
Taxi and private hire penalty points policy 2020



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Version control

Version No	Initial	Date	Changes Made
V1.0		24/06/2013	Policy adopted 24 June 2013 and in force from 1 August 2013.
V1.1	DC	01/09/2020	Re-formatted for accessibility and style and updated to correspond with Taxi and Private Hire Licensing Policy 2020-2025. Approved 22 July 2020.

You should read this policy together with Elmbridge Borough Council's taxi and private hire:

- licensing policy 2020-2025
- convictions policy 2020.

Contact us

You should send all correspondence to licensing@elmbridge.gov.uk or the Licensing Team, Environmental Services, Elmbridge Borough Council, Civic Centre, High Street, Esher, Surrey, KT10 9SD.

Accessibility

We have actively considered the needs of blind and partially sighted people in accessing this document. We will make this document available in full on our website and you may download and translate into other accessible formats. If you have other needs in this regard, please contact the licensing team.

1. Introduction

This version of the Elmbridge Borough Council ('the council') Taxi and Private Hire Licensing Penalty Points Policy ('the PPP') was adopted on 22 July 2020 and came into effect on 1 September 2020.

The PPP aims to complement the Elmbridge Borough Council Taxi and Private Hire Licensing Policy 2020-2025 and protect the safety of the public by ensuring that only fit and proper persons hold taxi or private hire driver and vehicle licences, or private hire operator licences.

The PPP provides a means of enforcement for multiple minor matters that would not usually result in enforcement action if committed in isolation. Under current legislation, taxi, and private hire licence holders who commit certain offences may be prosecuted and/or have their licence suspended or revoked. Under the PPP, minor breaches of legislation and/or instances of undesirable behaviour that are insufficiently serious to warrant such enforcement action, may result in the licensee receiving penalty points for each misdemeanour (see PPP Appendix 1). Further enforcement action may be triggered if a licensee reaches a total of 20 points in any 12-month period.

2. How does the PPP operate?

Where the council has reliable evidence that a licensee has committed a misdemeanour within the last six months, it may issue a penalty points notice (PPN). Persons who wish to report a misdemeanour must provide accurate details of the incident (see a. - c. below). A PPP incident report form is available, which can be downloaded from the council's website at elmbridge.gov.uk/licensing or provided in hard copy on request.

Note: Disputes regarding overcharging by private hire drivers and/or operators fall outside the PPP, as these are contractual, not licensing matters.

The PPN will contain:

- a) the date/time the misdemeanour occurred
- b) the location in which the misdemeanour occurred
- c) a brief description of what took place
- d) the number of penalty points recorded against the licensee's current record

e) details of how to appeal the PPN.

The PPN will be issued to the licensee in person or posted to the address or email address held on file.

Penalty Points will expire and be removed from the licensee's current record 12 months from the date they were imposed.

The PPP is operated completely independently of the DVLA penalty points scheme and only affects licences issued by the council.

3. Appealing a PPN

Licensees wishing to appeal a PPN must do so in writing to environmental services within 21 days of the date of receipt.

Appeals must be accompanied by the appropriate fee (see "Taxi and private hire—fees and charges"), which will be refunded if your appeal is successful.

Appellants must explain why they say the PPN is unwarranted, citing only justifiable reasons e.g. that they had reasonable excuse etc. The matter will be determined by the Council and a written response issued to the licensee, cancelling, or confirming the PPN, with reasons for the decision.

4. What happens when 20 points (or more) are reached?

Where multiple misdemeanours have been committed, which have attracted sufficient penalty points to bring the licensee's running total to 20+ in any 12-month period, this may result in the suspension or revocation of a licensee's licence.

5. Revocation of a licence, Sub-Committee hearings and dispute resolution

Before the decision to revoke a licence is taken, the licensee will be notified in writing and given the opportunity to submit written representations to environmental services setting out their case against revocation. Representations should be received within 21 days of the date of receipt of notification, after which they will not normally be considered.

Note: Representations should focus on the facts of the incident(s) which lead to the imposition of penalty points and not the personal circumstances of the licensee which may result if the licence is revoked. Resulting hardship will not be considered.

Where representations are received, this will trigger a meeting of the Licensing Sub-Committee consisting of 3 Members of the Licensing Committee, who will decide whether a licence should be revoked. Such hearings are not normally held in public.

Normal order of Sub-Committee hearing

- Licensing Officer introduces the parties present and outlines the matter(s) under consideration (followed by members' questions);
- licensee addresses the sub-committee setting out the case against revocation of their licence (followed by Licensing Officer's questions + members' questions);
- Licensing Officer's closing statement;
- licensee's closing statement;
- sub-committee withdraw to consider their decision;
- sub-committee announce their decision and the reasons supporting it.
- the council's written decision will be sent to the address held on record for the licensee.

