



## Licensing Committee – 3 October 2012

### Penalty point system for the Hackney Carriage and Private Hire trade in East Northamptonshire

#### Purpose of report

A report to explain the proposed introduction of a penalty points system to provide transparency and consistency to the enforcement of legislation and policies for the Hackney Carriage and Private Hire trade in East Northamptonshire.

#### Attachment(s)

Appendix One – Penalty Points System  
Appendix Two - Equalities Impact Assessment

#### 1.0 Summary

1.1 A report to request the introduction of a penalty points system to help enforce legislation and policies affecting Hackney Carriage Proprietors, Drivers and Vehicles and Private Hire Operators, Drivers and Vehicles.

#### 2.0 History of Hackney Carriage and Private Hire Enforcement in East Northamptonshire

2.1 It has been the practice for the authorised officer dealing with hackney carriage and private hire enforcement to deal with breaches of policy and or legislation through a graduated enforcement approach ranging from verbal advice to suspension of licence.

2.2 When a driver was issued penalty points on his/her DVLA licence and they exceeded 6 points, they would be referred to a licensing panel for the panel to decide what further steps should be taken. These further steps could include revocation of a licence or refusal to renew a licence.

2.3 There is currently no system in place for referring breaches of legislation or policy to a licensing panel with decisions being made on a case by case basis by the enforcement officer after consultation with the Commercial Health Manager. Serious matters would be referred through to Licensing Panel for their consideration. The Panel have and will continue to have the powers to suspend; revoke; issue a written warning; or take no further action.

#### 3.0 Proposed Penalty Points system

3.1 The proposed system as at Appendix One breaks down all the possible transgressions by the hackney carriage or private hire trade into various categories. The categories are those to be found in the relevant legislation and policies adopted by this council.

3.2 The matters for which points may be awarded are divided into groupings as follows:-

- Offences under Local Government (Miscellaneous Provisions) Act 1976
- Offences under Town Police Clauses Act 1847
- Breaches of Hackney Carriage Vehicle Licence Conditions
- Breaches of Hackney Carriage Byelaws
- Breaches of Private Hire Vehicle Licence Conditions
- Breaches of Private Hire Drivers Conditions

- Breaches of Private Hire Operator Licence Conditions

3.3 Each offence or breach of condition will attract a specified number of penalty points as shown in Appendix One. When the number of points reaches 12 for any reason the individual concerned will be required to appear before a licensing panel for a decision to be made regarding any further action.

3.4 Corby have introduced a penalty point system and it has been effective in ensuring consistent enforcement. They have proved successful in ensuring drivers are complying with the conditions and legislation including minor transgressions such as not wearing their drivers badge. This allows the Licensing Panel to consider these matters when there is persistent non compliance. With the increase in the number of drivers within the district in the last couple of years this would help in terms of enforcement.

3.5 If the Licensing Committee are supportive of this approach then a full consultation will be undertaken with the trade prior to this matter being placed in front of the Policy and Resources Committee. It has already been raised at our bi annual meetings with the trade who were supportive in principle.

**5.0 Equality and Diversity Implications**

5.1 There are no equality and diversity implications. EIA attached.

**6.0 Financial Implications**

6.1 There are no financial implications

**7.0 Staff**

7.1 There are no staffing implications.

**8.0 Risk Management**

8.1 There are no material risks

**9.0 Corporate Outcomes**

9.1 The following corporate outcomes would be delivered

- Good quality of life
- Effective partnership working
- Strong community leadership
- Knowledge of our customers and communities

**10.0 Invitation to consider**

10.1 It is recommended that the Licensing Committee consider the contents of this report with a view to placing this in front of the Policy and Resources Committee for approval.

<b>Legal</b>	Power: Local Government (Miscellaneous Provisions) Act 1976: Town Police Clauses Act 1847; Section 171 Public Health Act 1875.	
	Other considerations: East Northamptonshire Council Policies on Private Hire and Hackney Carriage Licensing.	
<b>Background Papers:</b>		
<b>Person Originating Report:</b> Tom Morrissey Licensing Enforcement Officer 01832 742241 <a href="mailto:tmorrissey@east-northamptonshire.gov.uk">tmorrissey@east-northamptonshire.gov.uk</a>		
<b>Date:</b> 07 Sept 2012		
<b>CFO</b>	<b>MO</b>	<b>CX</b>

