

**WATFORD BOROUGH COUNCIL
PENALTY POINTS SCHEME**

This scheme applies to existing licensed drivers, and is separate from the Council's policy on criminal convictions.

CONTRAVENTION	Existing range of points	Proposed change (if any)
Adopting an unpleasant manner towards a passenger	3	
Verbal abuse towards any person whilst working as a driver	5 – 8	
Physical abuse towards any person	10 - 20	10 - 15
Rudeness or failure to co-operate with Council officers	10 - 12	
Failing to ensure the safety of a passenger entering, alighting or conveyed in a vehicle	8 - 15	
Failing to provide a customer with reasonable assistance with their luggage	4 – 6	
Refusal to take a guide dog or other assistance dog	10 - 12	
Eating or drinking whilst conveying passengers	5 - 8	
Consuming alcohol whilst on duty	12	
Smoking in a licensed vehicle whilst conveying a passenger/waiting on a rank	5 - 8	
Failure to produce driver's badge on request to authorised officer	5 - 8	
Failing to use taximeter when hired as a hackney carriage	10 - 12	
Failing to agree a fare with passenger before starting journey in hackney carriage where taximeter is not being used	10 - 12	
Charging hackney carriage passenger more than the metered or agreed fare	10 - 12	
Failing to advise private hire passenger of estimated fare at start of journey	10 - 12	
Failure to display fare tariff within a hackney carriage vehicle	10 - 12	
Failure to notify the Council of a change in drivers' name or address	4	
Failure to notify the Council in writing of accidents to a vehicle	6	
Failure to advise council in writing of previous convictions when applying for licence or of other convictions within twenty-eight days	6	
Exterior/interior of vehicle not maintained in clean, sound and roadworthy condition	8 - 12	
Failing to ensure the display of the vehicle licence plate on the inside or the outside of the vehicle in the prescribed manner	10 - 12	
Failing to comply with byelaw 7 relating to the use of hackney carriage stands	6 - 8	
Failure to ensure the vehicle is equipped with a First Aid kit and readily-accessible fire extinguisher or failing to ensure either is properly secured	5	
Using a hand-held mobile telephone whilst driving	10	
Failure to wear a seatbelt when required	5	
Knowingly giving false information to passengers	3 - 8	
Failure to pick up pre-booked passengers	3 – 5	
Failure to wear driver's badge or display large drivers' badge	6	
Unspecified behaviour or misconduct	3 – 6	3 - 12

Misuse of disabled person's Blue Badge*	6	
Waiting/parking on a loading ban; disabled bay; bus stop or cycle route*	5	
Waiting/parking on yellow lines where not allowed*	4	
Waiting/parking in parking bays without a valid ticket*	4	
Failure to properly display a door sign on a licensed vehicle in the position specified by officers	-	3
Using a licensed vehicle to ply for hire or be made available for hire when in an unsafe and/or unroadworthy condition	-	3 – 12
Charging or attempting to charge passengers with disabilities a greater fare than would otherwise be charged to a passenger contrary to the Equalities Act 2010	-	12
Refusing without reasonable excuse to convey a passenger in a hackney carriage within the Borough of Watford	-	12

Factors to be taken into account when imposing penalty points include

- ◆ previous warnings
- ◆ previous track record
- ◆ mitigating circumstances
- ◆ gravity of the misconduct
- ◆ effect of incident on passengers, the public or other drivers
- ◆ any health and safety implications to passengers, public or drivers
- ◆ the potential for the incident to recur
- ◆ whether the licensee can still be considered to be a fit and proper person.

There is a right of appeal against the issue of penalty points to the Licensing Manager/Environmental Health and Licensing Section Head. Any person issued with points and wishing to appeal must notify the council, in writing, within 10 working days of the points being issued, stating the outline of the reasons that they wish to appeal. The appeal can be considered by post or in person.

If in person, the appeal will be an informal hearing involving the hearing officer, the relevant officer who issued the penalty points, and the driver concerned. The hearing officer will give reasons for their decision, and will have the discretion to:

- (1) allow the appeal;
- (2) dismiss the appeal;
- (3) substitute the level of penalty points for another amount where the scheme allows for a range of points;
- (4) authorise some other appropriate sanction, such as written warnings, advice, a formal caution or referral to the Head of Legal Services for prosecution.

Drivers who have more than 15 points issued in any 12-month period may have their licence revoked after consideration of any appeals against the issuing of points. (Penalty points for the same offence that are more than 12 months old may be taken into account where it is considered appropriate to do so). In those cases drivers will be advised in writing that they have 15 working days in which to make representations as to why their licence should not be revoked.

Licences will be automatically revoked if no representations have been received during that period, and the driver advised of their statutory right of appeal.

If representations are made a meeting will be arranged within 10 working days with the Section Head or the Head of Service. Officers will at that stage consider any representations as to the

driver's fitness to continue holding a licence but the meeting will not be an opportunity for a further appeal in relation to the points acquired up until that point. If officers decide to revoke the licence, the driver will be notified accordingly within 5 working days and informed of their statutory right of appeal.

Note:

* Points will be allocated for these contraventions following evidence from a reliable witnesses (eg a Civil Enforcement Officer, other Council enforcement officer, police officer or police community support officer). Points will not be allocated if a Penalty Charge Notice has also been issued.

July 2013