



## TO THE CHAIRMAN AND MEMBERS OF THE **LICENSING COMMITTEE**

You are hereby summoned to attend a meeting of the Licensing Committee to be held on Tuesday, 8 March 2022 at 7.00 pm in the Council Chamber, Civic Offices, Gloucester Square, Woking, Surrey GU21 6YL.

The agenda for the meeting is set out below.

JULIE FISHER  
Chief Executive

NOTE: Filming Council Meetings

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## **AGENDA**

### **PART I - PRESS AND PUBLIC PRESENT**

1. Minutes

To approve the minutes of the meeting of the Licensing Committee held on 5 October 2021 as published.

2. Apologies for Absence

To receive any apologies for absence.

3. Declarations of Interest

To receive declarations of disclosable pecuniary and other interests from Members in respect of any item to be considered at the meeting.

4. Urgent Business

To consider any business that the Chairman rules may be dealt with under Section 100B(4) of the Local Government Act 1972.

### **Matters for Determination**

5. Review of Points Based System LIC22-002 (Pages 3 - 20)

AGENDA ENDS

Date Published - 28 February 2022

For further information regarding this agenda and arrangements for the meeting, please contact Aadam Ahmed on 01483 743018 or email [doug.davern@woking.gov.uk](mailto:doug.davern@woking.gov.uk)



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LICENSING COMMITTEE – 8 MARCH 2022

## REVIEW OF POINTS BASED SYSTEM

### Executive Summary

The committee is required to review the Points System Policy.

### Recommendations

The Committee is requested to:

#### RESOLVE THAT EITHER

- (i) The Policy be considered acceptable and continued until the next annual review; OR
- (ii) The Licensing Department look further into possible amendments or changes.

The Committee has the authority to determine the recommendation(s) set out above.
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**Background Papers:** None.

**Reporting Person:** Matthew Cobb, Senior Licensing Officer  
Email: matthew.cobb@woking.gov.uk, Extn: 3650

**Contact Person:** Matthew Cobb, Senior Licensing Officer  
Email: matthew.cobb@woking.gov.uk, Extn: 3650

**Date Published:** 28 February 2022

### 1.0 Introduction

- 1.1 The Penalty Points System was introduced to standardise enforcement, allowing a level of transparency and consistency in the decision making process.
- 1.2 Prior to the implementation of the policy, Licensing Officers or Legal Officers would be responsible for determining the circumstances under which a driver should be taken before a Licensing Sub-Committee for repeated offences.
- 1.3 By implementing this policy drivers will have a clearer understanding of their expected conduct and it sets out transparent parameters that drivers will held to account against. The policy also enables officers and councillors to understand how a driver is performing.
- 1.4 The Policy was passed at Licensing Committee on the 6 October 2020 and at Full Council on 15 October 2020.
- 1.5 A Copy of the Policy and the Points Table is attached as Appendix 1

### 2.0 Annual Review

- 2.1 For the first three years of the implementation of the scheme, it will be reviewed on an annual basis. On the third year of reviewing the scheme, the Licensing Committee will ascertain whether annual reviews are still required or whether it can be extended to a triennial time frame (i.e reviewed once every three years).
- 2.2 Notwithstanding this, the policy will continue to be evaluated and may be updated at any time.

### 3.0 Points Issued so far

- 3.1 Since the Points System was implemented in October 2020, it has been used a total of sixteen times.
- 3.2 Of these sixteen incidents, three were for repeat offenders who eventually exceeded the 12 point limit and were taken before a licensing sub-committee, one was for multiple incidents from one driver who was taken before a licensing sub-committee, two were for a repeat offender with whom we have had no further issues and the rest were individual incidents.
- 3.3 A summary of the Points issued to date are attached as Appendix 2.

### 4.0 Situations where Points have not been issued

- 4.1 It should also be noted that there are circumstances where incidents have not automatically resulted in the issue of points.
- 4.2 When reports of incidents are received, the driver is initially contacted for their representation, and their previous record is taken into consideration.
- 4.3 Some examples of this would include events such as:
  - a Hackney Driver who left his vehicle unattended on the rank. When contacted about this, it was established that he was working some shifts with a food delivery company to provide additional financial security during the Covid Crisis and had left his taxi on the rank to go and collect food from a local takeaway. The CCTV showed him clearly carrying his food delivery bag and so it was considered appropriate to issue a warning rather than issue points.

