

AMENDMENTS TO THE HACKNEY CARRIAGE AND PRIVATE HIRE, DRIVER AND OPERATOR LICENCE CONDITIONS

1 PURPOSE OF REPORT

- 1.1 A review of the hackney carriage and private hire conditions have highlighted a number of areas where improvements could be made to the service and public safety. This report details the changes being recommended. These changes ensure the service continues to be delivered to a high standard and that the Council complies with any changes in legislation.

2 INTRODUCTION

- 2.1 The Council's licence conditions were last amended in 2012 and since that date there have been various changes in legislation and operating procedures. The conditions therefore need to be updated to take account of these changes.

3 THE PROPOSED AMENDMENTS

Wheelchair Accessible Vehicles

- 3.1 The Council has an obligation to promote public safety when licensing drivers and vehicles. The Equality Act 2010 has requirements which affect the licensing of drivers and wheelchair accessible vehicles.
- 3.2 The Equality Act 2010 sections 165 -167 was implemented on 6 April 2017. The key components of section 165 are as follows:-
- Taxi drivers cannot refuse hires from wheelchair users.
 - Taxis are prohibited from charging wheelchair users an additional fare for a journey.
 - Drivers will be required to carry the passenger's wheelchair if the wheelchair user chooses to sit in a passenger seat during the journey.
 - Drivers will be obliged to take such steps as are necessary to ensure that the wheelchair user is carried in safe and reasonable comfort.
 - Drivers must provide reasonable levels of mobility assistance to the disabled passenger.
- 3.3 It is proposed that all drivers be required to take Disability Awareness training and refresher training, as set out in the Department of Transport Taxi and Private Hire Vehicle Licensing Best Practice Guidance for initial licensing and renewal of drivers' licences. This is considered best practice and has been adopted by many licensing authorities.

- 3.4 The Disability Equality Training (Taxi and Private Hire Vehicle Drivers) Bill 2016 – 2017 received its second reading in the House of Commons on 2 December 2016. The new legislation requires that all drivers undertake Disability Awareness training and any refresher training. This Bill is expected to receive Royal Assent in 2017.
- 3.5 It is proposed that from 1 October 2017 the Council only licenses side loading wheelchair accessible vehicles unless they have a mechanical lift fitted as standard. Rear loading vehicles that are currently licensed will be replaced with a side loading vehicle once the vehicle has reached 12 years of age or when a vehicle is replacing a currently licensed rear loading vehicle.
- 3.6 Rochford District Council is one of the few authorities that license rear loading vehicles. There are currently 22 hackney carriages and 1 private hire rear loading vehicles licensed within the district.
- 3.7 The Spinal Injuries association (SIA) produced a report in 2010 (Appendix A) championing changes to ensure safety measures are adopted. It is important to recognise that the SIA has no legal status and has not been formally adopted by the Council. However, it may be considered to be an authoritative source and Members therefore may find the advice influential in interpreting the Council's own suitability criteria.
- 3.8 There are a number of public safety reasons for this proposal:-
- It is safer to keep wheelchair users on the pavement than to place them in the road ready to load them into the vehicle, particularly facing away from on coming traffic.
 - Taxi drivers may not be familiar with lowering a wheelchair over a kerb to access the rear doors which can present dangers to the passenger. Similarly, passengers using electric wheelchairs may find it impossible to go down over a kerb. If access is from the pavement then these issues do not arise.
 - Being seated in the centre of a taxi is likely to be safer than being seated at the rear of the vehicle. The majority of accessible taxis have centre divisions which would provide passenger protection in the event of a side impact. However, most rear loading taxis leave the wheelchair passenger at the back of the vehicle in the rear impact zone.
 - The need to have an alternative exit in the event of an accident is paramount. In an emergency a side loading vehicle will offer the passenger the opportunity to exit the vehicle from an alternative exit. In the case of a rear loading vehicle where the rear doors or tailgate are damaged, this would be impossible.

- In case of an emergency, the wheelchair user would be able to access a door handle easier from a side loading vehicle.
- 3.9 Rear loading vehicles have a limited cubic area to accommodate a wheelchair user. To accommodate the wheelchair the rear passenger seats have to be folded twice, which means the floor mechanism for these seats is exposed to the front of the wheelchair user.
- 3.10 Health and Safety Executive Guidance on the Safe Transportation of Wheelchairs Medical Devices Agency states that there should be sufficient free space around the wheelchair and user to avoid the user making contact with other vehicle occupants, unpadded parts of the vehicle, wheelchair accessories or wheelchair tiedown and occupant restraint systems anchor points.
- 3.11 The photograph at Appendix B is of the rear of a Peugeot Partner, showing the set up to accommodate a wheelchair.

