	✓		
5	Plying for hire by Private hire drivers	6	✓		
6	Using unlicensed vehicle or vehicle without insurance	12		✓	✓
7	Failure to produce relevant documents with timescale when requested by an Authorised Officer	3	✓	✓	✓
8	Unsatisfactory condition of vehicle, interior or exterior	3	✓	✓	
9	Private hire vehicle – No door signs displayed.	3	✓		
10	Failure to provide proof of insurance cover when requested or have a current copy in vehicle	3	✓		
11	Failure to produce Hackney Carriage or Private Hire vehicle for testing when required such as for an interim check	3		✓	
12	Knowingly using a vehicle subject to a suspension order issued by an Authorised	12	✓	✓	✓

	Officer or a police officer				
13	Knowingly using a vehicle for which the licence has been suspended or revoked	12	✓	✓	✓
14	Failure to report within 72 hours, any accident or damage materially affecting the safety, performance, or appearance of the vehicle	3	✓	✓	
15	Carrying more passengers than stated on the vehicle licence	6	✓		
16	Failure to display external/internal licence or plate	3	✓		
17	Carrying an offensive weapon in the vehicle	12	✓		
18	Failure to notify transfer of Private Hire or Hackney Carriage vehicle licence	3		✓	
19	Displaying unauthorised or inappropriate sited signs or advertisements in or on the vehicle	3		✓	
20	Using an unauthorised roof light	3	✓		

	<b>Offence/Breach of Condition</b>	<b>Points Applicable</b>	<b>Driver</b>	<b>Vehicle Proprietor</b>	<b>Operator</b>
21	Failure to produce on request records of drivers' work activity	3		✓	✓
22	Using a non approved or non-calibrated taximeter (HC)	3		✓	
23	Obstruction of an authorised officer or police officer	12	✓	✓	✓
24	Evidence of the driver or passengers smoking in vehicle	3	✓		
25	Drivers must not eat or drink whilst carrying passengers	3	✓		
26	Displaying any feature on private hire vehicle that may suggest that it is a taxi (Private Hire)	6		✓	
27	Using a vehicle, the appearance of which suggests that it is a Taxi	6		✓	
28	Failure to carry an assistance dog without requisite medical exemption certificate	12	✓		
29	Driver not holding a current DVLA licence	12	✓	✓	✓
30	Failure to wear driver's badge	1	✓		
31	Failure to notify, in writing, of any medical conditions which impacts your ability to drive	6	✓		
32	Unsatisfactory appearance of driver as described in the Blue Book	3	✓		
33	Failure to observe rank discipline (HC)	3	✓		
34	Failure to maintain proper records of private hire vehicles and drivers	6			✓

35	Failure to keep or produce records of Private Hire bookings or other documents required to be kept or produced	6			✓
36	Misleading use of the words 'Taxi' on advertising materials	3		✓	✓
37	Failure to return vehicle internal/external licence plate within 7 days after due notice following expiry, revocation, or suspensions of such licence	3		✓	
38	Failure to notify the Council in writing, of any motoring or criminal convictions within 7 days or conviction or cautions during period of current licence	6	✓	✓	
39	Failure to behave in a civil and orderly manner including unprofessional conduct between drivers, proprietors, or operator	3	✓	✓	✓
40	Failure to display a correct tariff card (HC)	3	✓	✓	

	<b>Offence/Breach of Condition</b>	<b>Points Applicable</b>	<b>Driver</b>	<b>Vehicle Proprietor</b>	<b>Operator</b>
41	Failure to attend punctually at appointed time and place without sufficient cause (Such as for Licence Interviews or to download CCTV as requested etc)	3	✓	✓	✓
42	A licensed vehicle with a defective tyre	3 per tyre	✓		
43	Failure to comply with any other driver, vehicle, or operator licence conditions.	3	✓	✓	✓
44	Waiting or stopping on double yellow lines, or stop on private land (without the owner's permission) unless requested by a paying customer or in any other busy area such as Brighton Station, Seafront, Pubs and Clubs etc	3	✓		
45	Driving whilst using a non-hands-free mobile phone	12	✓		
46	Leaving a licensed vehicle unattended on Taxi rank	3	✓		
47	Private hire vehicle parking in a prominent position such as on a hackney carriage stand or within line of sight of a hackney carriage stand Hackney Carriage and Private Hire vehicles standing or waiting in prominent areas such as Brighton Railway Station, the Sea Front when not picking up or dropping off passengers	6	✓		
48	Not having a current Compliance Certificate	12	✓	✓	
49	CCTV system deliberately turned off, cameras tampered with, recordings deleted or downloaded by someone other than an	6	✓		

	approved Data Processor.				
50	Failure to have a working card payment machine available in a hackney carriage vehicle	3	✓		

