

**TO: LICENSING AND SAFETY COMMITTEE
12 JANUARY 2012**

**HACKNEY CARRIAGE AND PRIVATE HIRE ENFORCEMENT
Chief Officer: Environment and Public Protection**

1 INTRODUCTION

- 1.1 At present, the Council has a system where contraventions of the law or licence conditions can be recorded and the licence holder given 'penalty points' by authorised officers. The aim of this system is to provide an effective and consistent enforcement approach and to ensure compliance with the law and conditions for the benefit of public comfort and safety.
- 1.2 The purpose of this report is to provide the Committee with an update in respect of recent enforcement action relating to the taxi and private hire trade and the current penalty points system. The detail is brought to the Committee at this stage in order that they may have time to consider the issues in more detail before the next scheduled review of the penalty points scheme due before the next meeting of the Committee on 22 March 2012.

2 SUPPORTING INFORMATION

- 2.1 Attached at Annex A is a summary of the number of penalty points issued since 1 April 2010. This demonstrates that 460 points have been issued to licensed drivers. A total of 9 drivers have been referred to a Licensing Panel, with one driver appearing before the panel on three separate occasions.
- 2.2 The current penalty points table in use in accordance with the Recording of Contraventions policy outlined in the Guidance Notes and Conditions booklet is attached at Annex B.
- 2.3 Where a contravention of the law or licence conditions by the holder of a hackney carriage or private hire licence is recorded, the licence holder is issued with a notice. The issue of a notice is written advice to the licence holder and is an integral part of the Council's Enforcement Policy. This policy seeks to ensure compliance through actions which are fair, proportionate and consistent. The issue of a notice does not prevent the department from taking any other action in line with its published enforcement policy, including prosecution where this is felt to be appropriate.
- 2.4 The licence-holder has a right of appeal in writing to the Chief Officer: Environment and Public Protection within 14 days of receiving the notice, and appellants will receive notification of the decision of the appeal within 30 days of receipt of the notice of appeal.
- 2.5 Where 12 penalty points are acquired within a 12-month rolling period, a report will be submitted to a meeting of the Licensing Panel for a decision to be made on whether the licence should be suspended or revoked. The Panel will receive the report from officers and invite representations from the licence holder.
- 2.6 For comparison purposes, schemes from neighbouring local authorities have been attached as follows: Royal Borough of Windsor and Maidenhead at Annex C, Slough at Annex D, Reading at Annex E and Wokingham at Annex F.

3 EQUALITIES IMPACT ASSESSMENT

3.1 There are no implications arising from this report.

4 STRATEGIC RISK MANAGEMENT ISSUES

4.1 There are no implications arising from this report.

Background Papers

Guidance Notes and Conditions for Hackney Carriage and Private Hire Vehicle Owners, Operators and Drivers (April 2011)

Contact for further information

Laura Driscoll

Licensing Team Leader

01344 352517

laura.driscoll@bracknell-forest.gov.uk

Doc Ref

G:\TSTANDRD\Laura\Committee\2012\201201\Taxi and Private Hire Enforcement.doc 20.12.11

Annex A
Bracknell Forest Penalty Points Issued
1 April 2010 - end December 2011

Offence	Notices issued	Points issued
Construction & use offences	9	28
Illegal tyres	13	42
Failure to notify conviction	23	168
Failure to wear badge	8	48
Driving without due care	1	4
Unlicensed vehicle	1	12
Unlicensed driver	1	12
Using mobile while driving	5	30
Fail to comply with traffic sign	6	24
Overcharging	1	6
Private hire vehicle parked on rank	5	30
Hackney carriage unattended on rank	1	4
Unauthorised removal of plate	2	12
Failure to report accident	1	4
Smoking in vehicle	6	36
Totals	83	460

Annex B
Bracknell Forest

Contraventions	Points	✓	Contraventions	Points	✓
Unlicensed vehicle	12		Unlicensed driver	12	
Driving with no valid insurance	12		Driving with no valid MOT/inspection	12	
Failure to wear or display driver badge	6		Failure to display plate or stickers	6	
Failure to notify conviction, caution or fixed penalty notice	6		Failure to provide MOT, inspection or insurance document	4	
Hackney carriage left unattended on rank	4		Contravention of Stop Notice/suspension	12	
Private hire vehicle parked on rank	6		Private Hire plying for hire	12	
Failure to notify accident	4		Failure to notify change of details	4	
Behaving in a disorderly manner	4-12		Vehicle in an unclean condition	4	
Failure to comply with traffic sign or signal	4		Use of hand held phone while driving	6	
Illegal tyres (per tyre)	3		Overcharging	6	
C&U regulations	2-4		Too many passengers	8	
Smoking in vehicle	6		Horn misuse	4	
No Smokefree signage	4		Illegal use of bus lane	4	