Vehicle Safety Audits

- 3.12 It is proposed that safety audits on Wheelchair Accessible Vehicles will be carried out on initial and renewal applications by the inspecting officer followed by a written report to the vehicle proprietor. The report shall include any recommendation that may be required to meet the standards required by the regulating bodies and the Councils conditions of licensing for a vehicle licence to be issued.
- 3.13 Mini buses are required to meet the minimum standard of The Road Vehicles (construction and use) Regulations 1986. All vehicles may be required to make reasonable adjustments to bring the vehicles safety up to the standard required to comply with Taxi and Private Hire Vehicle Licensing: best practice and the Equality Act 2010.

Penalty Point Scheme

- 3.14 The introduction of a Penalty Point Scheme is proposed for breaches of minor offences under the Town and Police Clause 1847, the Local Government (Miscellaneous Provisions) Act 1976 and the Council's hackney carriage and private hire conditions. Offences may also be committed under other legislation, bylaws or conditions. Appendix C shows a copy of the points proposed. Members are asked to approve the inclusion of this proposed scheme as an appendix to the licence conditions.
- 3.15 Under the proposed scheme that is before Members, points will be imposed on driver's licences by either Licensing Officers for minor breaches or by the Appeals Committee for more serious breaches regarding public safety. It is proposed that if a driver acquires more than 12 penalty points in 2 years, the Appeals Committee will determine whether the driver is a fit and proper person to hold a driver's licence.

- 3.16 There is no financial penalty associated with the Penalty Point Scheme, and the licensee may continue to work unless the Appeals Committee determines otherwise.
- 3.17 The Council reserves the statutory right to suspend or revoke the licence at any time if the particular circumstances of the case warrant such action, notwithstanding that less than 12 penalty points have been incurred.

IMMIGRATION AND RIGHT TO WORK

- 3.18 It is proposed that immigration and right to work checks are carried out by Licensing Officers prior to issuing new or renewing existing licences in accordance with the requirements of the Immigration Act 2016. This is to avoid issuing licences to individuals who are unlawfully present and are not permitted to work in the UK. Checks will be carried out on original documentation submitted in person, upon application.

4 RISK IMPLICATIONS

- 4.1 If the Council's licence conditions are not up to date or consistent with current legislation there is a risk that the conditions will be challenged in the Magistrates Courts. In addition, the conditions will ensure that public safety and safeguarding risks are minimised.

5 RESOURCE IMPLICATIONS

- 5.1 There are no resource implications, other than officer time.

6 LEGAL IMPLICATIONS

- 6.1 The amendments to the conditions are to protect public safety and ensure that the Council is compliant with the Equality Act 2010 and the Immigration Act 2016.
- 6.2 Drivers, vehicle proprietors and operators have a right of appeal against the Council's licence condition within 21 days of the date of the notice of the condition being served to the Magistrates Court.

7 EQUALITY AND DIVERSITY IMPLICATIONS

- 7.1 The amendments will have a positive impact for users with disabilities by placing responsibilities on drivers and proprietors.

8 RECOMMENDATION

- 8.1 It is proposed that the Committee **RESOLVES**
- (1) That the amendments to the Council's Licence Conditions in relation to hackney carriage, private hire vehicles, drivers and operators be approved and implemented with effect from 18 October 2017.

8.2 It is further proposed that the Committee **RECOMMENDS TO COUNCIL**

- (2) That the new Penalty Points Scheme, as set out in the officer report, be implemented with effect from 18 October 2017.



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Background Papers:-

None.

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Spinal Injuries Association Taxi Charter

In its Campaigning for Change Manifesto 2009 – 2011, the Spinal Injuries Association (SIA) addresses the challenges that public transport and, in particular, taxis, present to those with spinal cord injuries (SCI).

Section 36 of the Disability Discrimination Act 1995 (DDA) introduces legislation to make taxis accessible for disabled people. However, this is still to be enacted by government. The delay in its implementation appears to be the technical specifications which define a “wheelchair accessible taxi” and the cost to the taxi trade of providing these vehicles.

In this document SIA puts forward an “**Accessible Taxi Charter**” to address the challenges currently facing those with SCI and other disabled taxi passengers in the U.K.

...because life needn't stop when you're paralysed.

