

The points attributable to each “offence” are currently as follows:

General Breaches	10 Driver	10 Vehicle	40 Operator
1 Failure to notify change of address within 7 days	2	2	2
2 False declaration on application/renewal of licence	3	1	2
3 Failure to notify motoring or criminal convictions or to produce certificates of conviction/driving licence within 7 days	3	3	3
4 Failure to behave in a civil and orderly manner to customers and other road users	2-6	-	2
5 Failure to display badge or return same at request of authorised officer	4	-	-
6 Dishonoured cheque for payment of licence	1	1	1
7 Overdue medical examination/drug screen	2	-	-
8 Obstruction of authorised officer	3	3	4
<b>Vehicle Breaches</b>			
9 No fire extinguisher	1	3	-
10 Failure to display vehicle licence plate	1	3	1
11 Failure to exchange defaced vehicle licence plate	1	2	-
12 Failure to display vehicle licence disc	-	2	1
13 Failure to return vehicle licence plate at request of authorised officer	-	2	-
14 Failure to report accident damage within 72 hours	-	3	1
15 Failure to produce insurance documents at request of authorised officer within 5 days	-	6	-
16 Permitting no insurance	-	10	-
17 Carrying more passengers than permitted by vehicle licence	2	-	-
18 No vehicle licensing record book (“white book”) in vehicle	-	2	-
19 Refusal to carry passengers without reasonable excuse	3	-	-
20 Unauthorised “company” window stickers and/or failure to display prescribed HCV/PHV vehicle identification livery	-	2	3
21 Failure to notify transfer of vehicle licence interest within 14 days	-	3	-
22 Failure to convey or assist with carrying of luggage	2	-	-
23 Failure to deliver lost property to Police	2	-	-
24 Failure to carry byelaws in vehicle	-	3	-
25 Failure to display tariff of fares or to conceal same	1	3	-
26 Defective taxi meter	-	3	-
27 Defective taxi top light	-	1	-
28 Out of date tax disc	-	3	-
29 Vehicle not clean, well maintained or comfortable	1	4	1
30 Illegal tyres	1	4	-
31 Illegal ranking	2	-	-
32 Unattended hackney carriage vehicle on rank	1	-	-
33 Failure to attend mechanical inspection	-	6	-
34 Late cancellation of mechanical inspection	-	6	-
35 Use of vehicle without current certificate of compliance	-	6	-
36 Standing or plying for hire	3	-	1
37 Overcharging	3	-	-
<b>Operator Breaches</b>			
38 Breach of special condition on licence	-	-	4
39 Failure to keep proper records of bookings	-	-	4

Sometimes a licence holder may be asked to appear before the Committee even if less than the above number of points is reached in any one year. The committee have the power to suspend or revoke individual licences after hearing the evidence. Equally, officers can also suspend your driver licence if 10 or more points are awarded in any one licensing year.

Any points outstanding against a licence holder are automatically “removed” at the end of each licensing year.

## Spot the difference

It is easy to assume that the Hackney Carriage and Private Hire trades are doing the same work and operating to the same strict legal standards. This is not always the case. The following basic differences clearly identify the unique and distinct roles of the two trades:

### Private Hire

- we cannot limit the number of vehicle licences issued
- not allowed to have the words ‘cab’ or ‘taxi’ or similar wording on display from a vehicle. Not allowed to have roof signs
- fares are not controlled by the council – meters in vehicles are not compulsory - but, if used, must be sealed by us
- blue plates
- drivers cannot stand or ply for hire in any street – must only work from pre-bookings provided by the operator in advance
- drivers cannot stand or ply for hire at Railway Stations/forecourts
- private hire drivers must wear a seatbelt when the car is empty

- vehicles and drivers regulated primarily by condition of licence

- vehicles cannot be silver in colour
- vehicles cannot use bus lanes

### Hackney Carriage

- we can impose a numeric limit on number of vehicles
- have a prominent ‘TAXI’ and ‘for hire’ roof sign – or use London style cabs
- fares strictly controlled by the council and sealed approved meters must be installed

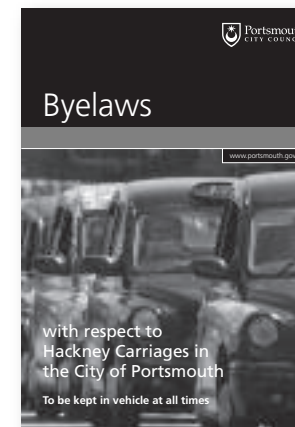
- white plates
- drivers can pick up flaggers, cruise for work and stand at designated taxi stands and can also do radio work
- special permission (for payment) is given to hackney vehicles to use Railway facilities
- hackney drivers, whilst plying for hire in Portsmouth, do not need to wear a seatbelt even if empty

