



Ribble Valley
Borough Council

www.ribblevalley.gov.uk

INFRINGEMENT POINTS SCHEME (Hackney Carriage)

RIBBLE VALLEY BOROUGH COUNCIL'S LICENSING DEPARTMENT

The Infringement Points Scheme will operate as follows:-

1. The Council's Enforcement Policy will be fully considered when determining the manner in which any offence or breach of licence conditions is dealt with. Where it is decided that the use of the infringement points system is appropriate, the points will be recommended dependent upon the type of offence or breach of licence conditions by the Electoral and Licensing Officer or Taxi Enforcement Officer based on the table below. Prior to the issue of infringement points to a licensee, the contravention(s) will be reviewed by the Head of Legal and Democratic Services so as to ensure that the appropriate action is being taken and then, if approved, the points will be issued by the Electoral and Licensing Officer.
2. A maximum of twelve infringement points will be issued on any one occasion. This means that if on any occasion when it is proposed to impose infringement points, the licence holder has committed more than one offence or breach of licence conditions, no more than 12 points will be imposed.
3. Points issued to either the proprietor or driver will be confirmed in writing within 10 working days from the discovery of the contravention.
4. When issued, the infringement points will remain "live" for a period of two years from the date they are imposed so that only points accumulated in a rolling 24 months period will be taken into account. If a driver or proprietor accumulates twelve or more points or an operator accumulates 20 or more points within a period of two years from the date they are imposed, he/she will be brought before a Sub Committee of the Council's Licensing Committee for appropriate action to be taken.
5. Where a driver is brought before the Committee, the options available to the Committee will be to suspend or revoke the driver's licence, where Members are satisfied that the driver had failed to comply with the provisions of the Local Government (Miscellaneous Provisions) Act 1976 or the Town Police Clauses Act 1847 or have a reasonable cause

for believing so. If the members of the Committee do not feel that the matter warrants revocation or suspension of the licence, they may extend the period for which the points are to remain "live" or issue a warning to the driver.

6. Periods of Suspension of a Licence will be dependent on the nature of the breaches of the legislation and the compliance history of the individual. Suspension periods will normally vary between 7 to 31 days. More than one accumulation of infringement points in excess of a personal threshold in any three year period will result in the Committee reviewing whether the individual is suitable to continue holding licences with the Authority
7. Once the matter has been dealt with, the points will be removed if a suspension or revocation is imposed. However, if the period is extended or a warning given, the points will remain "live" for the normal two-year period.
8. A driver will retain the right to be represented at the hearing before the Licensing Committee either legally or otherwise and to put forward such evidence as he/she deems necessary.
9. Even though infringement points have been issued, if it is found that the driver has been issued with infringement points or has been formally cautioned for similar offences the Council retains the right to cancel the infringement points and deal with the matter in accordance with the Enforcement Policy.
10. Any person aggrieved by the issue of Infringement points may appeal, in writing, within 14 days of the issue of the Infringement points Notice, to the Council's Licensing Sub Committee, c/o The Electoral and Licensing Officer.
12. The system will operate without prejudice to the Council's ability to take other action that it is entitled to take under legislation, by-laws and regulations.

VEHICLES		
Hackney Carriage Standard Conditions		
Paragraph	Offence	Points
3	Allowing a vehicle to be used for hire by a person who does not hold a current private hire or hackney driver's licence	8
5	Permitting the vehicle to be used for any illegal or immoral purposes.	6
9(a)	No insurance or inappropriate insurance for the vehicle.	12

9(b)	Failure to ensure that a copy of the current motor insurance is kept in the vehicle for inspection.	3
9(c)	Failure to produce the Vehicle Licence and policy or motor insurance for inspection within 7 days of a request from an authorised officer of the Council or a police officer	3
8	Operating a vehicle which does not comply with the Council's Vehicle Specification	5
11	Alterations made to a vehicle without the consent of the Council.	2
14	Failure to submit vehicle for inspection at the place authorised and on the dates notified by the Council	3
19(a)	Failure to carry a fire extinguisher authorised by the Council	3
19(b)	Failure to carry an appropriate first aid kit, dressings and appliances.	3
20	Failure to ensure that the Safety Equipment is readily available to the driver, hirer/passengers and third parties or that it is available for immediate use.	3
21	Radio equipment not fitted in accordance with Council requirements.	2
25	Failure to comply with the Council's requirements as to signage.	5
27	Failure to display a current vehicle excise licence (car tax disc) in the correct place on the vehicle windscreen	3
28	Failure to report an accident/incident involving the vehicle to the Council within 72 hours of its occurrence.	3
31	Failing to notify change or transfer of ownership of the vehicle within 7 days of its occurrence.	3

DRIVERS		
Breach of Hackney Carriage Driver's Standard Conditions		
Paragraph	Offence	Points