The Present Problems

- Vehicle types used for taxis differ across the country.
- The number and availability of wheelchair accessible taxis differ from area to area.
- Often drivers have no disability awareness training or are unaware how to operate equipment like ramps and clamps.
- This equipment is often in poor working condition or has been mislaid and is not with the vehicle.
- Wheelchair accessible vehicles licensed by local authorities may not be of a suitable specification.
- There is no standardised complaints procedure or enforcement for bad service.

Desired Outcomes

SIA will be pressing for improved and compulsory driver training which will ensure:

- Drivers better understand the needs of their disabled passengers.
- Drivers are able to operate and maintain equipment properly.

SIA will also be pressing that via the licensing system:

- All vehicles working from official taxi ranks meet a minimum standard that enables it to carry a passenger safely in their wheelchair.
- Wheelchair accessible vehicles are provided with side access off the kerb side to provide direct access to/from the pavement.
- The built environment which is used for taxi ranks is suitable to allow easy and safe access for wheelchair users to the taxi, such as raised platforms at taxi ranks.
- There are sufficient wheelchair accessible taxis working away from a taxi rank to ensure that disabled people can obtain a vehicle that meets their needs.
- The level of accessible vehicles should be greater than those not capable of carrying a wheelchair user seated in their wheelchair.
- Taxi operators have a duty to provide an equal service for disabled and non disabled people.
- There is a standardised, enforced complaints procedure across all local authority areas.
- Taxi operators refusing to provide a service to disabled people are suitably punished to deter repeat offences.

CHARTER

SIA believes that these recommendations will improve access for all disabled taxi passengers.

- All taxis (hackney carriages) should become side loading wheelchair accessible vehicles and cater for every disabled person.
 - All taxi drivers should be thoroughly trained in disability awareness and the competent use of the facilities in their vehicles.
 - The single specification for accessible taxis must be demonstrably safe in all respects and converted vehicles should not be tested to a lower safety standard than that used by saloon cars.
 - Standards should be deliverable in the short term by manufacturers and converters and also be affordable so as to ensure a quick delivery of the DDA requirements.
 - Accessibility standards should enable wheelchair users to access an integrated transport system, allowing an uninterrupted journey on trains, buses and taxis.
 - Authorities should ensure street planning and rank provision meet the need of disabled passengers.
 - Licensing authorities must ensure that drivers of accessible taxis do not discriminate against disabled people under the DDA.
1. Under the proposals of the DDA, it was envisaged that all taxis (hackney carriages) should become wheelchair accessible and meet a predetermined specification. It was envisaged that the trade would be given a ten year period to achieve this and SIA believes that this must commence as soon as possible.
 2. The Department for Transport has suggested that a mixed fleet of saloon cars and wheelchairs accessible taxis within the hackney carriage fleet is an option for meeting the needs of wheelchair users. SIA does not believe that this is practical or desirable and will seek to show why in this charter.
 3. SIA believes it is imperative that all taxi drivers are required to be trained in disability awareness and assisting disabled passengers safely into and out of their taxis. This is a major issue both in terms of safety for disabled passengers and the willingness of drivers to undertake journeys with wheelchair users.
 4. If a taxi driver refuses to take a wheelchair passenger then this should be treated as an offence under the DDA. SIA believes that if all drivers are properly trained then such situations need never arise.

Critical Issues

The huge variety of accessible taxis in the marketplace can present disabled passengers with a poor, and in some circumstances unsafe, choice of vehicle. To address this issue SIA proposes the following:

Safety

- The European Community provides a “Type approval” system for the production of all cars, called “European Whole Vehicle Type Approval”. Vehicles that are converted to accommodate wheelchair users can currently be tested to Single Vehicle Type Approval after conversion, which is a national standard. SIA does not believe that this is acceptable for a public service taxi. All such converted taxis should be re-tested to fully European Whole Vehicle Type Approval.
- SIA believes that side loading should be the standard adopted as the safest method of accessing taxis from taxi ranks and the street. The advantages of side loading are that:
 - It is safer to keep wheelchair users on the pavement than to put them in the road, particularly facing away from on coming traffic.
 - Taxi drivers may not be familiar with lowering a wheelchair over a kerb which can present dangers to the passenger. Similarly, passengers using electric wheelchairs may find it impossible to go down over a kerb. If access is from the pavement then these issues do not arise.
 - Being seated in the centre of a taxi is likely to be safer than being seated at the rear of the vehicle. The majority of accessible taxis have centre divisions which would provide passenger protection in the event of a side impact. However, most rear loading taxis leave the wheelchair passenger at the back of the vehicle in the rear impact zone.
 - The need to have an alternative exit in the event of an accident is paramount. In an emergency a side loading vehicle will offer the passenger the opportunity to exit the vehicle from an alternative exit. In the case of a rear loading vehicle where the rear doors or tailgate are damaged, this would be impossible. This is not acceptable for a public service vehicle.
- An agreed Government specification will deliver additional safety to passengers. Local authorities may currently license accessible vehicles to a range of technical specifications which may be inappropriate and potentially dangerous.

