

PENALTY POINTS SCHEME



Penalty Points Scheme Purpose

The Council has a 'penalty point' system of enforcement. The purpose of the scheme is to provide a more balanced, consistent and transparent approach of enforcement against licence holders who commit minor offences. It can be considered to be a more structured and formalised method of issuing warnings. The scheme does not prevent the Council from taking any other enforcement actions it is entitled to take under legislation or byelaws. Penalty Points will not be added to the person's record where they are dealt with by alternative sanctions.

The overriding aim of the licensing function is to protect the public from harm and reduce public nuisance being caused by the trades within the city by the adherence to the law, regulations, policy and conditions of licence.

Method of operation

Points will be issued by authorised officers of the Authority to licence holders who are found to be in breach of legislation, byelaws, the taxi licensing policy or conditions of licence. Points will be issued by means of a written notice on which shall be supplied the number of points imposed and the reason/s for which they have been issued.

The maximum number of points that can be imposed in respect of any particular matter is set out in the accompanying table, but it is possible for one incident or inspection to result in more than one set of points being issued.

If a licence holder accumulates 12 points or more within a rolling period of 36 months then their licence will be subject to a review by the Taxi Licensing Committee.

Any licence holder aggrieved by the imposition of penalty points on their licence may appeal to the Taxi Licensing Committee where they will have the opportunity to explain why the points should not have been imposed. Members of the Committee will consider the matters that have resulted in points being awarded and can either uphold the points issued by the authorised officer, increase the number of points awarded, reduce or remove the points awarded, or decide to take any other action open to them or direct that a full review of the status of the licence held by the licensee to take place at a further future hearing.

Notice of the appeal must be submitted in writing to the Licensing Service Manager within 14 days of receiving the penalty points notice.

The tables list the breaches of legislation that attract penalty points.

Licensing Office
Plymouth City Council
Windsor House
Plymouth,
PL6 5UF

E: taxi.licensing@plymouth.gov.uk

Point Code	Offence / breach of condition or policy	Points	Driver	Vehicle proprietor	Regulatory framework
Hackney Carriage Driver Infringements					
H1	Fail to wear badge	4	✓		Byelaw 14
H2	Failure to display HC plate correctly	3	✓	✓	s.4(2) PCCA 1975, HCVL condition 2
H3	Evidence of using e-cigarettes or similar vapour devices in the vehicle whilst driving with a fare paying passenger.	3	✓		Taxi Licensing Policy
H4	Driver unacceptable appearance/hygiene	3	✓		Taxi licensing policy
H5	HC not well maintained or kept clean	4	✓	✓	HCVL condition 17
H6	Fail to behave in civil and orderly manner	8	✓		Byelaw 9a
H7	Leaving HC unattended at a stand	4	✓		s.62 TPCA 1847
H8	Carrying animal other than hirers	4	✓	✓	HCVL condition 11
H9	Play sound equipment without consent of hirer	3	✓	✓	Byelaw 9c
H10	Cause or permit noise from HC to annoy others	3	✓	✓	Byelaw 9d
H11	Carrying another person than the hirer without consent.	6	✓		s.59 TPCA 1847
H12	Obstructing other drivers	6	✓		s.64 TPCA 1847
H13	Taximeter not illuminated	3	✓	✓	Byelaw 5c
H14	Fail to produce licence upon request	3	✓		s.11 PCCA 1975
H15	Use HC horn to signal hirer	4	✓	✓	Byelaw 9f
H16	Fail to notify injury/illness affecting driving ability	8	✓		Byelaw 10b
H17	Fail to notify of conviction or endorsement within time	3	✓		Byelaw 11
H18	Fail to assist loading/unloading luggage	4	✓		Byelaw 15b
H19	Fail to take luggage to/from building/station etc.	4	✓		Byelaw 15c
H20	Prolonging journey unnecessarily	6	✓		s.27 PCCA 1975
H21	Fail to notify change of address	3	✓	✓	Byelaw 10a
H22	Fail to submit HC over 5 yrs old to 6 month test when required	6		✓	HCVL condition 7
H23	Fail to transfer HCV licence to other within permitted time	4		✓	s.7 PCCA 1975
H24	HC Proprietor fail to provide info as to driver	6		✓	HCVL conditions 12 or 13
H25	Fail to convey luggage	4	✓		Byelaw 15a
H26	Failing to proceed to stand	4	✓		Byelaw 7a
H27	Fail to proceed to another stand if fully occupied	4	✓		Byelaw 7b
H28	Fail to station carriage immediately behind carriage on stand	3	✓		Byelaw 7c
H29	Fail to move up stand	3	✓		Byelaw 7d
H30	Fail to display/conceal or illegible tariff	4	✓	✓	Byelaw 16b
H31	Fail to be at allotted time/place agreed with hirer	3	✓		Byelaw 12