2 & 5	Failure to provide medical certificate or not notifying a medical condition	3
13	Failure to wear a Hackney Carriage driver's badge in a prominent position at all times whilst in the course of their duty.	3
14	Failure to show badge on request to authorised officer of the council or police officers.	2
16	Failure to surrender a driver's licence, badge or plate to the Council on expiry, suspension or revocation.	3
17	Failure to show driver's licence to the proprietor at the beginning of an employment when carrying out private hire work.	2
20(a)	Failure to be clean and respectable in their dress and person and behave in a civil and orderly manner	3
20(b)	Failure to ensure that the vehicle driven by them is kept in a clean and tidy condition	2
20(c)	Failure to take all reasonable steps to ensure the safety of the passengers conveyed in, entering or alighting from the vehicle.	4
20(d)	Drinking or eating in the vehicle without permission of passenger.	2
20(e)	Smoking in the vehicle or allowing any passenger to smoke in the vehicle.	4
20(f)	Using mobile phone whilst driving	3
20(g)	Playing a radio or other sound reproducing instrument or equipment in the vehicle, other than for the purpose of sending or receiving messages in connection with the operation of the vehicle.	3
20(h)	Causing or permitting the noise emitted by any radio or other sound reproducing equipment to be a source of nuisance or annoyance to any person, whether inside or outside of the vehicle.	2
20(i)(j)(k)	Failure to convey a reasonable quantity of or give assistance with the hirer or passenger's luggage.	3
20(l)	Failure to attend on time for pre-arranged booking without sufficient cause.	2

20(m)	Operating the horn as a means of signalling that the vehicle has arrived.	3
20(n)	Failure to provide a receipt when requested.	2
21 & 22	Failure to search vehicle after journey or failure to take found property to a police station within the district within 48 hours of finding lost property.	2
23	Conveying a greater number of passengers than prescribed in the Vehicle Licence.	6
24	Conveying a child below the age of 10 or more than one person in the front seat of the vehicle	6
25	Permitting a person to be conveyed without the consent of the hirer	6
26	Driving a Hackney Carriage whilst unauthorised, unlicensed and/or uninsured.	5
28	Allowing printed, written or other advertisements to appear on the vehicle without the consent of the Council	3
29	Failure to proceed to destination by the shortest available route.	4
30	Failure to ensure that the licence plate attached to the vehicle in the specified place at all times.	4
31	Concealing or defacing a licence plate.	4
32	Failure to keep a copy of the standard conditions within the vehicle and make them available for inspection by the hirer or passenger.	4
35-38	Failure to carry assistance dog without exemption certificate.	5
39	Carrying an animal other than one with passenger.	2
40	Carrying an animal, which is not safely restrained.	3
41-44	Failure to comply with duties under Section 165 Equality Act 2010 with <u>without</u> a valid exemption.	<u>6</u>

45	Failure to report an accident or incident within 72 hours.	3
46	Failing to disclose a conviction or police caution within 7 days.	12
47	Failing to notify of change of address within 7 days.	3
48	Failure to notify within 7 days of starting or terminating employment, the name and address of the proprietor and the date when the employment either started or ended.	2

Bye-laws Hackney Carriages		
Bye-law	Offence	Points
2	Failure to display or maintain the external licence plates in the correct position or to conceal or deface the same	4
3	Failure to provide communications with the driver	2
3	Failure to meet standards in respect of vehicle furnishings	3
3	Operating a vehicle that is not clean and tidy	3
3	Failure to carry an efficient fire extinguisher.	3
4-5	Operating a vehicle with a taximeter which does not comply with bye-laws	5
4-5	Using a taximeter not in compliance with bye-laws including failure to bring the taximeter into operation and failure to keep the dial of the taximeter illuminated.	5
6	Tampering with a taximeter	10
7	Failure to observe rank discipline as per bye-law requirements (Failure to proceed etc).	2
8	Calling out or importuning persons to use the hackney carriage when standing or plying for hire.	3
9	Failure to behave in a civil and orderly manner.	3
9	Failure to ensure the safety of passengers	5
10	Failure to attend punctually for a hiring without good reason.	2

(see SC)	Failure to proceed to destination by the shortest available route	3
11	Conveying more persons than permitted	6
12	Failure to wear a badge	3
13	Failure to give assistance with passenger's luggage.	3
(see SC)	Failure to produce a copy of byelaws.	2
15	Failure to display a statement of fares or concealing or defacing the same	2
16	Failure to search vehicle after journey.	2
17	Failure to take found property to the Council Offices within 48 hours of finding.	2
Town Police Clauses Act 1847		
Section	Offence	Points
40	Giving false information on application for HC proprietor's licence.	5-10
44	Failure to notify change of address of HC proprietor.	2
45	Plying for hire without HC Proprietor's licence.	8-12
47	Driving a HC without HC driver's licence.	8-12
47	Lending or parting with HC driver's licence.	4
47	HC Proprietor employing unlicensed driver.	8
48	Failure by HC proprietor to hold HC driver's licence.	6
48	Failure by HC proprietor to produce HC driver's licence.	3
52	Failure to display HC plate.	4
53	Refusal to take a fare without reasonable excuse	4
54	Charging more than the agreed fare.	6
55	Obtaining more than the legal fare. (Failure to refund)	6
<u>Equality Act 2010</u>		

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<u>164A</u>	<u>Disabled Passengers – Failure to comply with duty to passenger</u>	<u>6</u>
<u>165</u>	<u>Disabled Passengers in wheelchairs – Failure to comply with duty of passengers</u>	<u>6</u>
<u>170-171</u>	<u>Refusal to accept a booking to carry a guide, hearing or other assistance dog in a private hire vehicle.</u>	<u>6</u>

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