The Right Specification

- One of the critical concerns of disabled people is the need for an integrated transport system so that journeys can be completed without disruption. The taxi is unique in delivering door to door transport and therefore needs, at the very least, to provide the same accessibility standards provided by buses and trains under the DDA.
 - The reference wheelchair measuring 1200 x 1350 x 700mm formed the basis of accessibility standards for buses and trains and SIA sees no reason not to adopt that same standard within the rear cabin of a taxi.
 - SIA understands that there are already many conversions in the marketplace that meet this standard. This demonstrates not only that this specification is achievable by converters, but that it is also presumably affordable by the taxi trade.
 - Accessibility for ambulant disabled passengers is a key issue. At present the purpose built taxi provides a swivel seat and demountable step on every vehicle. If this were replicated by converters it would address the perceived difficulty by ambulant disabled passengers of using accessible taxis.
 - Affordability is clearly a key issue for the taxi trade. However, there are currently many cities with satisfactory accessibility standards for their vehicles. It seems logical that if this specification can be afforded in these towns and cities then it should be possible across the country. Rural areas may present more of a challenge to the trade as income may be lower, but SIA understands that drivers in these areas commonly purchase second hand vehicles and would therefore be likely to purchase second hand accessible vehicles when the DDA requirements are introduced.

The Mixed Fleet Issue

The Department for Transport has suggested that a mixed fleet of saloon cars and wheelchair accessible taxis may meet the needs of disabled passengers. SIA does not agree with this proposal for the following reasons:

- Under the DDA the choice of saloon car was envisaged as being provided by private hire. The taxi was instead seen to provide instant accessibility on the rank as part of an integrated transport system. This ensured that a wheelchair user was in no way disadvantaged when taking a taxi from the rank.
- It is not clear how a local authority can decide who will drive an accessible vehicle and who will drive a saloon car. Accessible taxis are of necessity more expensive to operate and this is likely to lead those driving accessible vehicles to revert to saloon cars over time. SIA does not want to see 100 per cent accessible taxi fleets gradually erode away. Any solution to this problem is likely to require new legislation, and will further delay implementation of the DDA.
- To overcome the concerns of those calling for the mixed fleet, the specification of any future taxi should take into account the needs of wheelchair users, ambulant disabled passengers, the elderly and those with other requirements.

Driver Training

SIA believes that all taxi drivers should be trained in dealing with disabled passengers. SIA therefore recommends that:

- All drivers must undertake disability awareness training as a condition of their licensing.
- All drivers must demonstrate that they have full working knowledge of the equipment fitted to their taxi. This should include the ability to safely load and secure a wheelchair and assist passengers with other mobility requirements.

Local Authorities

Local authorities could ensure that accessibility to taxis is made easier for disabled passengers in some very simple ways. The following key principles should be a requirement on all authorities.

- Taxis on taxi ranks should always be accessible from the near side.
- Ranks should have raised pavements at the point of entry so as to minimise ramp angles and step height.
- Cover should be provided for passengers at ranks where waiting is a frequent occurrence.
- Rank availability should take into account the needs of disabled passengers. For example, ensuring that hospitals have accessible taxi ranks near to the main entrance.

SIA would also like to see the introduction of a standardised, enforced complaints procedure across all local authority areas. This will ensure that disabled people can be confident that their complaints will be handled effectively. It would also ensure that offending taxi operators are suitably punished and that disability discrimination is taken seriously by the industry.

Timing

The DDA envisaged a ten year changeover to the new specification when agreed. Given that the specification has yet to be decided, SIA urges that:

- The new specification be agreed as soon as possible based around vehicles that are currently in the marketplace and can meet the requirements outlined above with limited improvements.
- All vehicles that do not meet the final specification should be required to do so when the owner next changes the vehicle. This will prevent saloon cars being kept on the road and changed only at the last possible date.
- All authorities should only issue new licences for wheelchair accessible taxis that meet the agreed standard.

SIA anticipates that this Charter will act as a benchmark for Government, Licensing Authorities, manufacturers and converters and members of the taxi trade. Please help us to deliver it as soon as possible.