(Committee Report Normal Rev. 22)

## **EAST NORTHAMPTONSHIRE COUNCIL**

### **PENALTY POINTS SYSTEM**

#### **HACKNEY CARRIAGE/PRIVATE HIRE - VEHICLES, PROPRIETORS, OPERATORS**

The penalty points system for recording non compliance with Hackney Carriage or Private Hire requirements will operate as follows:-

1. East Northamptonshire Council's Enforcement Policies will be fully considered by the enforcing officer when determining the manner in which any breach of the legislation or the requirements of this policy are dealt with. Where it is decided that the use of penalty points is appropriate they will be issued in accordance with the rate in the attached schedule.
2. Before penalty points are issued there must be sufficient evidence to prove the offence or breach of conditions.
3. No more than 12 points may be issued on any one occasion.
4. When points are issued the proprietor or driver will be sent written confirmation within 5 working days. There is a right of appeal to the Head of Environmental Services.
5. Points issued remain live for a period of 2 years from date of issue. Points will be deleted after this two year period.
6. Any driver, proprietor or operator accumulating 12 points in a two year period will be required to appear before a panel of the licensing committee.
7. When a driver, proprietor or operator is brought before a licensing panel that panel may exercise one of the following options:-
  - (i) Suspend the licence;
  - (ii) Revoke the licence;
  - (iii) Issue written warning;
  - (iv) Extend the two year period in which points remain live;
  - (v) Take no further action.
8. Any driver, operator or proprietor required to appear before a licensing panel having accumulated 12 points shall be entitled to make representations to the panel or be legally represented at the hearing.
9. Any driver, proprietor or operator given a period of suspension or having their licence revoked shall be entitled to appeal to Magistrates Court within 21 days of the panel's decision.

10. When a panel hearing has been held any points accumulated will be deemed as spent unless the panel decides otherwise.
11. If the panel decides that any points will remain live they must stipulate the point (date) at which they will expire.
12. Nothing in this penalty points system will stop the council from taking action under any appropriate legislation.
13. This penalty points system will be reviewed two years after implementation and as necessary thereafter.

**Local Government (Miscellaneous Provisions) Act 1976**

	<b>OFFENCE</b>	<b>POINTS</b>
46(1)(A)	Using vehicle as private hire vehicle without a licence for that vehicle.	12
46(1)(b)	Driving a private hire vehicle without a private hire drivers licence.	12
46(1)(c)	Proprietor of private hire vehicle using an unlicensed driver.	12
46(1)(d)	Operating a vehicle as private hire vehicle without a private hire operator's licence.	12
46(1)(e)	Operating a vehicle as a private hire vehicle when the driver is not licensed as a private hire driver.	12
48(6)	Failing to display private hire vehicle plate.	4
49	Failure to notify transfer of a vehicle licence.	3
50(1)	Failure to present a hackney carriage or private hire vehicle for inspection on request.	6
50(2)	Failure to inform the Council where a Hackney Carriage or Private Hire vehicle is stored, if requested.	3
50(3)	Failure to report an accident to the council within 72 hours.	6
50(4)	Failure to produce the vehicle licence and insurance upon request.	6
53(3)	Failure to produce a driver's licence on request.	3
54(2)	Failure to wear private hire driver's badge.	4
56(2)	Failure of a private hire operator to keep proper records of all bookings, or failure to produce them on request of an authorised officer of the council or a police officer.	8

	OFFENCE	POINTS
56(3)	Failure of a private hire operator to keep records of all private hire vehicles, or failure to produce them on request of an authorised officer of the council or a police officer.	8
56(4)	Failure of a private hire operator to produce his/her licence on request.	4
57	Making a false statement or withholding information to obtain a hackney carriage or private hire driver's licence.	12
58(2)	Failure to return a plate after notice has been given following expiry, revocation, or suspension of a hackney carriage or private hire vehicle licence.	6
61(2)	Failure to surrender a driver's licence after suspension, revocation or refusal to renew.	6
64	Permitting any vehicle other than a hackney carriage to wait on a hackney carriage rank.	4
66	Charging more than the meter fare for a journey ending outside the District, without prior agreement.	6
67	Charging more than the meter fare when a hackney carriage is used as a private hire vehicle.	6
69	Unnecessarily prolonging a journey.	6
71	Interfering with a taxi meter with intent to mislead.	12
73(1)(a)	Obstruction of an authorised officer of the council or a police officer.	12
73(1)(g)	Failure to comply with a requirement of an authorised officer or a police officer.	6
73(1)(c)	Failure to give information or assistance to an authorised officer of the council or a police officer	6