- vehicles and drivers regulated by conditions of licence and/or byelaws - NOTE: no conditions are attached to a driver licence

- vehicles must be silver in colour
- vehicles can use bus lanes

## Hackney Carriage Byelaws

The council has made byelaws under Section 68 of the Town Police Clauses Act 1847. These byelaws regulate Hackney Carriage Vehicles, proprietors and the conduct of drivers. A breach of any byelaw is an offence for which a prosecution may be instigated. The byelaws are not reproduced here because they are kept with the licensed vehicle and proprietors are expected to appraise drivers of the contents.



Copies of the byelaws are also available on request at the licensing office. We encourage all hackney carriage licence holders to periodically read the byelaws. Remember also that persons hiring a vehicle may ask to see and read the byelaws.

## Notification of enforcement action

It is our policy to advise the Licensing Committee of the results of prosecutions previously dealt with by the courts. Licensing Committee papers (except for confidential matters) may be inspected by licence holders during normal office hours at the licensing office.

Portsmouth City Council will process your personal information in accordance with the Data Protection Act 1998. The personal details provided by you will be held on a database and where the law allows, may be shared with other departments within the council to update details they hold about you. The council may also be required to disclose personal information to third parties (such as Police, Department for Work and Pensions or Audit Commission for the National Fraud Initiative) for the purposes of preventing or detecting crime or apprehending or prosecuting offenders.

**This is an information leaflet and not a statement of law or how we will deal with each licence holder.**

You can get this Portsmouth City Council information in large print, Braille, audio or in another language by calling 9283 4073.

# Conditions of licence and enforcement

## Taxi and Private Hire licence holders

[www.portsmouth.gov.uk](http://www.portsmouth.gov.uk)

A general guide to the law, conditions and policies regulating the conduct of licence holders.

### Address

Licensing Section Civic Offices  
Guildhall Square Portsmouth PO1 2AL

### Email

[licensing@portsmouthcc.gov.uk](mailto:licensing@portsmouthcc.gov.uk)

### Telephone

(023) 9283 4830 or (023) 9283 4073

### Fax & answerphone

(023) 9283 4811 (Secure in our office)

### Opening Hours

Monday-Thursday 8.30am-5.00pm  
Friday 8.30am-4.00pm

## Introduction

As a licence holder you have accepted the legal responsibilities which come with the benefit of holding a licence.

This guide is designed to provide an overview of the regulations and disciplinary policies used by the council as part of the licensing process. Persons affected by this guide are:

- Hackney Carriage Vehicle Proprietors
- Hackney Carriage Drivers
- Private Hire Operators
- Private Hire Vehicle Proprietors
- Private Hire Drivers

We want you to promote a professional and competent image in all that you do. If things go wrong we can resort to enforcement action which will be taken fairly, impartially, without bias or favour and in the public interest.

We view enforcement as a part of the overall licensing control exercised by the council but not as a means to an end in itself. Enforcement action is secondary to our primary aim of offering administrative support and ongoing help and advice to licence holders. Equally, however, if enforcement is non-existent then lower standards of conduct might occur with a likely increase in public concern and dissatisfaction with the two trades.

Remember also that the company or proprietor you work for may have established 'office' rules or policies to promote and protect the image of the trade. Whilst a breach of such rules will normally be dealt with by the company concerned it may also lead to complaints being made by persons about your conduct which could result in disciplinary action being taken against you by the Council.

Usually therefore, enforcement action is taken:

- To protect the public interest
- To support the policies of the Licensing Committee
- To respond to individual public or trade complaints
- To support partnerships with other agencies like the Police and VOSA.
- To compliment the Council's corporate enforcement policy (copy available for inspection in our office).

## The role of officers

The licensing staff are all 'authorised officers' of the council for the purposes of the Acts that regulate the conduct of licence holders. You have a clear legal duty to offer assistance and information to each officer and must not wilfully obstruct or give false information (if say, requested to make a statement or to provide information) - this is a serious offence.

The officers are all empowered to give, or recommend, any (or a mixture of) the following disciplinary measures:

- Verbal warning
- Written warning
- Points
- Appearance before the Licensing Sub-Committee
- Caution or prosecution authorised

The officer dealing with you will give clear and simple guidance on any matter of concern and will explain why action is or has been taken. This will be either verbally and/or in writing. If you are unhappy about any enforcement action please, in the first instance, contact the Licensing Manager/Deputy Licensing Manager who will review the case. If still not satisfied we will clearly tell you how to progress your complaint.