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PENALTY POINTS SYSTEM

HACKNEY CARRIAGE/PRIVATE HIRE - VEHICLES, PROPRIETORS, OPERATORS

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

1. Rochford District Council's Enforcement Policies will be fully considered by the enforcing officer when determining the manner in which any breach of the legislation or the requirements of this policy 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 offence or breach of conditions.
3. Each case will be considered on its merits.
4. When points are issued the proprietor or driver will be sent written confirmation within 10 working days. There is a right of appeal to the Assistant Director for Legal Services.
5. Points issued remain live for a period of 2 years from date of issue. Points will be deleted after this two year period.
6. The Appeals committee may take into account previous penalty points if a trend is identified or considered relevant by the members.
7. Any driver, proprietor or operator accumulating 12 points in a two year period will be required to appear before a panel of the Appeals Committee to consider whether they are still fit and proper to hold the licence.
8. When a driver, proprietor or operator is brought before the appeals committee, the panel may exercise one of the following options:-
 - a. Suspend the licence
 - b. Revoke the licence;
 - c. Issue written warning;
 - d. Extend the two year period in which points remain live;
 - e. Take no further action.
 - f. Any other action the panel feels appropriate (including Penalty Points)
9. Any driver, operator or proprietor required to appear before the Appeals Committee having accumulated 12 points shall be entitled to make representations to the panel or be legally represented at the hearing.
10. Nothing in this penalty points system will stop the council from taking action under any appropriate legislation.
11. This penalty points system will be reviewed two years after implementation and as necessary thereafter.

PENALTY POINTS SYSTEM

HACKNEY CARRIAGE/PRIVATE HIRE - VEHICLES, PROPRIETORS, OPERATORS

LEGISLATION						
Code	Imposition of points by LO or Ctte	Section and Offence	Penalty Points or Action	Operator	Proprietor	Drivers
LEG1	LO / CTTE	GIVING FALSE INFORMATION ON A HACKNEY CARRIAGE LICENCE APPLICATION.	6 – 12*		✓	✓
LEG2	LO	FAILURE TO NOTIFY CHANGE OF ADDRESS ON A HACKNEY CARRIAGE LICENCE.	2		✓	✓
LEG3	CTTE	PLYING FOR HIRE WITHOUT A HACKNEY CARRIAGE LICENCE.	12			✓
LEG4	CTTE	DRIVING A HACKNEY CARRIAGE WITHOUT A HACKNEY CARRIAGE DRIVER'S LICENCE.	12			✓
LEG5	CTTE	LENDING OR PARTING WITH A HACKNEY CARRIAGE DRIVER'S LICENCE.	12			✓
LEG6	LO	FAILURE OF A PROPRIETOR TO RETAIN IN HIS/HER POSSESSION COPIES OF ANY HACKNEY CARRIAGE DRIVER'S LICENCE THAT PERMITS THEM TO DRIVE THEIR VEHICLE.	3		✓	
LEG7	LO	FAILURE OF A PROPRIETOR TO PRODUCE ON REQUEST BY AN AUTHORISED OFFICER ANY HACKNEY CARRIAGE DRIVER'S LICENCE FOR WHOM HE HAS PERMITTED TO DRIVE HIS/HER VEHICLE.	3		✓	
LEG8	LO / CTTE	REFUSAL TO TAKE A FARE WITHOUT A REASONABLE EXCUSE.	8 – 12*			✓
LEG9	CTTE	FAILURE TO WAIT AFTER A DEPOSIT TO WAIT HAS BEEN PAID.	12			✓
LEG10	LO	CARRYING PERSONS OTHER THAN WITH THE CONSENT OF THE HIRER.	6			✓
LEG11	LO	DRIVER LEAVING A HACKNEY CARRIAGE UNATTENDED.	2			✓
LEG12	LO	HACKNEY CARRIAGE DRIVER OBSTRUCTING OTHER HACKNEY CARRIAGES.	2			✓
LEG13	LO / CTTE	BREECH OF BYELAWS	3 - 6		✓	✓
LEG14	CTTE	A LICENSED DRIVER USING AN UNLICENSED VEHICLE FOR PRIVATE HIRE PURPOSES.	12			✓
LEG15	CTTE	DRIVING A PRIVATE HIRE VEHICLE WITHOUT A PRIVATE HIRE DRIVER'S LICENCE.	12			✓
LEG 16	CTTE	OPERATOR / PROPRIETOR OF A VEHICLE PERMITTING OR EMPLOYING AN UNLICENSED DRIVER TO DRIVE A VEHICLE.	8-12		✓	
LEG17	LO / CTTE	OPERATING A PRIVATE HIRE VEHICLE WITHOUT A PRIVATE HIRE OPERATORS' LICENCE.	8-12	✓		
LEG18	LO	FAILURE TO NOTIFY THE TRANSFER OF A VEHICLE LICENCE.	4		✓	✓
LEG19	LO	FAILURE TO PRESENT A HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLE FOR INSPECTION UPON REQUEST.	3		✓	
LEG20	LO	FAILURE TO INFORM THE LICENSING AUTHORITY WHERE A HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLE IS STORED, IF REQUESTED.	6		✓	
LEG21	LO	FAILURE TO PRODUCE THE VEHICLE AND/OR INSURANCE UPON REQUEST.	6		✓	✓