## Review of Points Based System

- A couple of drivers who have moved house and failed to notify the licensing authority – however after following up it was determined that the moves had been at short notice, or they had failed to notify us for personal reasons. Given that these drivers had clean records the decision was been made to issue a warning instead of points.

4.4 It is therefore important to note that whilst the points system is being utilised, it is not always the case that the drivers are being persecuted with it. The Department takes a proactive approach towards any incidents and exercises its discretions when applying the policy.

### 5.0 Summary

5.1 The Licenising Committee is required to review the Policy in Appendix 1, and with the information regarding the points in Appendix 2, decide whether the policy is suitable as currently drafted. An assessment should be undertaken by the Licensing Authority if it deems it necessary to make any amendments to the policy, any amendments are to be brought before the next licensing committee. The current policy is to be adopted until such time as it can be reassessed by the committee.

### 6.0 Implications

#### Finance and Risk

6.1 No financial risk implications.

#### Equalities and Human Resources

6.2 No financial risk implications.

#### Legal

6.3 The Legal Department has assessed it and considers there to be no implications.

REPORT ENDS



## **Penalty Points Scheme**

As adopted by Full Council on the 15<sup>th</sup> of October 2020

### **1. Introduction**

1.1. This document details the Penalty Point procedure used by the Council to deal with minor breaches or infringements of legislation or unacceptable behaviour committed by those licensed as Drivers and Operators and vehicle proprietors, in much the same way that points can be attached to a DVLA driving licence.

### **2. Policy statement**

2.1. The aim of this policy is to improve the levels of compliance of licensing regulations and requirements and to help raise standards, safety and the protection of members of the public affected by the actions of licensed drivers and operators and vehicle proprietors.

2.2. The Council is committed to ensure that only fit and proper persons become, and remain, as hackney carriage and private hire drivers and Operators and vehicle proprietors.

2.3. The procedure also seeks to improve the level of transparency and consistency in which the licensing system is administered and enforced.

### **3. Purpose of the procedure**

3.1. The penalty point procedure is designed to work in conjunction with other enforcement options, identifying those drivers, operators or vehicle proprietors who repeatedly behave in a manner which, if taken as a whole, indicates that they are not fit and proper persons to hold a licence.

3.2. The Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847 (the relevant legislation covering such licences), only allows for the suspension or revocation of a licence, or the prosecution of a licence holder where they commit an offence under the above legislation. Therefore there is no system in place to deal with minor breaches or infringements, which in isolation are not serious enough to warrant the suspension or revocation of a licence.

### **4. Who is covered by the procedure?**

4.1. Penalty Points may be awarded against anyone holding a hackney carriage licence; a private hire driver licence; a Private Hire Operator Licence or a Vehicle Proprietor.

### **5. The details of how the scheme will be operated are as follows:**

5.1. Before penalty points are issued, there must be sufficient evidence to prove, on the balance of probabilities, the offence or breach of licensing requirements.

5.2. If there is good evidence that there was a breach or inappropriate behaviour and it is considered appropriate to do so, the licence holder will be issued with a penalty point notice.

5.3. The penalty point notice will describe the infringement or breach, date and time it took place, and how many points have been issued to the licence holder.

5.4. The issuing of penalty points is not a formal sanction in its own right; it is merely an open and transparent method of how a Private Hire Driver, Private Hire Operator or Hackney Carriage Driver, system is predominately an internal management tool for ensuring that licence holders who penalty

offences will be re-considered in the light of any mitigating circumstances the licence holder wishes to be considered.

5.5. The Council's Taxi Policies will be fully considered by an authorised officer when determining the manner on which any breach of legislation or the requirements of this Policy are dealt with.

5.6. Where it is decided that the use of the penalty points system is appropriate, the points will be issued in accordance with this appendix. It is to be noted that whilst the appendix shows the recommended amount of points, officers will have discretion to decide on the points given based on circumstances. If more than one offence takes place the points will be added consecutively to the individual's file.