Sometimes, for example, you might receive requests to provide information (say vehicle documents or driving licence) or produce your vehicle for a spot check and you must not ignore these requests.

We have the power to suspend vehicle licences immediately if not satisfied as to the fitness of a vehicle. So can any Police Officer. We can also immediately suspend driver licences. If proposing to revoke or refuse to renew a licence, the matter is put before the Committee for determination.

If you are asked to appear before the Committee then you will be told clearly of the procedures adopted by the Committee to deal with disciplinary cases.

## Your conditions of licence

Conditions of licence are imposed by the council using the provisions of an Act of Parliament - for example the Town Police Clauses Act 1847 and Part II, Local Government (Miscellaneous Provisions) Act 1976. Conditions are imposed to maintain and regulate acceptable standards of conduct and/or to regulate local concerns - conditions between respective councils may therefore vary because of this fact. Licences are considered to be granted and renewed subject to conditions - these usually do not vary but we do have the power to amend or substitute conditions from time to time. If we do, we always consult recognised trade representatives about these matters before asking the Licensing Committee to adopt the new conditions. Conditions must be reasonable, enforceable and in the public interest.

If a breach of condition (or part of the acts mentioned) is an offence at law then we may prosecute offenders. All prosecution files are considered on individual merit and we might, for example, consider the issue of a simple caution in some cases. We will have regard to the provisions of PACE when dealing with offences and tell you clearly of your legal rights. The Licensing Manager and Deputy Licensing Manager are authorised to recommend prosecutions on behalf of the council.

As a licence holder you usually have a right of appeal to the Magistrates' Court if you are unhappy with conditions imposed on respective operator, vehicle or driver licences. Other disciplinary measures (like the points system) are local 'policy' initiatives approved by the Committee after consultation with the trade and do not therefore form part of your conditions of licence but are used as a "tool" to enforce the approved conditions. Remember however, that points **and** a prosecution can be used simultaneously in some circumstances.

**Conditions are not reproduced in this guide but will have been given to you when your initial application for a licence was approved.**

## The points system

The Licensing Committee approved the introduction of the 'points system' in 1994 after detailed consultation with the taxi and private hire trades. We see this as a "fast track" disciplinary code whereby points are issued to licence holders for breaches of conditions, non-compliance of the law or because of unsatisfactory conduct. When assessing the weight of evidence available we are working on the "balance of probabilities" in determining whether or not to issue points and will consider the representations of licence holders accordingly.

There is no financial penalty associated with this system. Likewise you may continue to work even if points are awarded. The Licensing Committee have resolved that there will be a presumption in favour of a committee hearing (or suspension imposed) if more than a certain number of points are given against an individual licence in any one licensing year.

The current thresholds are as follows:-

- Hackney Carriage Driver 10 points
- Private Hire Driver 10 points
- Hackney Carriage Vehicle 10 points
- Private Hire Vehicle 10 points
- Private Hire Operator 40 points

**POINTS SYSTEM** Portsmouth CITY COUNCIL  
Hackney Carriage/Private Hire  
Local Government (Miscellaneous Provisions) Act 1976 & Town Police Clauses Act 1847

**Incident Details**  
Surname \_\_\_\_\_ Forenames \_\_\_\_\_  
Badge No. HCP/H \_\_\_\_\_ Company \_\_\_\_\_  
Plate No. HCP/H \_\_\_\_\_ Reg No. \_\_\_\_\_  
Date \_\_\_\_\_ Time \_\_\_\_\_  
Location \_\_\_\_\_

**Computer Code:** for explanation of codes please see overleaf

1	2	3	4	5	6	7	8
9	10	11	12	13	14	15	16
17	18	19	20	21	22	23	24
25	26	27	28	29	30	31	32
33	34	35	36	37	38	39	

**Points Awarded:** Driver  Proprietor  Operator

**Document Production:** (tick as appropriate)  
Please produce within 5 days: Driving Licence  Insurance   
Registration Document  MOT/CD

**Notice of warning or to complete works or suspend vehicle licence:** (tick as appropriate)  
Warning Given  7 day Notice  Suspension of Vehicle Licence   
If the vehicle licence is suspended it must not be used until the suspension notice is lifted. Reasons for any action taken and/or warnings given will be shown in the notes below.

**NOTES:**

Signed \_\_\_\_\_ Signed \_\_\_\_\_  
Driver/Proprietor Authorised Officer, Licensing Office,  
Portsmouth City Council  
Tel: 023 9283 4830 Fax: 023 9283 4811  
Email: licensing@portsmouthcc.gov.uk

White - Driver/Proprietor, Green - Office Copy