PENALTY POINTS SYSTEM

LEGISLATION						
Code	Imposition of points by LO or Ctte	Section and Offence	Penalty Points or Action	Operator	Proprietor	Drivers
LEG22	LO	FAILURE TO WEAR A PRIVATE HIRE DRIVER'S BADGE.	3-6*			✓
LEG23	LO / CTTE	FAILURE OF A PRIVATE HIRE OPERATOR TO KEEP PROPER RECORDS, OR FAILURE TO PRODUCE THEM UPON REQUEST OF AN AUTHORISED OFFICER OF THE LICENSING AUTHORITY OR A POLICE OFFICER WITHIN REASONABLE TIME / OR TIME SPECIFIED.	3-8*	✓		
LEG24	CTTE	MAKING A FALSE STATEMENT OR WITHHOLDING INFORMATION TO OBTAIN A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE.	12			✓
LEG25	CTTE	FAILURE TO RETURN A PLATE / LICENCE AFTER NOTICE HAS BEEN GIVEN FOLLOWING EXPIRY, REVOCATION, OR SUSPENSION OF A HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLE LICENCE.	6-12*		✓	
LEG26	CTTE	PERMITTING A PRIVATE HIRE VEHICLE TO WAIT ON A HACKNEY CARRIAGE RANK.	6-12*			✓
LEG27	LO / CTTE	CHARGING MORE THAN THE METER FARE FOR A JOURNEY ENDING OUTSIDE THE DISTRICT, WITHOUT PRIOR AGREEMENT.	8			✓
LEG28	LO / CTTE	UNNECESSARILY PROLONGING A JOURNEY.	8			✓
LEG29	CTTE	INTERFERING WITH A TAXIMETER WITH INTENT TO MISLEAD.	12		✓	✓
LEG30	CTTE	OBSTRUCTION OF AN AUTHORISED OFFICER OF THE LICENSING AUTHORITY OR A POLICE OFFICER.	6-12*	✓	✓	✓
LEG31	LO / CTTE	FAILURE TO COMPLY WITH A REQUIREMENT OF AN AUTHORISED OFFICER OF THE LICENSING AUTHORITY OR A POLICE OFFICER.	3-12*	✓	✓	✓
LEG32	LO / CTTE	FAILURE TO GIVE INFORMATION OR ASSISTANCE TO AN AUTHORISED OFFICER OF THE LICENSING AUTHORITY OR POLICE OFFICER.	3-12*	✓	✓	✓