Where a licence is revoked, no part of the original application fee will be refunded, and the remaining licensing period shall be forfeit.

6. Appealing a revocation to the magistrates' court

Where a person's licence has been revoked, they may appeal the council's decision to the magistrates' court within 21 days of receipt of the letter of revocation, in which case they are strongly recommended to seek independent legal advice.

7. Re-applying for a licence

Any person whose licence has been revoked may apply for a new licence, after 12 months has elapsed from the date of revocation, unless any misdemeanour which resulted in the revocation carried six+ penalty points, in which case this period will be 24 months.

New licences will not be granted automatically and applicants must demonstrate that

they are a fit and proper person to hold a licence.

Applications for new licences following revocations will be subject to a fee - see “taxi and private hire fees and charges” available on the council’s website or in hard copy from environmental services.

If you have any suggestions for improvements to the PPP, please address them to:

Environmental Services, Elmbridge Borough Council, Civic Centre, High Street,
Esher, KT10 9SD

Telephone 01372 474750 Fax: 01372 474915 email:

envhealth@elmbridge.gov.uk For further taxi and private hire licensing advice see our website: elmbridge.gov.uk/licensing

Appendix 1

Table of Misdemeanours and Penalty Points

Ref	Misdemeanour	Points
1.	Revocation or suspension of DVLA driving licence for any period	20
2.	Serious contravention of a Road Traffic Act requirement or other legislation relating to vehicle, driver or operator licensing e.g. hackney carriage charging more than the prescribed fee	12
3.	Major vehicle defects e.g. illegal tyre, faulty steering	8
4.	Abusive behaviour to a council officer	8
5.	Failing to produce MOT certificate, driving licence or insurance certificate, which is valid on the day of request, within 7 days of being requested	8
6.	Driver using a handheld mobile phone, handheld two-way radio, eating or drinking whilst the vehicle is in motion	8
7.	Urinating or defecating in a public place	8
8.	Operator failing to keep proper records or keep records in accordance with licence conditions	8
9.	Failing to notify the council of details of road traffic collision within the prescribed time limit	6
10.	Minor abusive behaviour to a member of the public or a licensed driver	6

Ref	Misdemeanour	Points
11.	Carrying (an) excess passenger(s)	6
12.	Taxi driver plying for hire whilst the taxi is parked other than on a designated taxi stand	6
13.	Private hire driver plying for hire	6
14.	Failing to present vehicle for inspection by an authorised officer at required time/location	6
15.	Private hire driver charging or attempting to charge more than the fare agreed with the customer by the private hire operator	6
16.	Failure to comply (without reasonable excuse) with a written requirement of an authorised officer of the council	6
17.	Littering	5
18.	Private hire vehicle parking/waiting on or near (e.g. within 250 m of) a taxi rank without a booked fare	5
19.	Taxi or private hire driver smoking in the vehicle.	5
20.	Contravention of any byelaw or condition not specified above	5
21.	Minor contravention of a section of a Road Traffic Act or other legislation relating to vehicle, driver, or operator licensing	5

Ref	Misdemeanour	Points
22.	Driving or parking in a manner likely to cause inconvenience, distress, or danger to any member of the public	5
23.	Parking in contravention of public highway parking restrictions	5
24.	Failure to comply with the council's taxi and private hire licensing policy regarding tinted windows in any specific calendar month	5
25.	Failing to notify change of address or change of medical circumstances within prescribed time limit	4
26.	Parking/stopping or picking up or dropping passengers on zigzags of a pedestrian crossing or school entrance	4
27.	Failing to wear taxi or private hire driver's badge	4
28.	Minor vehicle defects e.g. broken tail light, blown exhaust, ineffective/broken windscreen wiper/wash	4
29.	Licensed vehicle displaying unauthorised markings (inside or outside)	3
30.	Sounding the vehicle horn to announce arrival or to tout for business	3
31.	Licensed vehicle not properly displaying: roof sign, or external or internal licence plate	3
32.	Failing to display taxi fare card in vehicle	3
33.	No spare wheel or tools for wheel changing (jack and wheel brace)	3

Ref	Misdemeanour	Points
34.	Occupying a designated resident's parking bay or a designated public parking bay without due authority	3
35.	Parking or stopping with wheels on the pavement or driving on a pavement	3
36.	Leaving a taxi unattended whilst on a designated rank	3
37.	Dirty vehicle (interior and/or exterior)	2
38.	Using in-vehicle entertainment systems so as to cause annoyance to persons outside the vehicle	2