Annex C
Royal Borough of Windsor and Maidenhead

Failing to have a Private Hire driver or Hackney Carriage driver badge in his possession	3 Points
Not having a fire extinguisher and/or first aid kit in the vehicle	3 Points
A vehicle issued with dispensation and not having the plate in the vehicle or the dispensation certificate in the vehicle	3 points
Failing to notify the Licensing Officer of any points or convictions being imposed by the Courts	3 Points
Failing to notify a change of address within 7 days	3 Points
Driving an unlicensed vehicle as a Private Hire vehicle	6 Points
Allowing an unlicensed driver to drive a Private Hire vehicle	6 Points
Failing to renew Private Hire Vehicle drivers licence or vehicle licence within the correct time	3 Points
Unlawfully plying for hire in a Private Hire Vehicle	Revocation of Licence
Failing to display an identify plate on the vehicle	3 Points
Failing to notify the Licensing Officer of being involved in an accident	3 Points
Private Hire operators failing to notify the Licensing Officer of any complaints received	3 Points
Private Hire operators failing to maintain their records in the correct format	3 Points
Failing to attend the Town Hall when directed by the Licensing Officer	Licence to be suspended until licence holder attends as required.
Allowing more passengers to be carried in the vehicle than authorised by the private hire vehicle licence	6 points

PENALTY POINTS SYSTEM
HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS

Offence / Cause	Penalty / Points	Person Responsible	Period to Stay on File
1. No valid Insurance	Automatic referral to Sub-Committee	Driver	5 years
2. Failure to produce Insurance Certificate within 5 working days	3	Driver	12 months
3. Failure to produce Driving Licence within 5 working days	3	Driver	12 months
4. Failure to notify Licensing Office of change of residential address within 5 working days by phone or in person	3	Driver	12 Months
5. Failure to notify Licensing Office of change or use of a motor vehicle	3	Driver	12 Months
6. Failure to notify Licensing Office of a motoring conviction within 5 working days by phone or in person	6 - and or referral to Sub-Committee	Driver	18 Months
7. Failure to notify Licensing Office of a criminal conviction or caution within 5 working days by phone or in person	6 - and referral to Sub-Committee	Driver	18 Months
8. Failure to notify Licensing Office within 72 hours of damage to vehicle which may make unroadworthy by phone or in person	3	Driver	12 Months
9. Failure to notify Licensing Office of change of operator by phone or in person	3	Driver	12 Months
10. Charging more than displayed on taxi meter (if fitted).	3	Driver	12 Months
11. Refusing to carry guide dogs, hearing dogs or service dogs (unless exempt)	6	Driver	12 Months
12. Making a surcharge for the carriage of wheelchairs	6	Driver	12 Months

13. Carrying excess passengers	12 and or referral to Sub-Committee	Driver	18 Months
14. Failure to wear or clearly display ID Badge	6	Driver	12 Months
15. Using mobile phone whilst driving a vehicle unless hands free	6	Driver	12 Months
16. Private Hire Vehicle parking in or at a Hackney Carriage stand	3	Driver	12 Months
17. Hackney Carriage Vehicle leaving vehicle unattended in or at a Hackney Carriage stand	3	Driver	12 Months
18. Any other reasonable cause Section 61 LG(MP)Act 1976	Drivers choice of 3 penalty points or Referral to Licensing Sub Committee	Driver	12 Months
19. Failure to attend a Sub-Committee when informed or requested to do so	1 – 6 for Sub Committee to determine	Driver	12 Months
20. Appearance before a Sub-Committee referring allegations of misconduct	1 - 12 for Sub-Committee to determine	Driver	For Sub-Committee to determine

**PENALTY POINTS SYSTEM
HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES**

Offence / Cause	Penalty / Points	Person Responsible	Period to Stay on File
1. Licensed vehicle failing to display plate – except where an exemption certificate has been issued	3	Driver	12 Months
2. No valid Certificate of Compliance	12 and or referral to Sub-Committee	Driver / Proprietor	3 Years
3. Failure to Produce Certificate of Compliance within 5 working days	3 points Then referral to Licensing Sub Committee	Driver / Proprietor	12 Months
4. No valid Insurance	Automatic referral to Sub-Committee	Driver / Proprietor	5 Years