	OFFENCE	POINTS
<b>Town Police Clauses Act 1847</b>		
40	Giving false information on an application for a Hackney Carriage Licence.	12
44	Failure to notify change of address of a hackney carriage proprietor.	2
45	Plying for hire without a hackney carriage proprietor's licence.	8
47	Driving a hackney carriage without a hackney carriage driver's licence.	8
47	Lending or parting with a hackney carriage driver's licence.	8
47	Hackney carriage proprietor employing an unlicensed driver.	12
48	Failure by a hackney carriage proprietor to hold a hackney carriage driver's licence.	8
52	Failure to display a hackney carriage plate.	4
53	Refusal to take a hackney carriage fare.	6
54	Charging more than the agreed hackney carriage fare.	6
55	Obtaining more than the legal hackney carriage fare.	6
56	Travelling less than the lawful distance for an agreed hackney carriage fare.	4
57	Failing to wait after a deposit to wait has been paid.	6
58	Charging more than the legal hackney carriage fare.	6
59	Carrying other persons in a hackney carriage other than with the consent of the hirer.	4
60	Driving a hackney carriage other than with the proprietor's consent.	4
60	Allowing another to drive a hackney carriage	4

	OFFENCE	POINTS
	without the proprietor's consent.	
61	Drunken driving of a Hackney Carriage.	12
61	Wanton or furious driving of a hackney carriage leading to injury or danger.	12
62	Driver leaving a hackney carriage unattended on a rank.	4
64	Hackney carriage driver obstructing other hackney carriages.	4
Paragraph	<b>Hackney Carriage Vehicle Licences - Conditions</b>	
9.1	Failing to display clearly licence plate on exterior of vehicle.	4
9.1	Failing to display clearly interior licence plate so that it is visible to passengers.	3
9.2	Failing to keep a copy of the vehicle registration document available for inspection at the vehicle.	3
9.2	Failing to keep a copy of the current Ministry of Transport Test certificate available for inspection at the vehicle.	3
9(2)	Failing to keep a copy of the current Insurance Certificate available for inspection at the vehicle.	3
9(3)	Failing to notify changes affecting the particulars on the vehicle registration document in writing to the Head of Environmental Services (Chief Environmental Health Officer)	4
9(4)	Failing to notify in writing any changes to the particulars shown on the application form for a particular licence.	4
9(5)	Failing to have in force a Certificate of Insurance or Security in respect of any vehicle to which a licence relates.	12
9(5)	Failing to produce Certificate of Insurance or Security at any time on request of an	4



	OFFENCE	POINTS
	authorised officer of the council.	
9(6)(a)	Proprietor of a Hackney Carriage failing to comply with Hackney Carriage bye-laws.	6
9(6)(a)	Proprietor of a Hackney Carriage failing to take all reasonable steps to ensure that Hackney Carriage Drivers employed by hire comply with Hackney Carriage byelaws.	6
9(6)(b)	Proprietor of a Hackney Carriage fixing any form of advertising on the inside of the vehicle without written consent.	3
9(6)(c)	Proprietor of Hackney Carriage exhibiting business details on advertisements of front doors exceeding the prescribed limits .	3
9(6)(d)	Proprietor of Hackney Carriage exhibiting, commercial advertisements on either or both rear doors without approval.	3
9(6)(e)	Failing to have an efficient dry powder fire extinguisher in vehicle in such a position to be readily available for use.	4
9(6)(f)	Failing to provide a first aid kit.	4
9.7	Proprietor or Driver of a Hackney Carriage carrying more than the prescribed number of persons specified on the plate.	6
9.8	Proprietor of Hackney Carriage failing to notify the council within 24 hours of taximeter seal being broken by a recognised dealer to effect repairs.	6
9.9	Failure to return licence and licence plates when vehicle ceases to be used as a Hackney Carriage.	6
9.9	The Proprietor of a Hackney Carriage transferring Hackney Carriage plate to another vehicle without prior written consent.	6
9.10	Hackney Carriage Driver Licence holder failing to notify the Council of any convictions under the Act, 1976 Act or any road traffic Act or involving dishonesty within 7 days of	8