5.7. The Council reserve the right to not impose penalties points under this scheme where in the opinion of the Officers the allegations are either frivolous, vexatious or repetitious, or made, in the Officers opinion, to further personal grievances or which are not made within a reasonable time period, to be determined by the Council depending on the individual circumstances, of the breach having occurred.

5.8. Once the decision to issue penalty points is made, letters will be sent to all persons / organisations involved in the allegation(s) detailing the findings and decision of the Investigation officer. A record of the decision and any copies of associated documents will be kept on file (usually in secure electronic format) and retained for record in line with the retention of the licence.

5.9. A maximum of twelve penalty points will be issued on any one occasion. This means that if on any occasion when it is proposed to impose penalty points, a licence holder has committed more than one offence or breach of licence conditions, no more than twelve points will be imposed.

5.10. The imposition of penalty points against a driver who is an employee will not necessarily result in additional imposition of points to his/her employer or operator. However, the Council retains the discretion to issue penalty points to drivers, driver/proprietors and operators for a single contravention if the circumstances warrant it i.e. the breach is one against all these licences and it is considered joint responsibility is held.

5.11. Any penalty points incurred under this procedure are completely separate from any points which may be attached by the Police, through fixed penalty notices, or the Courts, through convictions to DVLA driving licences.

5.12. When issued, the penalty points will remain "live" for a rolling period of 36 months from the date they were imposed.

5.13. Points issued to a licence holder will be confirmed in writing within twelve working days from the discovery of the contravention or the conclusion of an investigation into a complaint.

5.14. There is no financial penalty associated with the system, and the licensee may continue to work.

5.15. Confirmed infringements or breaches resulting in the award of penalty points will act as an ongoing record of a licensee's behaviour and conduct and may be used in determining whether they are a fit and proper person to hold a licence.

5.16. If 12 penalty points are imposed on an individual licence in any one 36 month rolling period, the driver will appear in front of the Licensing Sub Committee where appropriate action will be taken in accordance with this policy.

5.17. Where a licence holder is brought before the Committee, The Committee will be required to determine whether the driver or operator is a fit and proper person. The following action can be taken by the Committee:

- i. Take no action
- ii. Issue a warning
- iii. Issue additional penalty points
- iv. Suspend a licence as a punitive sanction
- v. Suspend a licence to correct a fault, defect, or breach
- vi. Revoke or refuse to renew a licence

5.18. A driver will always have the right to be represented at any meeting, either legally or otherwise, and to state any mitigating circumstances he deems necessary.

5.19. The length of the period of suspension of a licence will be dependent on the nature of the breaches of the legislation or the requirements of this Policy and the compliance history of the licence holder. A determination will also be made as to whether the suspension or revocation is on the grounds of public safety, thereby having immediate effect.

5.20. More than one accumulation of penalty points in excess of the twelve point threshold in any three year period will normally result in the Committee revoking a licence where they believe the person not to be a 'fit and proper' person.

5.21. Once the matter has been dealt with:

- i. points will be removed if a suspension or revocation is imposed;
- ii. If a written warning is given the points will remain live for the normal two year period;
- iii. If the live period is extended the points will remain live for the time determined by the Committee.

5.22. Any driver, vehicle, proprietor or operator subject to suspension has the right of appeal to the Magistrates Court against the suspension. Suspensions will normally be subject to a 21-day appeals period prior to implementation to allow for the formal appeals process, except where the relevant legislation allows for a suspension to take place with immediate effect.

5.23. Any driver, vehicle, proprietor or operator subject to revocation has the right of appeal to the Magistrates Court against the revocation.

5.24. The penalty points system will operate without prejudice to the Council's ability to take other action under appropriate legislation or as provided for by this policy.

5.25. The penalty points system outlined below identifies a number of breaches of conditions, byelaws and/or statutory provisions. It then indicates the number of points to be invoked should the breach be proven.