5. Failure to produce Insurance Certificate within 5 working days	3 points Then referral to Licensing Sub Committee	Driver / Proprietor	12 Months
6. Not carrying Fire Extinguisher (meeting standard BS EN3)	3	Driver	12 Months
7. Defective Tyres	Referral to testing station	Driver	12 Months
8. Upholstery and/or exterior in an unreasonable condition	3	Driver	12 Months
9. Failure to notify Licensing Office of change of Operator – as soon as possible by phone or in person	3	Proprietor	12 Months
10. Failure to notify Licensing Office of transfer or acquisition of vehicle within 5 working days	3	Proprietor	12 Months
11. Failure to notify Licensing Office of vehicle involved in a Road Traffic Accident within 72 hours by phone or in person	3	Proprietor	12 months
12. Not displaying Tariff on Meter (where applicable)	6	Driver	12 Months
13. Failure to notify Licensing Office of change of residential address within 5 working days by phone or in person	3	Proprietor	12 Months
14. Any other reasonable cause Section 60 LG(MP)ACT 1976	Drivers choice – 3 penalty points or referral to Licensing Sub Committee	Proprietor	12 Months
15. Failure to attend a Sub-Committee when informed or requested to do so	1 – 6 for Sub Committee to determine	Proprietor	12 Months
16. Appearance before a Sub-Committee reference allegations of misconduct	1 - 12 for Sub-Committee to determine	Proprietor	For Sub-Committee to determine

**PENALTY POINTS SYSTEM
PRIVATE HIRE VEHICLE OPERATORS**

Offence / Cause	Penalty / Points	Person Responsible	Period to Stay on File
1. Failure to display Operator's Licence	3	Operator	12 Months
2. Failure to notify Licensing Office of any convictions, cautions or motoring offences within 5 working days	6 and referral to Sub-Committee	Operator	18 Months
3. Failure to notify Licensing Office of any transfer in ownership / partners or change in company name within 5 working days	1 st offence 3 penalty points and subsequent offence 6 penalty points	Operator	12 Months
4. Failure to notify Licensing Office of change of home address, business address or operating base within 5 working days	1 st offence 3 penalty points and subsequent offence 6 penalty points	Operator	12 Months
5. Knowingly allowing or permitting unlicensed drivers or vehicles to work	Automatic referral to Licensing Sub Committee and or prosecution	Operator	5 Years
6. Failure to keep legible manual or computerised records of bookings for 3 months	6	Operator	12 Months
7. Failure to produce records of bookings for inspection for the last six months	6	Operator	12 Months
8. Failure to keep records of vehicles used under the Operator Licence for period of six months after they leave	6	Operator	12 Months
9. Failure to keep records of drivers used under the Operators Licence for a period of six months after they leave	6	Operator	12 Months
10. Failure to produce records of vehicles or drivers for inspection for a period of six months after they leave	6	Operator	12 Months

11. Any other reasonable cause Section 62 LG(MP)ACT 1976	Operators choice of 3 penalty points or referral to the Licensing Sub Committee	Operator	12 Months
12. Refusal to produce any documentation requested	Automatic referral to Licensing Sub Committee and or prosecution		
13. Failure to attend a Sub- Committee when informed to do so	1 – 6 for Licensing Sub Committee to determine	Operator	12 Months
14. Appearance before a Sub- Committee reference allegations of misconduct	1 - 12 for Sub-Committee to determine	Operator	For Sub- Committee to determine

1. Action where a DVLA Driver's Licence or similar is suspended

1.1 Where a driver has been disqualified from driving by a court, his/her private hire driver's licence will be revoked by the Head of Environment and Consumer Services.

1.2 You must not drive a private hire vehicle if you no longer hold, have had suspended or are disqualified from holding a DVLA, European Economic Area or Northern Ireland driving licence for that type of vehicle. **To do so – 6 penalty points.**

2. Requirement to wear/display Reading Borough Council Private Hire Badge

2.1 You must wear, at all times when driving a private hire vehicle, one of your current private hire driver's badges issued to you. **(Failure to do so – 3 penalty points.**

2.2 All drivers must display in the vehicle, in full view of passenger(s), the other private hire driver's badge issued to you. **Failure to do so – 3 penalty points.**

3. Requirement to display a private hire vehicle licence plate

3.1 You must not drive a licensed private hire vehicle without a private hire vehicle plate securely attached to the rear bumper or rear bodywork of the vehicle.