	OFFENCE	POINTS
	conviction.	
9.12	Driver or Proprietor of Hackney Carriage refusing to convey an assistance dog for the disabled or visually impaired when requested by the dog's owner.	4
9.13	Failing to display notice in vehicle requiring passengers to wear the seat belts provided.	3
9.14	Failing to carry in the vehicle a child's booster seat capable of being used with adult 3 point seat belts.	4
9.15	Permitting a child under the age of 13 years to use a front passenger seat in vehicles fitted with passenger side airbags.	6
9.16	Permitting a child to be carried in a rear facing carrier in the front passenger seat in a vehicle fitted with a passenger side airbag.	6
<b>Hackney Carriage Bye Laws Made under S68, Town Police Clauses Act 1847 and S171 Public Health Act 1875</b>		
2(a)	Failing to affix the internal or external licence plate to a Hackney Carriage.	4
2(b)(i)	Wilfully or negligently cause or suffer any such plate to be concealed from public view while the carriage is standing or plying for hire.	4
2(b)(ii)	Cause or permit the carriage to stand or ply for hire with a plate that is so defaced that any figure or material particular is illegible.	4
3(a)	Hackney Carriage proprietor failing to provide sufficient means by which any person in the carriage may communicate with the driver.	3
3(b)	Hackney Carriage proprietor failing to cause the roof or covering to be kept watertight.	3
3(c)	Hackney Carriage proprietor failing to provide necessary windows and a means of opening and closing not less than one window on each side.	3

	OFFENCE	POINTS
3(d)	Hackney carriage proprietor failing to cause the seats to be properly cushioned or covered.	3
3(e)	Hackney Carriage proprietor failing to cause the floor to be provided with a proper carpet, mat or other suitable covering.	3
3(f)	Hackney Carriage proprietor failing to cause the fittings or furniture generally and the exterior coach work to be in a kept clean condition, well maintained and in every way fit for public service.	3
3(g)	Hackney Carriage proprietor failing to provide means for securing luggage if the carriage is so constructed as to carry luggage.	3
3(h)	Hackney Carriage proprietor failing to provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use.	4
3(i)	Hackney carriage proprietor failing to provide at least two doors for the use of persons conveyed in such a carriage and a separate means of ingress and egress for the driver.	3
4	Proprietor of Hackney Carriage failing to provide taxi meter bearing the words For Hire and so constructed, attached and maintained to comply with requirements.	3
4(a)	Failing to ensure that the words For Hire are exhibited on each side of flag, etc., in plain letters in which words are horizontal and legible.	3
4(b)	Proprietor of hackney carriage failing to ensure that taxi meter is not in operation when For Hire flag, etc., is visible.	3
4(b)	Proprietor of Hackney Carriage failing to assure that when the meter is in operation. The words "For Hire" are illegible.	3

	OFFENCE	POINTS
4(c)	Proprietor of Hackney Carriage failing to ensure that when For Hire sign is visible no fare is recorded on the meter.	3
4(d)	Proprietor of Hackney Carriage failing to ensure that correct fare is displayed clearly and legibly on the meter.	6
4(e)	Proprietor of Hackney Carriage failing to ensure that the word FARE is clearly and legibly displayed on the meter.	3
4(f)	Proprietor of Hackney Carriage failing to ensure that all letters and figures on face of taxi meter are clearly visible to persons being carried in the vehicle.	4
4(g)	Proprietor of Hackney Carriage failing to ensure that a meter fixed to a Hackney Carriage shall be sealed so that no person can tamper with the meter except by breaking the seal.	6
5	Proprietor or driver of Hackney Carriage failing to ensure that no advertisement is fixed to the outside of the vehicle other than with the consent of the licensing authority.	3
6(a)	The driver of a Hackney Carriage when standing or plying failing to keep flag, etc., in such a position that no fare is displayed on meter.	3
6(b)	Driver of a Hackney Carriage failing to ensure that before commencing a journey the meter shows the word "HIRED" until the termination of the hiring.	3
6(c)	Driver of a Hackney Carriage failing to cause the dial of the taxi meter to be kept properly illuminated throughout any part of a hiring in the hours of darkness.	3
7	A proprietor or driver of a Hackney Carriage tampering or permitting any person to tamper with any meter or seals official to the vehicle.	6