PENALTY POINTS SYSTEM

LICENSING POLICY

Code	Imposition of points by LO or Ctte	Section and Offence	Penalty Points or Action	Operator	Proprietor	Drivers
POL 1	LO / CTTE	FAILURE TO ENSURE THE SAFETY OF PASSENGERS.	3-12*	✓	✓	✓
POL2	LO / CTTE	CONCEALING OR DEFACING A VEHICLE LICENCE PLATE.	6	✓	✓	✓
POL3	LO	FAILURE TO ATTEND ON TIME FOR A PREARRANGED APPOINTMENT AT THE REQUEST OF THE LICENSING AUTHORITY FOR INTERVIEW WITHOUT REASONABLE CAUSE.	2	✓	✓	✓
POL4	LO	CONVEYING A GREATER NUMBER OF PASSENGERS THAN PERMITTED.	6-12*			✓
POL5	LO	FAILURE TO GIVE REASONABLE ASSISTANCE WITH PASSENGER'S LUGGAGE.	2			✓
POL6	LO / CTTE	PRIVATE HIRE SOLICITING FOR HIRE OR ACCEPTING A FARE THAT IS NOT PRE-BOOKED.	6			✓
POL7	LO	OPERATING/USING A VEHICLE THAT IS NOT CLEAN AND TIDY INTERNALLY OR EXTERNALLY.	2-4		✓	✓
POL8	LO / CTTE	OPERATING/USING A VEHICLE THAT IS NOT IN A SAFE CONDITION INTERNALLY OR EXTERNALLY.	6-12*		✓	✓
POL9	CTTE	DRIVING WITHOUT THE CONSENT OF THE PROPRIETOR.	12			✓
POL10	LO	DRINKING OR EATING IN THE VEHICLE WHILST CARRYING PASSENGERS.	2			✓
POL11	LO	SMOKING IN THE VEHICLE AT ANY TIME.	4-8*			✓
POL12	LO	CAUSING EXCESSIVE NOISE FROM ANY RADIO OR SOUND-REPRODUCING EQUIPMENT.	2			✓
POL13	LO	SOUNDING THE HORN TO SIGNAL THAT THE VEHICLE HAS ARRIVED. DISTURBING RESIDENTS	2			✓
POL14	LO	ALLOWING A PRIVATE HIRE VEHICLE TO STAND IN SUCH A POSITION AS TO SUGGEST THAT IT IS PLYING FOR HIRE OR USING A HACKNEY CARRIAGE STAND.	6			✓
POL15	LO	ALLOWING A HACKNEY CARRIAGE VEHICLE TO STAND IN A POSITION, NOT BEING A HACKNEY CARRIAGE STAND, TO SUGGEST THAT IS PLYING FOR HIRE.	6			✓
POL16	LO	PARKING A HACKNEY CARRIAGE VEHICLE OR PRIVATE HIRE VEHICLE ILLEGALLY SO AS TO CAUSE AN OBSTRUCTION TO OTHER ROAD USERS.	3			✓
POL17	LO / CTTE	USING A NON-HANDS FREE MOBILE TELEPHONE WHILST DRIVING/ENGINE RUNNING.	6-12*			✓
POL18	CTTE	FAILURE TO ADVISE OF A RELEVANT MEDICAL CONDITION.	12			✓
POL19	LO	FAILURE TO PROVIDE A RECEIPT FOR A FARE WHEN REQUESTED.	2			✓
POL20	LO / CTTE	FAILURE TO OPERATE THE METER FROM THE COMMENCEMENT OF THE JOURNEY AND /OR CHARGING MORE THAT THE FIXED CHARGE FOR HIRE OF A HACKNEY CARRIAGE.	8 – 12*			✓
POL21	LO	FAILURE TO NOTIFY THE LICENSING AUTHORITY OF RELEVANT CHANGE TO LICENCE DETAILS WITHIN THE TIME SPECIFIED IN	2	✓	✓	✓