Failure to do so – 3 penalty points.

3.2 You must not wilfully or negligently cause or suffer the licence plate or identification card allocated to your private hire vehicle, to be concealed from public view or to be so defaced such that it is illegible. **To do so – 3 penalty points.**

3.3 You must not remove a private hire vehicle licence plate from a private hire vehicle, whilst the vehicle remains licensed. **To do so – 3 penalty points.**

4. Requirement to produce private hire driver's licence

4.1 You must produce your private hire vehicle driver's licence at the request of an authorised officer of Reading Borough Council and/or a Police officer, either forthwith, or, in the case of an Authorised Officer, at the Civic Offices, Reading and in the case of a Police Constable, the Police Station of your choice within the Borough of Reading within five days of the request. **Failure to do so – 3 penalty points.**

5. Medical fitness

5.1 You must undergo a medical examination as prescribed by the Council, confirming your fitness to drive a licensed private hire vehicle as and when required by the Council. The frequencies at which medical examination must usually be undertaken are prior to obtaining your first licence, then at least every 5 years to age 60, then at least every 2 years to age 70 and at least once a year over the age of 70. **Failure to do so – suspension of licence until medical examination passed and 3 penalty points.**

5.2 You must not drive a private hire vehicle if you are suffering from any disease or disability which would cause the vehicle being driven by you to be a danger to the public. **To do so – suspension of licence until medical examination passed and 3 penalty points.**

5.3 You must ensure that you can, at all times, meet the eyesight requirements specified by the Department of Transport driving test. **Failure to do so – suspension of licence until eyesight requirements met and 3 penalty points.**

6. Provision of information to the Council

6.1 You must not, when providing information to the Council, on applying for a private hire vehicle driver's licence knowingly or recklessly make a false statement and/or knowingly omit any material information. **To do so – 6 penalty points.**

7. Waiting on a hackney carriage stand

7.1 You must not cause or permit a vehicle to wait on a hackney carriage stand without reasonable excuse. **To do so - 6 penalty points.**

8. Prolonging of journeys

8.1 You must not without reasonable cause, unnecessarily prolong in distance or time, the journey for which the vehicle was hired. **To do so – 3 penalty points.**

9. Obstruction of authorised officers

9.1 You must not wilfully obstruct an authorised officer of the Council or a police constable acting under the Act, or without reasonable excuse fail to comply with any requirement made to you by such a person, or without reasonable cause, fail to give any such person any other assistance or information he may reasonably require in the performance of his duties under the above Act. **To do so – 6 penalty points.**

10. Copy of licence to be deposited with Operator

10.1 You must deposit the copy of your licence marked “operator copy” with your private hire vehicle operator, who shall retain such licence during the period of your employment with him and shall return it to you when you cease to be employed by or with that operator.

Failure to do so – 3 penalty points.

11. Requirement to use a licensed vehicle and work for a licensed operator

11.1 When licensed as a driver of private hire vehicles by the Council you must only use a private hire vehicle licensed by Reading Borough Council, unless you are appropriately licensed to use a vehicle licensed by another authority. **Failure to do so – 6 penalty points.**

11.2 When licensed as a driver of private hire vehicles by the Council you must only work for a private hire vehicle operator who is also licensed by Reading Borough Council, unless you are appropriately licensed to work for an operator licensed by another authority. **Failure to do so – 3 penalty points.**

11.3 You must not take bookings from any person other than the licensed private hire vehicle operator for whom you are working. **To do otherwise – 3 penalty points.**

11.4 You must not take bookings personally direct from customers. **To do – 3 points.**

11.5 If you change the operator that you work for you must notify the Council within 7 days in writing of your new operator. **Failure to do so – 3 penalty points.**

12. Requirement to report loss of licence/badge

12.1 You must report the loss of your licence and/or badge(s) to the Council as soon as such loss becomes known. **Failure to do so – 3 penalty points.**

13. Conduct of driver

13.1 You must conduct yourself in an orderly and professional manner at all times and be civil towards your passengers, council officers, other road users and police officers. **Failure to do so – 3 penalty points.**

13.2 You must comply with every reasonable requirement of your passengers. **Failure to do so - 3 penalty points.**

13.3 You must not drink or eat in your vehicle whilst you have a passenger or passengers on board. **To do so – 3 penalty points.**