	OFFENCE	POINTS
8(a)	The driver of a Hackney Carriage when plying for hire in any street and not actually hired failing to proceed with reasonable speed to one of the stands fixed in the bye law.	4
8(b)	The driver of a Hackney Carriage when plying for hire in any street and not actually hired failing to proceed to another stand if a stand he arrives at is fully occupied by the number of carriages authorised to occupy it.	4
8(c)	The driver of a Hackney Carriage when plying for hire in any street and not actually hired failing to station the carriage immediately behind the carriages already on the stand and facing the same direction.	4
8(d)	The driver of a hackney carriage where plying for hire in any street and not actually hired failing to move forward on any stand when other carriages move off.	4
8(e)	The driver of a Hackney Carriage when plying for hire in any street and not actually hired failing to remain with the vehicle when occupying the first or second position on the stands.	6
9(a)	A proprietor or driver of a Hackney Carriage when standing or plying for hire shall not call out or otherwise importune any person to hire a carriage.	3
9(b)	A proprietor or driver of a Hackney Carriage when standing or plying for hire shall not make use of any other person to call out or importune others to hire the vehicle.	3
10(a)	The driver of a hackney carriage failing to behave in a civil and orderly manner.	4
10(b)	The driver of a hackney carriage failing to ensure the safety of persons conveyed in or entering or alighting from the vehicle.	6

	OFFENCE	POINTS
11	The proprietor or driver of a Hackney Carriage hired to be at a certain place and time failing so to be without sufficient cause.	4
12.	The driver of a Hackney Carriage failing to take the shortest route to any destination unless given other directions by the hirer.	6
13	The proprietor or driver of a hackney carriage carrying more than the permitted number of persons specified on the external plate of the vehicle .	6
14	Driver of hackney carriage failing to wear the provided badge in a position and manner to be plainly visible.	6
15(a)	The driver of a Hackney Carriage refusing or failing to carry a reasonable quantity of luggage when requested by the hirer.	4
15(b)	The driver of a Hackney Carriage failing to afford reasonable assistance in loading or unloading a reasonable quantity of luggage when requested by the hirer.	4
15(c)	The driver of a Hackney Carriage failing to afford reasonable assistance in removing luggage to or from the entrance to any building, station or place at which he may take up or set down the hirer.	4
16(a)	The proprietor of a Hackney Carriage failing to cause a statement of fares to be exhibited inside the carriage in clearly distinguishable letters and figures.	3
16(b)	The proprietor or driver of a Hackney Carriage wilfully or negligently failing to ensure that figures and letters on a statement of fares are not concealed or illegible at any time while the carriage is plying or being used for hire.	3
17	Proprietor or Driver of a Hackney Carriage failing to check the carriage after a hiring for property in advertently left therein.	3

	OFFENCE	POINTS
18	Proprietor or driver of Hackney Carriage failing within 38 hours to take any property, left in a hackney carriage inadvertently, to a police station when not claimed sooner by the owner.	3
<b>Private Hire Vehicle Licence Conditions</b>		
1 (1.1)	Permitting a child under 13 to use a front passenger seat where vehicle is fitted with passenger side airbag.	6
2 (1.2)	Permitting/carrying a child in a rear facing carrier in the front seat where the vehicle is fitted with passenger side airbags.	6
3(a) (1.3)	Failing to fit rear seat belts in licensed vehicles.	4
3(b) (1.3)	Failing to display notice in the vehicle requiring passengers to wear seat belts.	3
4 (1.4)	Failing to carry a child booster seat suitable for use with adult three point seat belts.	4
5(a) (1.5)	Failing to return licence and licence plates to licensing authority when vehicle is no longer licensed.	3
5(b) (1.5)	Transferring licence plates to another vehicle.	8
6 (1.6)	Failing within 14 days to inform licensing authority of any conviction for dishonesty, indecency or violence or and offence under 1976 Act or endorsable offence giving the details, of convictions and penalty imposed.	10
7(a) (1.7)	Failing /Refusing to carry an assistance dog for the disabled and visually impaired when requested to do so by the dog's owner.	6
7(b) (1.7)	Charging a fare for the carriage of an assistance dog for the disabled or visually impaired.	6