## 6. **Appeals**

6.1. If a licensee wishes to appeal against the issue of a "penalty points notice" he/she must do so in writing, stating the reasons of the appeal, within 10 working days from the date of issue of such

a notice, to the Council's Legal Services Manager or in his/her absence the Senior Licensing Officer, who, in consultation with the Chairman of the Licensing Committee, will have the discretion to:-

- i. uphold the Council Officer's decision – retain the number points on the "penalty points notice"; or
- ii. cancel the issue of the "penalty points notice" to the licensee.

6.2. The Legal Services Manager or, as the case may be, the Senior Licensing Officer will write to the licensee informing them of the outcome within 10 working days of receiving the appeal.

6.3. If no appeal is lodged within 10 days from the date of issue of the Notice, then the Council will take the view that the licence holder has accepted the penalty points.

6.4. There is no appeal beyond the decision made by the Legal Services Manager. However, should a licensee be subsequently reported to the Licensing Committee for accumulating 12 penalty points, he/she has the opportunity to raise the validity of the points issued.

## **7. Re-applying for a Licence**

7.1. If a licence holder has had their licence revoked, they may apply for a new licence, but its Council Policy that such an application under the Penalty Point Scheme will not be entertained until a suitable period from the date of revocation has elapsed, as detailed below:

- i. where the penalty points which resulted in the revocation included any infringements that attracted 10 or more points, then this period will be 24 months

- ii. where none of the infringements individually attracted more than 10 points, then this period is reduced to twelve months

7.2. It should not be assumed that an application for a new licence, following revocation under this Scheme, will automatically be granted. Any application will be subject to the Council's normal application process and consideration of whether the applicant is a fit and proper person to hold a licence.

## **8. Review of the scheme**

8.1. For the first three years of the implementation of the scheme, it will be reviewed on an annual basis. On the third year of reviewing the licence, the Licensing Committee will ascertain whether annual reviews are still a requirement or whether it can be extended to a triennial time frame (i.e reviewed once every three years).

8.2. Notwithstanding this, the policy will continue to be evaluated and may be updated at any time.

## Points relating to driver behaviour

Carrying any article which would reasonably be considered an offensive weapon in the vehicle (including imitation firearms)	12
Driver not currently holding a current or valid DVLA licence	12
Driving a Licenced vehicle whilst not in possession of a valid drivers licence (including allowing an unlicensed driver to drive a licenced vehicle)	12
Permitting the vehicle to be used for any illegal or immoral purposes	12
Serious misconduct or behaviour of a licensee (e.g. use of physical violence)	12
Driver in possession of drugs while in charge of a licenced vehicle or evidence of alcohol or illegal drugs in the vehicle	12
Under influence of drink and/or drugs while in charge of a licensed vehicle	12
Behaving in a sexually offensive manner towards passengers	12
Having sexual intercourse, or sexual contact, including intimate kissing, touching of private parts, or similar activity, with passengers whilst on duty in a licenced vehicle	12
Engaging in any discussion of a sexual nature or about a sexual relationship with a passenger, be in past, present or future relationship	12
Fighting and/or aggressive behaviour towards the public or other licensed drivers	12
Obstructing an officer / Police officer wishing to examine a licenced vehicle	11
Plying for hire by a Private Hire Driver (including accepting a fare that is not pre-booked)	10
Failure / Refusal to carry an assistance dog	10
Failure to comply with the requirement of an authorised officer or a Police officer	10
Obstruction of officers / failure to provide information and assistance to Authorised officers / Police Officers	9
Overcharging - including turning the meter off, not using the meter, adding on authorised extras, refusing to refund, attempting to charge more than the fare agreed with the customer by the operator or anything of a similar nature	9
Failing to behave in a civil and orderly manner being verbally abusive or aggressive to any member of public or driver, or bringing the trade into disrepute	9
Driving, or allowing someone to drive, a Licenced vehicle without the proprietors consent	9
Collusion or interfering with evidence, victims or witnesses, when Officers of the Council are carrying out an investigation	9
Unreasonable prolongation of a journey	8
Failure to immediately notify, in writing, the Licensing Section of a change in medical circumstances that may affect your ability to drive or the safe transportation of passengers (including eyesight).	8
Using a non hands-free mobile phone or PDA whilst driving (Driving without due care and attention)	8
Use of rude or offensive language or behaviour, failing to behave in a civil or professional manner	8
Using insulting or threatening words or behaviour towards any officer of the Council, failing to behave in a civil and orderly manner towards an officer of the Council	8
Touting i.e. calling out for business, this includes flashing of lights, waving of phones, or any other active attempt to signal which may be deemed to be touting.	8
Failure to ensure that all wheelchairs being carried in a licensed vehicle have been correctly loaded, secured and unloaded/a designated wheelchair accessible vehicle refusing or failing to comply with S165 of The Equality Act 2010	8