13.4 You must not smoke in a private hire vehicle at any time. **To do so – 3 penalty points.**

13.5 You must not behave in a sexually offensive manner towards passengers. **To do so – 12 penalty points.**

13.6 Without prejudice to the generality of condition 13.5, you are not permitted to have sexual intercourse with passengers whilst on duty or in a licensed vehicle. **To do so – 36 penalty points resulting in licence revocation.**

13.7 Without prejudice to the generality of condition 13.5, you are not permitted to have sexual contact, including intimate kissing, touching of private parts, or similar activity, with passengers whilst on duty or in a licensed vehicle. **To do so – 12 penalty points.**

13.8 Without prejudice to the generality of condition 13.5, you must not engage in any discussion of a sexual nature or about a sexual relationship with a passenger, be it past present or future relationship. **To do so – 12 penalty points**

14. Carriage of luggage

14.1 You must convey a reasonable quantity of luggage. **Failure to do so - 3 penalty points.**

14.2 You must give reasonable assistance in removing luggage to or from the entrance of any building, station or place when picking up or setting down a passenger. **Failure to do so – 3 penalty points.**

15. Carriage of guide/assistance dogs

15.1 You must carry a guide dog, or assistance dog belonging to and accompanying a passenger, free of charge, unless you have a proven medical condition that would preclude such action. **Failure to do so – 6 penalty points.**

15.2 You must inform your operator in writing, of any medical condition that precludes you from carrying a guide dog or assistance dog. **Failure to do so - 3 penalty points.**

15.3 You must advise the Council in writing of any medical condition which would preclude you from carrying a guide dog or assistance dog. **Failure to do so - 3 penalty points.**

15.4 You must not charge a higher price for any journey, for a person with a disability than would otherwise be charged for a person without such a disability for the same journey. **Failure to do so – 6 penalty points.**

16. Provision of receipts

16.1 You must, if requested by your hirer/passenger, give a receipt of the operator for whom you work, in respect of the fare paid. The receipt must state the operating company, fare paid, date, time and driver badge number. **Failure to do so – 3 penalty points.**

17. Lost Property

17.1 You must search your vehicle at the end of each hiring or as soon as possible afterwards for any property which may have been left there. Any property accidentally left in your vehicle, if not claimed by the owner, must be taken to the Lost Property Office at Reading Police Station within 24 hours. **Failure to do so – 3 penalty points.**

17.2 Where within the first 24 hours, the property owner contacts you or your operator and the operator informs you that he/she has been contacted, an agreement should be reached in respect of the return of the property. This may be by the property being lodged at Reading Police Station, the owner/loser collecting the property from you or your operating base, the property being delivered to the owner/loser as soon as possible or by the property being returned by post/courier or similar. If agreement cannot be reached in respect of the return of the property then the property must be taken without delay to the Lost Property Office at Reading Police Station. **Failure to do so – 3 penalty points.**

17.3 Where the owner/loser of the property collects the property from you or your operator base, no charge may be made for the return of that property. **Failure to do so – 3 penalty points.**

17.4 Where an agreement has been reached that the property will be returned either by posting, by courier, or by similar means no charge over and above the postage cost, courier cost or similar may be made for the return of the property. **To do so – 3 penalty points.**

17.5 Where the property is returned to the owner/loser by private hire vehicle, the normal charge for the journey may be made, but the charge must be agreed to by the owner/loser in advance of the journey being made. **Failure to do so – 3 penalty points.**

18. Suitability of vehicles

18.1 You must not drive a private hire vehicle if the vehicle does not comply with the

Road Vehicles (Construction and Use) Regulations 1986 as amended. **To do so – 3 penalty points.**

18.2 You must, before commencing work each day, ensure that the vehicle is maintained in a clean, comfortable, safe, watertight and mechanically sound condition and is in all other respects suitable for the purpose for which it is intended. **Failure to do so – 3 penalty points.**

18.3 You must ensure that any private hire vehicle you drive complies with the Council's requirements in relation to tinted windows at all times. Windscreens must allow at least 75% of light to be transmitted through, front side windows must allow at least 70% of light to be transmitted through and rear windows and screen must allow at least 65% of light to be transmitted through. **Failure to do so – 3 penalty points.**

19. Requirement to notify Council of change of address or a conviction

19.1 You must notify the Council within 14 days in writing of any change of address from that shown on your licence. **Failure to do so – 3 penalty points.**

