

APPENDIX C

PROPOSED REVISED PENATY POINT POLICY AND PROCEDURE

Section of Policy	Summary response received:	Officer's comments	Officer's recommendations
Appeals 9.1 & 9.2	Proof will be required that the appellants has received the required notice before points are accepted	Officers will endeavour to hand deliver any notice, but where this is not possible the notice will be sent recorded delivery.	No change
Two year span regarding accumulating penalty points	Find this unfair due to the driver's badge and plate lasting only 12 months. Suggest 12 months rather than 2 years.	Officers have discussed at length this issue, with the interested parties, and consideration has been given to trial the scheme for an agreed timescale with regards to imposing points over a 12 month period rather than 2 years	Recommend the following amendment to 5.6: For a trial period of 12 months, where a licence holder accumulates 20 or more penalty point in a 12 month rolling period (a period of 12 consecutive months determined on a rolling basis with a new 12 month period beginning each day). The matter will be referred back to Members of the Committee in 12 months time for review of the scheme.
Delegation of Functions	Is it wise to delegate authority under this	Senior Officers have delegated authority	No change

11.1	part of the proceedings to an individual?	to carry out a number of functions within the remit of the service and in this instance for the scheme to run effectively it is important that they are authorised to issue penalty points where necessary	
Appendix 1 - general	Why are all points either 5 or 10, with nothing higher , lower or in between?	This scheme is going to be a challenge to administer and by only imposing 5 and 10 points, it will ease any administrative burdens.	No change
Ref No. 3 - Failing to produce Certificate of compliance etc	This is low, subject to proof of receipt of notice	Officers feel this is the correct amount of point imposed	No change recommended
Ref No. 8 – Using an unlicensed vehicle or licensed vehicle with insurance	Not high enough	In certain circumstances, other enforcement action may be the most appropriate action ie prosecution/referral to police	No change recommended
Ref No. 12 – Failure to submit a licensed vehicle that is 5 years old or more for a 6 monthly MOT	Our company have enormous difficulty in testing vehicles since the Bodelwyddan garage has opened. Due to where it's situated 56 miles round trip away from us. Our work is school transport and social service for DCC. Our contracts are mainly feeders to large buses around farms, and country roads. We cannot fit the tests in at the garage at Bodelwyddan during term time, as there is not enough time to come back in time for school. It was devastating to be told last August that Bodelwyddan garage could not carry out any tests during August as their garage staff were taking their holidays. At present we are taking	All vehicles under 5 years old are required to undergo a 6 monthly compliance at any Council authorised testing station . Once vehicles are over 5 years old, one of the 6 monthly compliance tests must be carried out at Fleet Services. The other 6 monthly compliance test can be undertaken at any Council authorised testing station. The purpose of this is to ensure consistency throughout the testing regime.	The whole taxi and private hire policy (Blue Book) are being reviewed and the testing regime will form part of this review. No change recommended

	the vehicles at 7pm to Bodelwyddan for testing, after taking the vehicles back to their drivers we are arriving home approx. 11pm. There must be a better solution.		
Ref No. 25 – Failure to give assistance with loading/unloading luggage to or from any building or place	Slightly high. Courteous as it may be, they are hired as drivers not personal assistants ?	Licensed drivers should act in a professional manner at all times, and offer assistance to any passenger	No change recommended
Ref No.27 – Leaving a hackney carriage unattended whilst on a designated rank	Nature calls at any time. Drivers have to leave their vehicles to smoke and take a break as most drivers work 12 hours or more. A good 99% of drivers make sure vehicle is in that their unattended sight	If a driver has left his/her vehicle for a comfort break or smoke, then they are not available for immediate hire and are not able to move up the rank. Some Drivers have in the past abused the use of the ranks by leaving their vehicles unattended at a rank for more than a comfort/smoking break eg visit to shops etc. It is the opinion of Officers that in these circumstances vehicles should find alternative parking when not available for hire. It is also an offence under legislation to leave a vehicle unattended on a rank. Officers will use their discretion when considering imposing such points.	No change recommended
Ref No. 32 – Failure to carry a legal spare wheel and tools	There is a legal obligation re spare wheel. Does this also apply to tools?	Yes, without the appropriate tool a damaged tyre/wheel cannot be removed.	No change recommended
Ref No. 39 – Using a non-approved or non-calibrated taximeter	Is this consistent with Penalty Point No. 2	No 2 and 39 are different. Point 39 is when the proprietor has not had his/her taximeter calibrated to the Council's table of fares and charges	No change recommended
Ref No. 49 – Driving or parking in a	Too lenient?	Officers agree that for parts of this	Recommend the

manner likely to cause inconvenience, distress or danger to members of the public		infringement eg danger to members of the public, a more stringent penalty should be imposed	following amendment: 5-10 points
Ref No. 50 – Parking in contravention of public highway parking restrictions	Parking at the rear of the taxi rank. There is insufficient space for the amount of taxis that are now operating in Rhyl. This problem has been ongoing for years. In the daytime drivers are asked to move on by Traffic Wardens or Police Officers. At night the rules are different. There are no Traffic Wardens and the Police have more important issues to deal with. Therefore we find this unfair and unenforceable	There are double yellow lines at the rear of the Rhyl High Street rank which drivers continually ignore and use for extra “rank” space. This is an on-going issue that has been raised with Highways and solutions are being looked at. Due to a taxi being parked on yellow lines behind the rank, resulted in a road traffic collision. Parking at the rear of a rank can cause serious obstruction.	No change recommended
Ref No.52 – Sounding the vehicle horn to announce arrival or to tout for business	Draconian perhaps	It is an offence to sound your horn between the hours of 23:00 and 06:00. Officers feel that this can cause annoyance to neighbours	No change recommended
Ref No. 54 – Occupying/parking in a loading bay	After consultation with the Traffic Wardens, any vehicle can park for 10 minutes in any Loading area, therefore the proposed penalty points would be illegal	Some Drivers are continually abusing the “10 minute rule” and are moving on when requested, but then returning after 10 minutes. This is an on-going matter that is causing massive problems especially on the Rhyl High Street Rank as there is a loading bay immediately in front of the rank. Officers will use their discretion when considering imposing such points.	No change recommended
Ref No. 55 – Failure to present vehicle for inspection by an authorised office at required time/location	Slightly low?	Officers take on board the comments received	Recommend the following amendment: 10 points
General comments	Support the Council in the		

	<p>implementation of this policy. Frankly if anyone objects to the implementation of this policy, they obviously have things to hide, or operate in a way not deemed appropriate as per the policy. You have our full support on this initiative.</p>		
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