Failure to notify the Licensing Authority of any Cautions convictions or endorsements within the requisite timeframe	7
Refusal to drive any person without reasonable cause / refusal to accept hiring without reasonable cause	7
Lending or parting with a hackney carriage drivers licence	7
Poor or Dangerous Driving	7
Failure to disclose previous convictions, cautions or endorsements when renewing a licence	6
Failure to comply with the conditions applicable to drivers of school transport vehicles and the code of conduct for drivers of school transport vehicles (School transport drivers only)	6
Failure to afford reasonable assistance with passengers or their luggage (including disabled people) into or out of the vehicle without good cause or exemption certificate, failing to take precautions to ensure safety of passengers entering / exiting or travelling in the vehicle	5
Failure to issue a receipt on request	5
Failure to provide a DVLA licence when requested	5
Failure to produce a fitness to drive group 2 Medical Certificate or medical assessment	5
Failure to submit a licence renewal application until after the expiry date of an existing one, without reasonable cause.	5
Urinating or defecating in a public place	5
Failure to wear the Drivers ID badge or produce when requested	4
Inappropriate dress or attire, unsatisfactory appearance or turnout / hygiene of driver	4
Failure to attend punctually at an appointed time or place without sufficient cause (i.e. at a booked appointment or vehicle inspection)	4
Driver of a vehicle failing to provide his licence(s) to his Private Hire Operator before commencing employment	4
Obstructing other hackney carriages	4
Failure to notify the Licensing Authority of a change of name or address in writing within the requisite timeframe	3
Littering	3
Failing to inform the Licensing Authority / the Operator in writing of any medical condition that may preclude from carrying an assistance dog or wheelchair user	3

### **Points relating to a Vehicle licence**

Using an unlicensed vehicle for hire/reward work (including using a vehicle for hire/reward where the licence has been suspended / revoked)	12
Using a vehicle without valid or inadequate (i.e. private/public hire) insurance	12
Interfering or tampering with a Meter	10
Failing to wait after a deposit has been paid	10
Starting the meter fare before the hirer enters the vehicle without prior agreement / before the commencement of the journey	9
Carrying more passengers than the vehicle is licenced to carry	8

Using a mechanically unfit or unsound vehicle or with any defects (brakes, seat belts, steering, suspension, doors, windscreen, bodywork, lights, wipers, washers, exhaust, horn, battery, or other relevant defect that may warrant a failure at either MOT or Council Vehicle inspection, presenting a vehicle for testing that is in an unsafe or dangerous condition	8
Travelling less than the lawful distance for an agreed fare	8
Charging for the carrying of a wheelchair or assistance dog	8
Allowing a hackney carriage vehicle to stand in a position, not being a hackney carriage stand, to suggest that is plying for hire.	8
Private Hire Vehicle parking, stopping, waiting or making use of a designated Hackney Carriage Rank	7
Allowing others to be carried without the consent of the hirer	7
Driving/Causing/permitting a Private Hire Vehicle or Operating with an appearance that might suggest it is a hackney carriage, including displaying any feature on a private hire vehicle or Operators signage that may suggest that it is a taxi.	6
Failure to undergo the mid-year "six month" vehicle inspection	6
Failure to undergo an MOT in the required timeframe	6
Failure to present a vehicle for inspection when requested by an officer	6
Failure to use an approved and calibrated meter, using a defective meter	6
Failure to comply with a 14 day notice or advisory notice for the repair of a vehicle	6
Installation of a taximeter in a Private Hire Vehicle	6
Failure to notify the Licensing Authority of an accident, or damage to a Licenced vehicle, in writing and/or within 72 hours	5
Failure to provide vehicle insurance when requested	5
Evidence of smoking in a Licenced Vehicle (even when not working) or allowing a passenger to smoke in a Licenced vehicle	5
Failure to observe rank discipline or etiquette (i.e. failure to move up, waiting on pavements nearby or at the end of the rank)	5
A licenced vehicle found with bald, dangerous or defective tyre (points awarded per tyre)	5
Using an untaxed vehicle	5
Failure to display the vehicle licence plate in the appropriate position on the vehicle (as per the Licence Conditions) or defacing / concealing the plate	4
Unsatisfactory/Unclean condition of the vehicle	4
Unapproved or inappropriate advertising or signs in or on a vehicle (including on the window)	4
Failure to notify where the vehicle is kept	4
Failure to notify of a vehicle transfer (this can apply to both parties involved in the transfer)	4
Failure to carry a working Fire Extinguisher	4
Leaving a Hackney Carriage unattended on the rank	4
Failure to carry a first aid kit	4
Improper / Unauthorised signage (including a failure to use Operators door signs)	4
Failure to display or correctly use the roof light on a Hackney Carriage	4