	OFFENCE	POINTS
8 (1.13)	Fixing the exterior licence plate to the vehicle other than in a manner authorised by the Council.	4
9 (1.12)	Carrying more persons than permitted by the vehicle licence.	6
10 (1.13)	Failing to display the licence plate issued to the vehicle.	4
11 (1.14)	Failure to notify the council of changes in the particulars of a private hire vehicle as shown on the application form.	4
12 (1.15)	Failure to notify the council of changes in the particular of a licensed private hire vehicle as shown on the Vehicle Registration Document.	4
13(a) (1.16)	Affixing a roof sign on a licensed private hire vehicle.	6
13(b) (1.16)	Displaying "For Hire" or other advertising sign in the vehicle windows or inside the vehicle.	6
13(c) (1.16)	Displaying any sign or advertisement on the exterior of the vehicle other than of the size and description authorised in writing by the council.	4
14(a) (1.17)	Using a motor vehicle as a private hire vehicle without there being in force a certificate of motor insurance or other security.	10
14(b) (1.17)	Failing to produce such certificate of insurance or other security on request of an authorised officer.	8
15(a) (1.18)	Failing to present the licensed vehicle for inspection when required to do so.	6
15(b) (1.18)	Failing to produce vehicles servicing and maintenance records when requested at time of vehicle test.	6



	OFFENCE	POINTS
15(c) (1.18)	Failing to permit inspection and test by a Council Authorised officer at any time.	8
16 (1.19)	Failing to carry out necessary repair work after road side check reveals the need for some.	6
17 (1.20)	Failing to return licence plates within 7 days of service of notice of suspension or revocation.	6
18(a) (1.21)	Failing to notify the Council of any place where the licensed vehicle is kept when not in use.	3
18(b) (1.21)	Failing to afford such facilities as may be reasonably necessary for any authorised officer to inspect and test the licensed vehicle at the place where it is normally kept.	6
<b>Private Hire Driver's Conditions</b>		
1. (2.1)	Driver of a private hire vehicle carrying more passengers than shown on the private hire vehicle licence.	6
2(a) (2.2)	Driver of private hire vehicle failing or refusing to carry a reasonable quantity of luggage.	4
2(b) (2.2)	Driver of a private hire vehicle failing or refusing to afford reasonable assistance loading and unloading luggage.	4
2(c) (2.2)	Driver of a private hire vehicle failing or refusing to afford reasonable assistance in removing luggage to or from the entrance to any house.	4
3. (2.3)	The driver of a private hire vehicle failing to search vehicle for property left behind immediately after hiring ends.	4
4. (2.4)	The driver of a private hire vehicle failing to take property found in the vehicles and not claimed by or on behalf of the owner, to any police station within 24 hours.	6

	OFFENCE	POINTS
5(a) (2.5)	Driver of a private hire vehicle plying the streets for hire	8
5(b) (2.5)	Driver of a private hire vehicle using Hackney Carriage stand.	6
6(a) (2.9)	Driver of a private hire vehicle failing or refusing to undertake medical on reaching ages 45, 50, 55, 60 and 65 years.	12
6(b) (2.9)	Driver of a private hire vehicle failing or refusing to produce Medical Certificate of examination when required to do so by an authorised officer of the Council.	12
7. (2.10)	Driver of a private hire vehicle seeking to renew driver's licence having failed to declare that Road Traffic Act Driver's licence has been endorsed for any of the offences shown in attached schedule.	6
8. (2.12)	Driver of private hire vehicle failing to hand his original private hire vehicle driver's licence to his employer (Private Hire Vehicle Operator) before commencing employment.	4
9. (2.13)	Driver of a private hire vehicle failing to wear his driver's badge in such a position and manner as to be plainly and distinctly visible.	4
10. (2.14)	Holder of private hire driver licence failing to notify the Council within 14 days of a conviction for any offence involving dishonesty, indecency, violence, or under 1976 Act, or an offence endorsable on Road Traffic Act Driver licence.	6
11. (2.15)	Holder of private hire driver licence failing to notify the council within 14 days of any permanent change of residence or private hire employment.	3
12(a) (2.16)	Driver of a private hire vehicle failing to keep him/herself in a clean and respectable condition when the vehicle is being driven for hire.	4