H32	Failure to report, in writing, within 72 hours, accident or damage to licensed vehicle, which would affect the safety, performance or appearance of the vehicle or comfort or convenience of passengers.	4		✓	s.8(3) PCCA 1975
H33	Failure to provide medical within 28 days of the due date	4	✓		Taxi Licensing Policy
H34	A licensed vehicle with a defective tyre	4 - 6 per tyre	✓		s.26 PCCA 1975 s.41A Road Traffic Act 1988 HCV Condition 8 Code of Good Conduct
H35	Leaving or waiting with the vehicle in a manner which causes or is likely to cause a nuisance or obstruction to other road users/land owners	3	✓		Taxi Licensing Policy Code of Good Conduct
H36	Driver witnessed using*/operating*/handling/watching** a mobile phone or other digital device whilst driving. Permitted exceptions: <i>*use or operation by means of a hands free device, provided such use or operation is in connection with their role as a licensed driver, for as short a period as possible and only as permitted by law ** for anything other than navigation purposes.</i>	6	✓		Taxi Licensing Policy Code of Good Conduct
H37	Displaying an out of date/invalid medical exemption certificate	4 - 6			Taxi Licensing Policy Wheelchair and Assistance Dog Exemption Guidelines
Point Code	Offence / breach of condition or policy	Points	Driver	Vehicle proprietor or PH Operator	Regulatory framework
Private Hire Infringements					
P1	Fail to wear driver badge	4	✓		s.12 PCCA 1975
P2	Fail to display PH plate correctly	3	✓	✓	s.5(2) PCCA 1975, PHV condition 2
P3	Evidence of using e-cigarettes or similar vapour devices in the vehicle whilst driving with a fare paying passenger.	3	✓		Taxi Licensing Policy
P4	Driver unacceptable appearance/hygiene	3	✓		Taxi licensing policy
P5	PHV not well maintained or kept clean	4	✓	✓	PHVL condition 17
P6	Fail to behave in civil and orderly manner	8	✓		PHD condition 7a
P7	PHV parking or waiting on HC stand	6	✓		s.22 PCCA 1975
P8	Carrying animal other than hirers	4	✓		PHVL condition 11
P9	Play sound equipment without consent of hirer	6	✓	✓	PHD condition 7c
P10	Cause or permit noise from PHV to annoy others	6	✓	✓	PHD condition 7d
P11	Fail to notify change of PH Operator	3	✓		PHD condition 1b
P12	PHO fail to keep proper records	6		✓	s.14(2) PCCA 1975. PHO condition 2

P13	PHO fail to keep vehicle records	6		✓	s.14(3) PCCA 1975, PHO condition I
P14	Fail to produce licence upon request	3	✓	✓	s.11 PCCA 1975
P15	Use PHV horn to signal hirer	6	✓		PHD condition 7e
P16	Fail to notify injury/illness affecting driving ability	8	✓		PHD condition 1d
P17	Fail to notify conviction	3	✓		PHD condition 1c
P18	Fail to notify of endorsement	3	✓		PHD condition 1e
P19	Fail to assist loading/unloading luggage	4	✓		PHD condition 6a
P20	Fail to take luggage to/from building/station etc.	4	✓		PHD condition 6b
P21	Prolonging journey unnecessarily	6	✓		s.27 PCCA 1975
P22	Fail to notify change of address	3	✓		PHD condition 1a
P23	Fail to submit PHV over 5 yrs old to 6 month test when required	6	✓		PHVL condition 7
P24	Fail to transfer PHV licence to other within permitted time	4		✓	s.7 PCCA 1975
P25	PHV Proprietor fail to provide info as to driver	6		✓	PHVL conditions 12 or 13
P26	Displaying unsuitable or inappropriate sited signs in or on the vehicle	3	✓	✓	Private Hire Vehicle Conditions Private Hire Vehicle Specification and Vehicle Compliance Testing Manual
P27	Failure to report, in writing, within 72 hours, accident or damage to licensed vehicle, which would affect the safety, performance or appearance of the vehicle or comfort or convenience of passengers.	4		✓	s.8(3) PCCA 1975
P28	Failure to provide medical within 28 days of the due date	4	✓		Taxi Licensing Policy
P29	A licensed vehicle with a defective tyre	4 - 6 per tyre	✓		s.26 PCCA 1975 Code of Good Conduct
P30	Leaving or waiting with the vehicle in a manner which causes or is likely to cause a nuisance or obstruction to other road users/land owners	3	✓	✓	Taxi Licensing Policy Code of Good Conduct
P31	Driver witnessed using*/operating*/handling/watching** a mobile phone or other digital device whilst driving. Permitted exceptions: <i>*use or operation by means of a hands free device provided such use or operation is in connection with their role as a licensed driver, for as short a period as possible and only as permitted by law ** for anything other than navigation purposes.</i>	6	✓		Taxi Licensing Policy Code of Good Conduct