Failing to comply with the requirements of the Highway Code or Traffic Order - i.e. Parking / Stopping / Waiting / Leaving your vehicle unattended on a double yellow area, waiting or stopping on a bus stop, disabled bay, double yellow area, or private land (without the owners permission), failure to comply with the conditions/use of bus lanes, parking, waiting or stopping in a disabled bay longer than the permitted time, parking, waiting, becoming stationary or stopping your vehicle in a parking bay (without a valid ticket), causing an obstruction to traffic, parking in a dangerous position (i.e. double parked, parked closed to a road junction) or on a footway, blocking the driveway or entrance of any residence, business, school or any other public building or space, or contravening any section of the highway code, traffic laws, regulations, orders or guidance.	4
Failure to deal with lost property in the appropriate manner	4
Failing to cause the seats to be properly cushioned or covered.	4
Dashboard warning light illuminated	4
Failure to display a valid fare chart or other approved notices	3
Food or drink waste in the vehicle or drinking/eating in a licenced vehicle with passengers on board	3
Sounding the vehicle horn to announce arrival, cause distress/alarm, display anger or in any way not permissible by S112 of the Highway Code	3
Conveying animals belonging to the proprietor or driver of the vehicle	3
Failure to report the loss of a licence / plate / badge / door sign as soon as the loss becomes known	3
Failure to display in a licenced vehicle "no smoking" signage as prescribed in the Health Act 2006	2
Causing excessive noise from any radio or sound-reproducing equipment	2

## Points relating to an Operator Licence

Operating as a Private Hire Operator whilst not in possession of a valid Private Hire Operators Licence	12
A Private Hire Operator operating a vehicle for hire and reward where the vehicle or driver does not hold a valid licence	12
Failure of a Private Hire Operator to ensure that all vehicles operated by him are adequately insured.	9
Failure of a Private Hire Operator to keep and display public liability insurance for the operating premises if the public are allowed access	9
Failure of an Operator to keep records / logs of all bookings in accordance with the conditions of the licence, or failure to produce within a reasonable timeframe upon the request of an authorised officer of the Council or a Police Officer	6
Operator failing to keep a register of details of all vehicles operated by them, as per the Conditions of the licence.	5
Failure of a private hire operator to request and keep a copy of all driver's licences in his employ at the beginning of employment.	4
Failure to provide an Operators Licence on request	4
Failure of a private hire operator to ensure that every driver employed by him has a private hire licence and badge and compliant with the conditions of their licences	4
Failure of a Private Hire Operator to ensure that office staff act in a civil and courteous manner at all times	3

## Points relating to all licences

Providing false or misleading information on a licence application form or failing to provide relevant information (including failing to pay the relevant fee upon request)	9
Failure to return any licence upon suspension or revocation or upon request	7
Failure to provide prompt, efficient or reliable service	3

### 1. Definition of poor driving behaviour:

- a. Careless driving – if the driver is not exercising the degree of care and attention that a reasonable and prudent driver would exercise in those circumstances
- b. Driving without reasonable consideration – deliberate act of behaviour is considered irresponsible and inconsiderate to others e.g. deliberately driving through a puddle to splash pedestrians or cutting into traffic at the last minute.