	OFFENCE	POINTS
12(b) (2.16)	Driver of a private hire vehicle failing to conduct him/herself in an orderly manner with civility and propriety towards every person hiring the vehicle.	4
13. (2.18)	The holder of a private hire vehicle driver licence failing to notify the council of any circumstances affecting the suitability of the holder to continue holding that licence.	6
14. (2.19)	The holder of a private hire operator's licence or private hire driver's licence permitting an unlicensed driver to drive a private hire vehicle.	8
<b>Conditions for Private Hire Operator's Licence</b>		
1. (3.2)	Private Hire Operator who ceases to carry on a Private Hire Vehicle business failing to return the operator's licence to the council without delay.	12
2. (3.3)	Private Hire operator failing to enter details of hiring in the Private Hire Bookings Register before the commencement of the journey in respect of which the booking was made.	4
3(a) (3.4)	Private hire operator failing to keep the private hire vehicles register at the address within district of East Northamptonshire notified to the council.	3
3(b) (3.4)	Private Hire operator failing to enter in the register of details of all private hire vehicles operated by the operator.	3
3(c) (3.4)	Private hire operator failing to keep register of vehicles up to date.	3
4(a) (3.5)	Private Hire Operator failing to keep all entries in private hire bookings register legibly, in ink and understandable to an authorised officer the council.	3
4(b) (3.5)	Private hire operator 4 failing to keep all entries in the private hire vehicle register legibly, in ink and understandable to an authorised officer of the council.	3

	OFFENCE	POINTS
5(a) (3.6)	Private hire vehicle operator failing to ensure that Private Hire Booking Register and Private Hire Vehicle Register are available at all reasonable times for inspection by an Authorised Officer at an address within East Northamptonshire.	4
5(b) (3.6)	Private hire vehicle operator failing to notify the council in writing of the address at which Private Hire Booking Register and Private Hire vehicle register may be inspected.	4
5(c) (3.6)	Private hire vehicle operator failing to keep private hire booking register and private hire vehicles register for a minimum of three years after the last entry was made.	4
6(a) (3.7)	Operator of private hire vehicle conveying greater number of persons than that specified in the licence.	6
6(b) (3.7)	Operator of private hire vehicle permitting more than the number of persons specified in the licence to be conveyed in a private hire vehicle.	6
7(a) (3.8.i)	Operator of a private hire vehicle failing to cause the fixtures and furniture generally and the exterior coachwork to be kept in a clean condition, well maintained and fit for public service.	4
7(b) (3.8.ii)	Operator of private hire vehicle failing to provide means of securing luggage when vehicle is constructed to carry luggage.	4
7(c) (3.8.iii)	Operator of private hire vehicle failing to provide an efficient dry powder fire extinguisher carried in such a position to be readily available for use.	3
7(d) (3.8.iv)	Operator of private hire vehicle failing to provide a travelling first aid kit.	3

	OFFENCE	POINTS
8 (3.9)	Holder of a private hire operator's licence failing to notify the council within 14 days of conviction and penalty imposed for any offence involving dishonesty, indecency or violence, or any offence under the 1976 Act, or the Road Traffic Acts.	6
9(a) (3.10)	Operator of private hire vehicle failing or refusing to carry an assistance dog for the disabled or visually impaired when requested by the dog's owner.	8
9(b) (3.10)	Operator of private hire vehicle charging fare for the carriage of assistance dog for the disabled or visually impaired.	8
10. (3.16)	Operator of private hire vehicle failing without good reason to ensure that a booked vehicle attends at the appointed time and place.	4
11(a) (3.17)	Operator of private hire vehicle failing to retain private hire vehicle driver's licence as long as the driver remains in his employ.	3
11(b) (3.17)	Private hire vehicle operator failing to make available for inspection at reasonable times original private hire driver licences held by him/her.	3
12. (3.18)	The operator of private hire vehicle failing to maintain vehicles used under the licence in a very high standard of mechanical efficiency with the bodywork free from rust and dents; the interior and exterior in a good state of repair and cleanliness.	4
13. (3.19)	The operator of private hire vehicle causing any person to drive a private hire vehicle for more than 5½ hours without a break of at least 30 minutes away from the vehicle.	6
14. (3.20)	Private hire operator failing to ensure that the drivers of private hire vehicles do not ply the streets for hire or use hackney carriage	4

	OFFENCE	POINTS
	stands.	
15. (3.21)	Operator of a private hire licence failing to notify the council within 72 hours of any accident or damage sustained to private hire vehicle.	6