19.2 You must notify the Council within 28 days in writing of any criminal or motoring conviction (this includes fixed penalty notices). **Failure to do so – 3 penalty points.**

19.3 You must notify the Council within 28 days in writing of any caution(s) received. **Failure to do so – 3 penalty points.**

20. Insurance

20.1 You must not drive a private hire vehicle if you are not insured to do so. **To do so – 6 penalty points.**

20.2 You must provide the Licensing Section of the Council with the original, valid certificate of insurance in respect of third party risks which must cover your vehicle for private hire purposes. **Failure to do so – 3 penalty points.**

21. Leaving the address shown on your licence for more than 28 days

21.1 You must notify the Council in advance, in writing, if you are to be away from the address shown on your licence for a period of more than 28 days. **Failure to do so – 3 penalty points.**

21.2 If you are to be away from your home address for a period of more than 28 days and someone else is to use your private hire vehicle whilst you are away you must provide the name, address and home telephone number of that person to the Council prior to going away. **Failure to do so – 3 penalty points.**

22. Road traffic accidents and other incidents

22.1 Following a road traffic accident or any other incident involving a private hire vehicle driven by you where there is a likelihood of any dispute over damage or injury, you must give full details of yourself, the owner of the vehicle and the insurance for the vehicle to any person reasonably requesting the information within seven days of such a request being made. **Failure to do so – 3 penalty points.**

22.2 If you are not the owner of the private hire vehicle that is involved in a road traffic accident or any other incident while being driven by you, you must notify the owner of the vehicle as soon as is reasonably practicable, and in any case within 72 hours of the incident. **Failure to do so – 3 penalty points**

22.3 If a private hire vehicle driven by you is involved in an accident which causes damage which materially affects the safety, performance or appearance of the vehicle or comfort or convenience of the passengers you must report the damage to the Council as soon as reasonably practicable or in any case within 72 hours of the accident. **Failure to do so – 3 penalty points.**

23. Theft or loss of licence plate

23.1 You must report the loss or theft of any private hire vehicle licence plate, private hire vehicle licence or internal vehicle licence plate, to the Police and the Council, as soon as the

loss becomes known and in the event of ceasing to use the vehicle for private hire purposes shall return the external and internal licence plates, to the council within seven days. **Failure to do so – 3 penalty points.**

24. Action whilst not engaged in carriage of customers

24.1 At any time when not engaged in the carriage of passengers or goods, you must proceed without delay to either the nearest lawful parking area e.g. lawful car park, a road or street without any parking restriction or your operator base, provided sufficient legal parking exists. **Failure to do so – 3 penalty points.**

25. School Transport Drivers

25.1 If you work as a school transport vehicle driver you shall also comply with the conditions applicable to drivers of school transport vehicles and the code of conduct for drivers of school transport vehicles. **Failure to do so – 6 penalty points.**

25.2 You shall not undertake school transport work without first having had an enhanced criminal record check and being notified of a satisfactory outcome of this check by the Licensing Section. **To do so – 6 penalty points.**

26. Plying for hire

26.1 At any time when driving a private hire vehicle you must not cause or permit the vehicle to stand or ply for hire or otherwise be used so as to suggest that it is a hackney carriage vehicle. **Contravention during a test purchase operation by Reading Borough Council - 12 penalty points, all other cases - 6 penalty points.**

26.2 You must not, by calling out or otherwise, invite any person to hire such vehicle and shall not make use of the services of any other person for such purpose. **To do so – 12 penalty points.**

27. Bus stops and lanes

27.1 At any time when driving a private hire vehicle you must not cause or permit the vehicle to stand at any bus stop or in any bus lay-by. **To do so – 3 penalty points**

27.2 At any time when driving a private hire vehicle you must not permit the vehicle to be driven in any bus lane, with the exception of bus lanes that specifically permit use by private hire vehicles. **To do so – 3 penalty points**

28. Disabled bays

28.1 At any time when driving a private hire vehicle you must not cause or permit the vehicle to stand in a disabled bay without displaying the appropriate badge or other lawful authority. **To do so - 3 penalty points.**

29. Dangerous parking

29.1 At any time when driving a private hire vehicle you must not cause or permit the vehicle to be parked in such a position so as to cause an unnecessary obstruction or be in a dangerous position (e.g. double parked, parked at or close to a road junction). **To do so - 3 penalty points.**

29.2 At any time when driving a private hire vehicle you must not cause or permit the vehicle to be driven on or become stationary on a footway. **To do so - 3 penalty points.**