### 2. Definition of dangerous driving

- a. The way that a person drivers falls below what would be expected of a competent and careful driver; and

It would be obvious to a competent and careful driver that driving in that way would be dangerous.



### **003470 – 4 Points**

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**Incident:** On the 9 November 2020, driver left his vehicle unattended on the Taxi Rank from 12:50 to 13:39, contrary to national legislation regarding the use of Hackney Carriage Ranks.

**Offence:** Leaving a Hackney Carriage unattended on the ranks - 4 points

### **003470 – 4 Points**

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**Incident:** On the 9 November 2020, drivers vehicle was seen sporting a green flag, The driver has a previous history (involving a historical police incident) with a flag on his vehicle and as such it is considered that he was fully aware that this was not acceptable.

**Offence:** Unapproved or inappropriate advertising or signs in or on a vehicle (including on the window) – 4 Points

**Note:** This was the drivers second set of points, meaning he now has a total of 8 points.

### **003360 – 3 Points**

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**Incident:** On the 27th January 2021 the driver was seen discarding a cigarette butt on the floor, contrary to the Environmental Health Act.

**Offence:** Littering – 3 Points

### **003785 – 5 Points**

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**Incident:** On the 26th of February 2021 the driver was seen by a licencing officer smoking in his licenced vehicle contrary to the SmokeFree Act and national legislation pertaining to Smoking in a Public or Work vehicle.

**Offence:** Smoking in a licenced vehicle – 5 Points

### **003794 – 7 Points**

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**Incident:** On the 23rd of January 2021 driver was seen by a Woking Councillor carrying out an illegal U-Turn at Vic Way Junction - resulting in driver almost driving into oncoming traffic.

**Offence:** Poor or dangerous driving – 7 points

### **004207 – 4 Points**

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**Incident:** Following a complaint from a hackney driver, on the 28 February 2021, CCTV showed this driver in his car in the disabled bay outside Galaxy for over fifteen minutes. The passengers he ended up taking were not ones who had already booked (i.e. he wasn't waiting for them) as when approached he directed them to book in at Galaxy Cars.

**Offence:** Waiting in a disabled bay for extended periods – 4 Points

### **003785 – 6 Points**

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**Incident:** Fare paying passenger contacted Surrey Police after the driver of their hired vehicle was having a discussion about giving permission to kill a family member, which caused serious distress to the passenger and an ensuing police investigation.

**Offence:** Failing to behave in a civil and orderly manner being verbally abusive or aggressive to any member of public or driver, or bringing the trade into disrepute – this is an offence that has a maximum points issue of 9, however following an investigation into the incident, and the information received from the Police in relation to this matter, and taking into consideration the driver already had accrued 5 Points for smoking in his vehicle, it was decided to give him 6 points, which would take him up to 11 and as such any further incident would result in a sub-committee hearing.

### **003248 – 63 Points**

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**Incident:** It was discovered that the driver had provided regular documentation over four years stating he was residing in Woking when he was not, through his own admission he had lied on at least seven official applications thus intentionally misleading the Licensing Authority.

**Offence:** Providing false or misleading information on a licence application form or failing to provide relevant information (including failing to pay the relevant fee upon request) – 9 Points per offence so total 63 Points

**Sub-Committee Hearing:** As this drivers points had substantially exceeded the 12 point limit, they were taken to a Licensing Sub-Committee on the 19 July 2021. The Licensing Sub-Committee found the driver not fit and proper and as a result his Licence was revoked.

### **003785 – 6 Points**

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**Incident:** Driver was observed at least eight times waiting on the Disabled Bays outside Galaxy Cars for periods of anywhere between five minutes up to an hour. Even after having issued the driver with a warning, they were seen further abusing the Taxi Rank (waiting on it whilst in a Private Hire Vehicle).