### EIA Initial Screening Form – service or function

<b>1. Name of Service or Function:</b>	
<b>2. Name and Job title / role of person completing Initial Screening:</b>	Tom Morrissey Licensing Enforcement Officer
<b>3. What is the main purpose of the Service or Function?</b>	To introduce a penalty points system for breaches of law or policy for hackney carriage and private hire services within East Northamptonshire.
<b>4. List the main activities of the Service or Function:</b>	To enforce the legislation and policy regarding private hire and hackney carriage owners, drivers, operators and vehicles.
<b>5. Who are the main beneficiaries of the Service or Function?</b>	Members of the Public, hackney carriage owners and drivers AND private hire operators and drivers.
<b>6. How is the success of the Service or Function measured?</b>	The state of compliance by the trade (operators, owners and drivers and condition of vehicles) with legislation and policies.
<b>7. Are equality monitoring systems in place?</b>	Equality monitoring of drivers in receipt of penalty points would be undertaken if the penalty points system is adopted

**8. Use the following table to indicate using a ✓:**

- a) Where you think that the Service or Function could have a positive impact on any of the groups or contribute to promoting equality of opportunity or improving relations within equality groups.
- b) Where you think that the Service or Function could have a negative impact on any of the equality groups i.e. it could disadvantage them.
- c) Where you think that the Service or Function could have a neutral impact on any of the equality group i.e. no impact

Equality Group	Positive Impact	Negative Impact	Neutral Impact	Reason
<b>Gender:</b>				
Women/Girls			✓	
Men/Boys			✓	
Transgender people			✓	
<b>Sexual Orientation:</b>				
Lesbians, gay men and bisexuals			✓	
<b>Race/Ethnicity:</b>				
White British people			✓	
White non-British people (including Irish people)			✓	
Asian or Asian British people			✓	
Black or Black British people			✓	
People of mixed heritage			✓	
Chinese people			✓	
Travellers (Gypsy/Roma/Irish heritage)			✓	
People from other ethnic groups			✓	



Item 10 - Appendix 2

Equality Group	Positive Impact	Negative Impact	Neutral Impact	Reason
People who do not have English as their first language			✓	The Council will need to ensure that it communicates any new system effectively to reduce the likelihood of drivers receiving penalty points because they are unclear of the new system due to any language barriers and what they need to do in order to remain compliant.
<b>Disability:</b>				
Physical impairment, e.g mobility issues which mean using a wheelchair or crutches.			✓	
Sensory impairment, e.g blind/having a serious visual impairment, deaf/having a serious hearing impairment.			✓	
Mental health condition, e.g depression or schizophrenia			✓	
Learning disability/difficulty, e.g. Down's syndrome or dyslexia, or cognitive impairment such as autistic spectrum disorder			✓	
Long-standing illness or health condition, e.g. cancer, HIV. Diabetes, chronic heart disease or epilepsy			✓	
Other health problems or impairments ( <i>please specify if appropriate</i> )			✓	
<b>Age:</b>				
Older People (60+)			✓	
Children and Young People (see guidance for definition)			✓	
<b>Religion/Belief:</b>				

Equality Group	Positive Impact	Negative Impact	Neutral Impact	Reason
Christian			✓	
Buddhist			✓	
Hindu			✓	
Jewish			✓	
Muslim			✓	
Sikh			✓	
Other religion (including holding no belief)			✓	
<b>Other Potentially Affected Groups</b>				
Rural Isolation - People who live in rural areas e.g isolated geographically, lack of internet access			✓	
Socio-economic Exclusion – e.g. people who are on benefits, have low educational attainment, single parents, people living in poor quality housing, people who have poor access to services, the unemployed or any combination of these and the other protected strands			✓	
Any other potentially affected groups ( <i>please specify</i> )			✓	
.				
<b>9. If you have indicated that there is a negative impact on any group:</b>				
a) Is that impact against legislation?	N/A			
b) What is the level of impact?	N/A			

Item 10 - Appendix 2

Equality Group	Positive Impact	Negative Impact	Neutral Impact	Reason
10. Could you minimise or remove any negative impact that is of low significance?	n/a			
11. Could you improve a positive impact of the Service or Function?	n/a			
12. If there is no evidence that the Service or Function promotes equality of opportunity or improved relations, could it be adapted so that it does?	n/a			
Head of Service signature				
<b>Date of Initial Screening:</b>	07 September 2012			