30. Parking on yellow lines/contravening traffic laws

30.1 At any time when driving a private hire vehicle you must not cause or permit the vehicle to be stationary on double yellow lines, other than to allow passengers to board or alight from your vehicle. **To do so - 3 penalty points.**

30.2 At any time when driving a private hire vehicle you must not cause or permit the vehicle to be stationary on a single yellow line, in contravention of the notices displayed, other than to allow passengers to board or alight from your vehicle. **To do so - 3 penalty points.**

30.3 At any time when driving a private hire vehicle you must not contravene any traffic laws, regulations, orders or guidance outlined in the current Highway Code. **To do so - 3 penalty points.**

31. Sounding of horn

31.1 You must not sound the horn of the vehicle you are driving, whilst it is stationary, to signify the vehicle is waiting for passengers. **To do so - 3 penalty points.**

32. Number of passengers carried

32.1 In the event of a parent or guardian of a child asking you to carry a child in your vehicle when a suitable child restraint is not available, you may carry the child provided the following arrangements are adhered to;

(a) if the child is under 3 years old the child must travel unrestrained (not held in the standard adult seat belt of your car) in the rear of your vehicle; or

(b) if the child is 3 years or older the child must use the adult seat belt in the rear of your vehicle.

Failure to do so – 6 penalty points

32.2 You must not carry more persons than specified on the vehicle licence plate. One child under the age of 3, carried in accordance with condition 33.1(a) above does not count towards the total number of persons permitted to be carried. **To do so - 3 penalty points.**

32.3 You must not carry more persons than the number of seats with seat belts fitted. One child under the age of 3, carried in accordance with condition 33.1(a) above does not count towards this total. **To do so – 6 penalty points.**

32.4 You must not carry any other person in your vehicle without the permission of the hirer. **To do so - 3 penalty points.**

33. Giving or lending of vehicle or licence to others

33.1 You must not lend or give your licence to any other person, other than the copy of your licence that you are required by these conditions to give to your operator. **To do so - 6 penalty points.**

33.2 You must not permit any other person who is not a Reading Borough Council licensed private hire vehicle driver to drive your licensed private hire vehicle. **To do so - 6 penalty points.**

34. Playing of radio or similar

34.1 You must not play a radio or any other sound producing device to the annoyance or discomfort of your passengers. **To do so - 3 penalty points.**

35. Use of hand held communication, navigation or similar device

35.1 You must not use a hand held communications or navigation device or similar (such as mobile telephone, two way radio, satellite navigation device or personal digital assistant) whilst driving. **To do so - 3 penalty points.**

36. Signs

36.1 You must display on your vehicle, at all times when you are working as a private hire driver, a roof sign in accordance with the Council's approved specification as detailed below, unless your vehicle is fitted with side identification panels in accordance with the Council's approved specification. **Failure to do so – 3 penalty points.**

Roof signs must be of Aero design, coloured white, not illuminated, have magnetic fittings, be no less than 152mm high and no more than 165mm high, be no less than 457mm wide and no more than 470mm wide, the depth of the base front to back must be no less than 165mm and no more than 178mm. Lettering must be black 31mm high. The front of the sign must contain the following wording from top to bottom "Advanced Bookings Only" (in negative white letters on black background), telephone number of private hire vehicle operator and the name of the operator. The back of the sign shall contain the following from

top to bottom, "Advanced Bookings Only" (in negative white letters on black background), telephone number of private hire vehicle operator, vehicle registration (to the left of the sign) and private hire vehicle plate number (to the right of the sign).

36.2 Where from time to time changes are necessary to the private hire vehicle roof sign due to a change of vehicle, operator or plate number the amendment must be carried out by a professional sign writer and must be the same printed material, colour and design as the remainder of the printing on the roof sign. **Failure to do so – 3 penalty points.**

36.3 You must not permit any private hire vehicle you are driving to display any signs or advertisements of any nature on the exterior of the vehicle apart from the licence plate for the vehicle, Council approved side identification panels or approved roof sign or advertisements approved in accordance with the Council's private hire vehicle and operator licence conditions. **To do so – 3 penalty points.**

37. Drivers of Executive Private Hire Vehicles

When a driver is using a Private Hire Vehicle that has been licensed as an Executive Private Hire Vehicle the following conditions shall apply, notwithstanding that they may be in conflict with the conditions stated above.