**Offence:** Waiting in a disabled bay for extended periods – 4 Points per offence so a total of 32 Points

**Sub-Committee Hearing:** As this drivers points had substantially exceeded the 12 point limit, they were taken to a Licensing Sub-Committee on the 19 July 2021. The Licensing Sub-Committee found the driver not fit and proper and as a result his Licence was revoked.

### **004062 – 4 Points**

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**Incident:** Driver was observed waiting in a disabled bay outside Galaxy Cars for just over an hour

**Offence:** Waiting in a disabled bay for extended periods – 4 Points

### **003553 – 7 Points**

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**Incident:** At a renewal it was discovered that this driver had failed to notify the Licensing Authority of DVLA points he got in 2019, despite this being a condition of his licence. This driver has a history of driving offences so it was decided that there should not be any leniency on this matter.

**Offence:** Failing to notify Licensing Authority of DVLA Points – 7 Points

### **005333 – 6 Points**

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**Incident:** In October 2021 a licenced driver doing a school run (i.e. carrying vulnerable children) was involved in an accident. As a result of this it was discovered that his Operator had failed to renew

their Operators Licence when it expired in March 2021. Consequently every job that had been carried out between the August 2021 and October 2021 were, in effect, unlicensed. The national legislation and Central Government guidance is clear in that operating without a licence is a Prosecutable offence, and as such is treated very seriously, which is why this was categorised on the Points List as being a “12 Point offence.”

**Offence:** Operating without a licence – normally 12 Points but the decision of the Licensing Officers to follow Central Government Guidance and take the Operator to a Licensing Sub-Committee was overruled at the behest of the Legal Department who ordered us to only issue 6 points.

### **004752 – 6 Points**

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**Incident:** Shortly after the incident with the Operator from the above incident, a review of other Operators ensured and it was discovered that this Operator had also failed to renew their Operators Licence when it expired on the 4 August 2021. Consequently every job that had been carried out between the 4 August 2021 and the 22 October 2021 was, in effect, unlicensed. The national legislation and Central Government guidance is clear in that operating without a licence is a Prosecutable offence, and as such is treated very seriously, which is why this was categorised on the Points List as being a “12 Point offence.”

**Offence:** Operating without a licence – normally 12 Points but the decision of the Licensing Officers to follow Central Government Guidance and take the Operator to a Licensing Sub-Committee was overruled at the behest of the Legal Department who ordered us to only issue 6 points.

### **003457 – 5 Points**

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**Incident:** On a schools contract, the driver failed to properly affix a child seat so that when they had to break excessively during driving, the child’s head hit the window – resulting in minor physical harm to the child.

**Offence:** Failing to take precautions to ensure safety of passengers entering / exiting or travelling in the vehicle – 5 Points

### **003295 – 3 Points**

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**Incident:** It was discovered that the driver had moved house in 2018 – but had failed to notify the licensing authority as required by his licence conditions. When he applied for the Taxi Covid Grant in 2021, he still put his old address. This caused the Licensing Authority much concern but were unable to proceed further. The Driver was issued points and ordered to update his address correctly.

**Offence:** Failure to notify the Licensing Authority of a change of name or address in writing within the requisite timeframe -3 Points

### **003475 – 6 Points**

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**Incident:** As part of a schools transport program with Surrey County Council, on the 28 January 2022 the driver had picked up a child from the school. On the way back, the driver had forgotten about the child in his vehicle, returned home, parked his car and gone inside. After an hour the driver received a phone call from the concerned parent at which point the driver realised he had left the child locked in his licenced vehicle on his driveway for just over an hour. The driver was contacted about the incident (which was not denied) and informed the Licensing Authority that it was due to stress and lack of sleep as the result of personal family issues. Whilst the authority understands the

awkward situation the driver is in – the primary aim of the authority is to ensure the safety of the travelling public, and as such following consultation with the Legal Department, we must issue the points and advise the driver not to drive if they are tired or stressed as this is putting the public at risk.

**Offence:** Failure to comply with the conditions applicable of school transport vehicles and the code of conduct for drivers of school transport vehicles – 6 Points (When setting up the Penalty Points Scheme this situation was not anticipated, and so we have to use this enforcement category).