



Hackney Carriage and Private Hire Licensing Penalty Points Policy

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1 Introduction

- 1.1 Those licensed as Hackney Carriage drivers and proprietors and Private Hire drivers, operators, and vehicle owners are principally governed by the Town and Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976, the and the Council's own byelaws conditions, and policies set by the Licensing Committee.
- 1.2 Should operators, drivers or vehicle proprietors commit an offence or breach those rules, regulations, or conditions the Council's Licensing Team will conduct an investigation. This may include a taped interview and compilation of witness statements.
- 1.3 There are a number of options available following an investigation, including:
- No further action
 - Formal warning
 - Issuing penalty points in accordance with this policy
 - Referral to the General Licensing Sub-Committee
 - Prosecution (or the offering of a Caution)
- 1.4 The outcome of an investigation will depend on the facts of the case and the severity of any breach. In all instances a record of the matter will be kept on the driver's file. This would include cases where no further action was taken.
- 1.5 The penalty points scheme is designed to work in conjunction with other enforcement options. Its purpose is to record misdemeanours and to act as a record of a driver's behaviour and conduct.
- 1.6 The primary objective of this scheme is to raise standards and improve compliance with licensing regulations and requirements. The ultimate aim of the Licensing regime is to protect the public and the Council is committed to ensuring that those licensed are fit and proper persons.

2 Issuing of Penalty Points

- 2.1 Complaints from the public concerning any breaches of conduct will be subject to investigation by Officers. These investigations may be dealt with by way of issuing penalty points under this scheme or in serious cases automatic referral to the General Licensing Sub-Committee.
- 2.2 Where a licence holder accumulates 12 or more penalty points in a 12 month rolling period (a period of 12 consecutive months determined on a rolling basis with a new 12 month period beginning each day) the matter will be referred to the Council's General Licensing Sub-Committee. The Committee will be required to determine whether the driver or operator is a fit and proper person. The following action can be taken by the Committee:
- i. Take no action
 - ii. Issue a warning
 - iii. Issue additional penalty points
 - iv. Suspend a licence as a punitive sanction
 - v. Suspend a licence to correct a fault, defect, or breach

vi. Revoke or refuse to renew a licence

- 2.3 Periods of suspension will be determined by the Sub-Committee and will depend on the nature of the offence, breach, or misdemeanour and the individual's compliance history. A determination will also be made as to whether the suspension or revocation is on the grounds of public safety, thereby having immediate effect.
- 2.4 Where a driver, proprietor or operator reaches the tariff of 12 points and is referred to the Sub-Committee it will not preclude all relevant information being disclosed. This will include any other penalty points, complaints, warnings, and suspensions etc. The 12 point tariff will be a referral trigger.
- 2.5 Any points issued by an Officer or the Committee will be confirmed in writing within 14 days of their issue. Acceptance of the points issued should be completed within 21 days of notification.
- 2.6 As the scheme is designed to raise standards through compliance the licence holder will be offered penalty points as an alternative to other enforcement action. The licence holder will be given the option of accepting the penalty points offered. The acceptance of points will be considered as having been sufficient to deal with the matter and no further action will be taken nor will the licence holder be able to ask for the matter to be re-examined at any later stage e.g if referred to the Licensing Sub-Committee on accumulation of 12 or more points
- 2.7 If penalty points are offered and refused the Council will consider taking alternative action. This may include the instigation of prosecution proceedings or referral to the Council's General Licensing Sub-Committee depending on the circumstances. A record of the refusal will kept on the relevant file.

3 Penalty Points Tariff

- 3.1 The penalty points scheme will cover a range of offences, breaches, and misdemeanours.
- 3.2 The full list together with the number of points to be applied is set out at Appendix A. Where a range of points are available (ie 3-6), the number of points given will depend on the individual circumstances.
- 3.3 Where there is a range of points available and a subsequent offence of the same nature is committed, the maximum number of points will automatically be applied.
- 3.4 The form used to apply points is set out at Appendix B.

4 Appeals

- 4.1 In respect of suspension, revocations, and refusals to renew licences the aggrieved person has a right of appeal within 21 days by way of complaint to the Magistrates' Court.
- 4.2 When a decision has been taken against a driver's licence on the grounds of safety the decision will have immediate effect. There will be no right to continue driving during any appeal period.

- 4.3 Where a decision against a driver's licence has not been taken on the grounds of public safety, the driver will preserve the right to drive a licensed vehicle until the end of the 21 day appeal period. Where an appeal has been made the driver will preserve the right to drive until disposal of the appeal.
- 4.4 There is no right of appeal against the acceptance of penalty points issued in accordance with this policy.

5 Delegation of Functions

- 5.1 The Licensing Team Leader is given delegated authority to issue penalty points in accordance with this policy.
- 5.2 The Licensing Team Leader is authorised to delegate this authority to any other officer.

6 General

- 6.1 At all times, each investigation will be determined on its own merit. As a result, any case may be referred directly to the General Licensing Sub-Committee without the imposition of penalty points.

7 Consultation on the Policy

- 7.1 The Council will conduct consultation with those who might be affected by the Policy. Government Guidance will be taken into account when conducting consultations.
- 7.2 Any changes or updates made to this Policy will also be subject to the same level of consultation.

8 Review of the Policy

- 8.1 This Policy will be reviewed every five years. Notwithstanding, this the policy will continue to be evaluated and may be updated at any time. Any changes to this policy must be agreed by the Licensing Committee, unless this function is delegated to an appropriate officer and will be subject to consultation.

9 Contacts

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