

# Appendix O

## Penalty Points Scheme

### Issue of Penalty Points

1. Concerns or complaints concerning alleged breaches of conduct, conditions of licence or policy will be subject to investigation by a Licensing Officer who may then issue Penalty Points.
2. Where a licence holder accumulates 12 or more penalty points in any 12 month period, the matter will be referred to the Team Leader for Health Safety and Licensing for consideration by the Head of Service who may then refuse to renew a licence, revoke or suspend a licence, or issue a warning to the licence holder. Each case will be considered on its merits and action will vary, depending on the circumstances.
3. Points issued to either the proprietor of a vehicle, a driver or operator will usually be confirmed in writing within 10 working days from the discovery of the contravention.
4. The system will operate without prejudice to the Crawley Borough Council's Authority's ability to take other action that it is entitled to take under legislation, byelaws and regulations.
5. Any licence holder issued with penalty points may request the decision be reviewed. Any request for a review must be in writing and sent to the Team Leader, Health Safety and Licensing within 21 days from the date the points were issued. The request may either be posted/delivered to the Town Hall or sent by email to [taxis@crawley.gov.uk](mailto:taxis@crawley.gov.uk).
6. Any request for a review will be determined by the Team Leader for Health, Safety and Licensing or another officer of the same or greater seniority. The review officer will either decide to accept the review (in which case the penalty points will no longer be on the licence holder's record) or a decision to uphold the original decision to impose penalty points, in which case they have full discretion to issue fewer or greater than the original number of points issued.
7. If a decision is made to issue points to a licence holder rather than prosecute for a matter which is also a criminal offence e.g., bald tyres; no badge etc., the licence holder will not normally also be prosecuted by the Council. Such matters will be looked at on a case-by-case basis and does not preclude the Council from deciding to take other action where it considers necessary for the protection of the public.

8. Where the licence holder's conduct is sufficiently serious and has referred to the Head of Service for consideration as to whether there is cause to suspend or revoke their licence, the Head of Service has full discretion to impose penalty points instead of or in addition to any other sanction.
9. The list below is not exhaustive. The Council may decide to issue Penalty Points in a range of other circumstances not included below and each case will be considered on its merits.

	<b>Offence/Breach of Condition</b>	<b>Maximum Points</b>	<b>Driver</b>	<b>Proprietor or Operator</b>
1	Providing misleading information on licence application form / failing to provide relevant information or the relevant fee at the time of application or during the currency of a licence.	6	✓	✓
2	Failure to notify, in writing, the Authority of change of address within 48 hours.	3	✓	✓
3	Refusal to accept hiring without reasonable cause e.g. drunk or rude customer (Hackney Carriages only).	6	✓	
4	Unreasonable prolongation of journeys or any misconduct regarding the charging of fares.	6	✓	
5	Plying for hire by private hire drivers.	9	✓	✓
6	Failure to have current vehicle excise licence.	4		✓
7	Driving or operating an unlicensed vehicle for carrying passengers for hire or reward or vehicle without insurance.	12	✓	✓
8	Failure to produce relevant documents within timescale, when requested by a Licensing Officer/Police Officer.	4	✓	✓
9	Failure to maintain vehicle in a satisfactory condition – including interior or exterior.	4	✓	✓

10	Failure to provide proof of insurance cover when requested by a Licensing Officer/Police Officer.	6	✓	
11	Failure to produce hackney carriage or private hire vehicle for testing when required.	5		✓

12	Using a vehicle whilst subject to a suspension, issued by a Licensing Officer or Police Officer.	12	✓	✓
13	Driving or operating a vehicle for reward or gain for which the licence has been revoked.	12	✓	✓
14	Failure to report an accident at the earliest reasonable opportunity or damage to a licensed vehicle, which may affect the comfort or convenience of passengers.	4	✓	✓
15	Carrying more passengers than stated on the vehicle licence.	12	✓	
16	Failure to display external/internal licence plate as required.	4		✓
17	Carrying any article which would reasonably be considered an offensive weapon in the vehicle.	12	✓	
18	Failure to notify transfer of private hire or hackney carriage vehicle licence.	4		✓
19	Failure to carry a valid fire extinguisher.	4		✓
20	Failure to apply for prior approval for advertising signage on the outside of the vehicle.	4		✓
21	Displaying unsuitable or inappropriately sited signs or advertisements in or on the vehicle.	3		✓
22	Failure to use authorised roof sign.	4	✓	
23	Displaying unauthorised written or other material on any window.	4	✓	✓