PENALTY POINTS SYSTEM

LICENSING POLICY

Code	Imposition of points by LO or Ctte	Section and Offence	Penalty Points or Action	Operator	Proprietor	Drivers
		THE ASSOCIATED LICENCE CONDITIONS.				
POL22	LO	FAILURE TO PRODUCE A HACKNEY CARRIAGE OR PRIVATE HIRE LICENCE UPON REQUEST.	3	✓	✓	✓
POL23	LO	FAILURE TO SHOW A PRIVATE HIRE DRIVER'S LICENCE TO THE PRIVATE HIRE OPERATOR AT THE COMMENCEMENT OF EMPLOYMENT.	2			✓
POL24	LO	FAILURE OF A PRIVATE HIRE OPERATOR TO REQUEST AND KEEP A COPY ALL DRIVER'S LICENCE IN HIS EMPLOY AT THE BEGINNING OF EMPLOYMENT.	2	✓		
POL25	CTTE	FAILURE OF A LICENCE HOLDER TO DISCLOSE CONVICTIONS WITHIN SEVEN DAYS OF CONVICTION.	12	✓	✓	✓
POL26	CTTE	DRIVER OR PROPRIETOR OF HACKNEY CARRIAGE REFUSING TO CONVEY AN ASSISTANCE DOG FOR THE DISABLED OR VISUALLY IMPAIRED WHEN REQUESTED BY THE DOG'S OWNER. (DISABILITY DISCRIMINATION ACT)	12			✓
POL27	LO	FAILURE TO SEARCH A VEHICLE AFTER A JOURNEY OR FAILURE TO TAKE FOUND PROPERTY TO THE POLICE WITHIN FORTY EIGHT HOURS OF FINDING.	3			✓
POL28	LO	FAILURE TO REPORT AN ACCIDENT WITHIN SEVENTY TWO HOURS.	6			✓
POL29	LO / CTTE	FAILURE TO COMPLY WITH REQUIREMENTS FOR THE SAFE CARRYING OF A WHEELCHAIR (DISABILITY DISCRIMINATION ACT)	6-12*		✓	✓
POL30	LO / CTTE	OPERATING A VEHICLE THAT DOES NOT COMPLY WITH THE LICENSING AUTHORITY'S LICENSING POLICY OR RELEVANT LEGISLATION WHERE SUCH A BREACH OF POLICY/LEGISLATION IS NOT OTHERWISE SPECIFIED HEREIN.	3-12*		✓	✓
POL31	CTTE	A PRIVATE HIRE DRIVER USING A HACKNEY CARRIAGE VEHICLE WITHOUT A HACKNEY CARRIAGE DRIVER LICENCE.	12			✓
POL32	LO	FAILURE TO CARRY AN APPROVED FIRE EXTINGUISHER.	2-4		✓	✓
POL33	LO / CTTE	MODIFYING A LICENSED VEHICLE WITHOUT THE CONSENT OF THE LICENSING AUTHORITY.	6-12*		✓	✓
POL34	LO	FAILURE TO DISPLAY OR MAINTAIN EXTERNAL PLATES AS ISSUED BY THE LICENSING AUTHORITY OR DISPLAYING THEM INCORRECTLY E.G. IN THE WINDOW OF A VEHICLE.	4		✓	✓
POL35	LO	AFFIXING OR DISPLAYING A ROOF SIGN ON A PRIVATE HIRE VEHICLE OR FAILURE TO AFFIX A ROOF SIGN TO A HACKNEY CARRIAGE VEHICLE.	4-6		✓	✓
POL36	LO	DISPLAYING A SIGN OR ADVERTISEMENT ON A LICENSED VEHICLE THAT DOES NOT SATISFY THE POLICY REQUIREMENTS OR HAS NOT BEEN APPROVED BY THE LICENSING AUTHORITY.	2-4		✓	✓
POL37	LO / CTTE	USING A TAXI-METER THAT DOES NOT CONFORM TO LICENSING AUTHORITY REQUIREMENTS.	6-12*	✓	✓	✓
POL38	CTTE	DRIVING WITH NO INSURANCE OR INADEQUATE INSURANCE FOR THE VEHICLE.	12		✓	✓

PENALTY POINTS SYSTEM

LICENSING POLICY

Code	Imposition of points by LO or Ctte	Section and Offence	Penalty Points or Action	Operator	Proprietor	Drivers
POL39	CTTE	PERMITTING THE VEHICLE TO BE USED FOR ANY ILLEGAL OR IMMORAL PURPOSES.	12	✓	✓	✓
POL40	LO	FAILURE OF A PRIVATE HIRE OPERATOR TO ENSURE THAT OFFICE STAFF ACT IN A CIVIL AND COURTEOUS MANNER AT ALL TIMES.	2	✓		
POL41	LO / CTTE	FAILURE OF A PRIVATE HIRE OPERATOR TO KEEP THE OPERATING PREMISES IN ACCORDANCE WITH LICENSING AUTHORITY REQUIREMENTS.	3-12*	✓		
POL42	CTTE	FAILURE OF A PRIVATE HIRE OPERATOR TO ENSURE THAT ALL VEHICLES OPERATED BY HIM ARE ADEQUATELY INSURED.	12	✓		
POL43	LO / CTTE	FAILURE OF A PRIVATE HIRE OPERATOR TO OBTAIN PUBLIC LIABILITY INSURANCE FOR THE OPERATING PREMISES IF THE PUBLIC ARE ALLOWED ACCESS.	6	✓		
POL44	LO	DRIVING OR ALLOWING A HACKNEY CARRIAGE VEHICLE TO BE DRIVEN WITH TINTED WINDOWS WHICH DO NOT CONFORM TO LICENCE CONDITIONS.	2		✓	✓
POL45	LO / CTTE	DRIVING OR ALLOWING A HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLE TO BE DRIVEN WITHOUT DISPLAYING THE DOOR SIGNS OR ATTACHING THE SIGNS OTHER THAN IN ACCORDANCE WITH THE COUNCILS POLICY.	2		✓	✓
POL46	LO	ALLOWING A HACKNEY CARRIAGE VEHICLE TO BE DRIVEN WITH A TOP SIGN THAT IS IN BREACH OF THE LICENCE CONDITIONS.	2		✓	