37.1 You must display the private hire vehicle licence identification disc issued by the Council within the nearside of the front windscreen at all times. **Failure to do so- 3 penalty points.**

37.2 You must carry within the vehicle the 'Exemption Notification' issued by the Council in respect of the licensed private hire vehicle and driver, at all times, which you must present for inspection at the request of an Authorised Officer of the Council, a Police Constable or the hirer. **Failure to do so – 3 penalty points**

37.3 The private hire vehicle licence identification plate issued by the Council, shall not be affixed to the vehicle and shall not be displayed in, on or from the vehicle at any time, except as provided in condition 37.5 (ii). **To do so – 6 penalty points**

37.4 The vehicle shall not be fitted with a roof sign at any time. **To do so – 6 penalty points.**

37.5 You must ensure that the private hire vehicle licence identification plate issued by the Council shall be;

- (i) Carried within the boot of vehicle at all times;
- (ii) Fixed in the boot in a manner in which it can be easily inspected and not cause damage to any luggage carried;
- (iii) Produced for inspection, upon the request of:
 - (a) an authorised officer of the council;
 - (b) a police officer (including traffic wardens);
 - (c) the hirer.

Failure to do so – 3 penalty points.

37.6 You shall convey within the vehicle at all times, but are not obliged to wear, your private hire driver's identification badge issued by the Council. **To fail to do so – 3 penalty points**

37.7 The driver of an executive private hire vehicle shall be appropriately dressed in a smart business or morning suit when the vehicle is hired. **To fail to do so – 3 penalty points**

37.8 You must not carry more than four passengers, unless it is a stretched limousine, which is specifically designed or adapted and licensed to carry a maximum of eight passengers. **To do so – 6 penalty points.**

37.9 You must not settle accounts and/or tender direct payment by any method, including, credit card, debit card, cheque or cash from passengers. Payment may only be made to the operator's office either before or after the journey. **To do so – 3 penalty points.**

Annex F
Wokingham Borough Council

Any licence holder who has accumulated 100 points or more will have their licence reviewed immediately. Further appropriate enforcement action may be necessary. Once the penalty points have been on record for twelve calendar months, and if the licence holder has not had any enforcement action taken against them by the Council during those twelve months, then their penalty points will reduce in value by 50% (i.e. from 50 points to 25 points). This will continue to occur every twelve calendar months, assuming no further enforcement action is taken. If the total number of penalty points is the equivalent of 20 points or below then at the end of the year, they will be cleared from the record.

INFRINGEMENT	LICENCE SUBJECT TO THE POINTS	MAXIMUM PENALTY
Using bus/Taxi lane (except Hackney Carriage Vehicles)	Private Hire Vehicle Licence Private Hire Driver Licence	20 points
No fire extinguisher in vehicle	Any Licence	50 points
Failure to notify the licensing service of a conviction within 7 days	Dual Driver Licence Private Hire Driver Licence Private Hire Operator Licence	50 points
Failure to properly display Wokingham Borough Council vehicle licence plate	Any Licence	25 points
Failure to notify licensing service of change of address within 7 days	Any Licence	10 points
Failure to contact licensing service as instructed or to provide documents as requested (points awarded per document)	Any Licence	5 points
Faulty tyre	Any Licence	30 points (per tyre)
Private Hire Vehicle displaying a Taxi roof sign	Private Hire Driver Licence Private Hire Vehicle Licence	50 points
Hackney Carriage Vehicle failing to display Taxi roof sign	Dual Driver Licence Hackney Carriage Licence	20 points
Overcharging	Dual Driver Licence	100 points
Lack of local area knowledge	Dual Driver Licence Private Hire Driver Licence	25 points
Aggressive / violent / abusive behaviour	Dual Driver Licence Private Hire Driver Licence Private Hire Operator Licence	100 points
Private Hire Vehicle parking in a Taxi rank	Private Hire Driver Licence Private Hire Vehicle Licence	30 points
Licence fee cheque being dishonoured	Any Licence	10 points
Operator failing to keep proper records	Private Hire Operator Licence	40 points
Operator failing to assist an authorised officer of the Council making a reasonable request in relation to enforcement duties	Private Hire Operator Licence	100 points
Fail to wear a Private Hire/Dual Driver badge	Private Hire Driver Licence Dual Driver Licence	100 points
Driving a licensed vehicle in an obviously unsafe condition	Any Licence	100 points
Behaving in any other manner contrary to the terms of the licence conditions	Any Licence	100 points