24	Failure to comply with a requirement, provide information or assistance to a Licensing Officer/Police Officer.	6	✓	✓
25	Using a non-approved or properly uncalibrated taximeter.	6	✓	✓
26	Obstruction of Licensing Officer/Police Officer wishing to examine a licensed vehicle.	12	✓	✓
27.	Obstruction of Licensing Officer/Police Officer in the carrying out of their role or investigation	12	✓	✓
27	Evidence of food or drink in vehicle.*	3	✓	✓
28	Displaying any feature on a private hire vehicle that may suggest that it is a hackney carriage vehicle taxi.	6		✓
29	Failure to carry an assistance dog without requisite medical exemption.	12	✓	✓
30	Failure to wear driver's badge and display it in a manner so that it can be clearly seen by the public, a Licensing Officer/Police Officer.	4	✓	
31	Failure to immediately notify, in writing, a change in medical circumstances.	6	✓	✓
32	Unsatisfactory appearance of driver in as specified in the Code of Conduct.	3	✓	
33	Failure to observe rank discipline as specified in the Code of Conduct (hackney carriage only).	4	✓	
34	Failure to maintain proper records of private hire vehicle and associated booking records.	6		✓
35	Failure to keep or produce booking records of private hire bookings or other documents required to be kept or produced.	6		✓
36	Failure to issue written receipt on request of a passenger.	3	✓	

37	Unsatisfactory behaviour or conduct of driver as defined in the Code of Conduct.	4	✓	
38	Failure to notify the Authority, in writing, of any motoring or criminal convictions within 48 hours of said conviction, cautions or formal warnings during period of current licence. This includes any arrest, charge or Warning Notice issued by Sussex Police or other Authority	6	✓	✓
39	Failure to behave in a civil and orderly manner towards an Officer of Crawley Borough Council.	4	✓	✓
40	Failure to give assistance with loading/unloading luggage to or from any building or place.	3	✓	✓
41	Failure to display table of fares. (Hackney Carriage)	4	✓	✓
42	Failure to carry legal spare wheel or authorised suitable alternative and tools.	4	✓	✓
43.	Carrying out bookings for the purposes of hire and reward using a spare space saver wheel or other temporary fix to wheels	6	✓	✓
43	Failure to attend punctually at appointed time and place without sufficient cause.	4	✓	✓
44	Using a licensed vehicle with bald tyre(s). 4 Points will be awarded for each tyre.	4	✓	✓
45	Operating a licensed vehicle where the Certificate of Compliance has expired.	10		✓
46	Failure to display a current licence plate. (Internal and/or external)	4		✓
47	Waiting or stopping on a double yellow line area, bus stop or private land (without the owner's permission) and double parking unless requested by a paying customer present in the	3	✓	

	vehicle.			
48	Failure to deploy ramps to allow for the safe access and exit of wheelchairs from a Wheelchair accessible vehicle.	4	✓	✓
49.	Failure to correctly and safely secure a wheelchair prior to the commencement of a journey, and ensure the safety and comfort of the passenger.	12	✓	
50.	Other than in an emergency, carrying out a conversation or operating a hands free device when driving a licensed vehicle	6	✓	
51.	Removal of any form of livery designed to be permanent. (Door Signs, Internal/External Licence Plate)	12	✓	✓
52.	Smoking in a smoke-free place is prohibited under the Health Act 2006. In this context a 'smokefree place' will include a hackney carriage vehicle, private hire vehicle as well as a private hire operators premises which is open to the public. In the context of the Health Act 2006, smoking relates to the smoking of cigarettes and other tobacco products, this includes e-cigarettes and vaping products,	6	✓	✓

Ticks indicate potential recipients of penalty points for infringements.

Certain infringements may result in drivers, proprietors or operators receiving penalty points. Points may be awarded to one or several persons depending upon the nature of the infringement, however each case must be determined on its own merits. The list above is not exhaustive and may be subject to change without prior notification.

Certain matters are specific to hackney carriages, private hire drivers or private hire operators.

Decisions taken above will be made with regard to the Council's Enforcement Policy at all times.