

Consultation Responses – Penalty Point Scheme

1.	Will these proposed penalties also apply to out of town vehicles, or just licenced Brighton & Hove vehicles?
2.	Propose Taxis Penalty Point Scheme wasn't at all supported in TAXI FORUM MEETING. what licensing committee doing now by sending individual emails to all the drivers it's completely illegal. I do not support this above proposal.
3.	<p>Hi I would like to share my thoughts regarding this policy It seems like a good idea but it would only fair if it applies to all drivers I mean to say the amount of out of city cars are operating in Brighton they outnumber Brighton registered vehicles, If it doesn't apply to them then it is unfair. The way they drive in Brighton it is disrespectful I have seen them smoking in there vehicles I do agree the attitude of a very few drivers in Brighton are not up to standard this comes from the passengers I had picked which can only be true. Thanks for your attention</p>
4.	<p>GMB are a national general trade union, with over 600,000 members who are either users or workers within the transport sector across the UK.</p> <p>This response comes from GMB Southern Region where we have around 90,000 members who are comprised of many different industries including those who drive buses, taxis, private hire vehicles and ambulances or who work in road freight and distribution. Overall, GMB recognises the important role a safety policy provides but is clear in its belief that a policy must be inclusive of the protections afforded to Taxi and Private Hire drivers and their rights.</p> <p><u>Brighton & Hove City Council Hackney Carriage & Private Hire Penalty Point Scheme</u></p> <p>Brighton & Hove City Council has a long history of having the highest standards in terms of licensing policies and procedures. For instance, ensuring the safety of passengers and the general public, as well as granting licensed drivers fairness and flexibility. Such should be celebrated, the licensing department and councillors of Brighton & Hove should be proud of its rich history of high standards.</p> <p>GMB Union recognise the requirement for passenger safety and safeguarding however on Penalty Point Scheme, GMB emphatically disagree with this plan and feel that bias could be visited upon drivers and that there may not be the same proportionality in each instance leading to targeting of individual drivers.</p> <p>GMB Union are also disappointed to find the Penalty Points Scheme does not recognise/mention driver protections and safety or speak to driver health or mental health issues that drivers face.</p>

	<p>Using a system that is intended to punish is not viable as a policy especially when it is subjective. And the fact that externally licensed drivers working locally would not be subject to the same system may drive drivers away. Ultimately this scheme will fail and not deliver what you are trying to achieve, instead resulting in losing control of the city and safety of riders/Brighton & Hove residents with more out of town cars with weak safety measures.</p> <p>Up and down the country we see so many pointless conditions applied to Taxi and Private Hire Drivers & vehicles and this scheme is one of them. Such baseless and unfair conditions are already pushing people away from this vital trade. We are seeing shortages of drivers in many cities and lack of driver availability is causing difficulty for the public getting transportation. Without drivers you have no safety, especially at night when lack of buses and other transport is limited for safe travel home.</p> <p>GMB recommendation to Brighton & Hove City Council is not to go ahead with the consultation, scrap the whole plan and work with the trade to identify areas of concerns and make improvement(s) based on current standards/rules that you already have in place and these are GOOD standards.</p> <p>GMB Union will be reaching out to its members in coming weeks, in making preparations for campaigns & pushing back against any such move in regards to the scheme and pointless consultation. What we see is yet more attacks on working people and running tick box exercises and no proper real change when it comes to protecting ALL parts of the trade.</p> <p>This response has been produced on behalf of GMB Southern Region</p>
<p>5.</p>	<p>Will there be a Scale off thee offence minor offence *1 point as to severity off offences</p> <p>1 point 2 points 3 points And so on</p> <p>With severity off offence rather than making points up as you go along as each HCO officer may have there own opinion on points TO ISSUE</p> <p>LIKE THE IDEA</p>
<p>6.</p>	<p>I agree with the Penalty point scheme overall</p> <p>I think dress code should be a part of the scheme you want to see some of them out there</p> <p>I also agree that you have got to put up license fees</p> <p>But more important than anything is you (we) have got to get these out-of-town cars out of Brighton some are Just taking the p</p>

	<p>As I keep saying get them out of the bus lanes for a start</p> <p>If we go to London we are not allowed to go in bus Lanes</p> <p>Surely you must be able to talk to LEWES district Council about when they license these cars they ask where they're going to work because all they are doing is licensing them and they're coming straight into Brighton</p> <p>I don't even mind about Uber Just as long as all the cars that work for them in Brighton are</p> <p>Brighton licensed</p> <p>Sorry to be a pain</p> <p>But we have all got to be under the same umbrella</p>
7.	<p>Dear sir /madam</p> <p>I am a private hire taxi driver badge number xxxx As I am fit and proper taxi driver I disagree with taxi penalty scheme because I fully obey the regulations of the road traffic and the safety of other drivers and roads regulations</p>
8.	<p>I believe this is a golden opportunity for enforcement at the front of Brighton station. There is no reason whatsoever why we can't insist on one of the penalty point offences being ranking at the front of Brighton station. It has already been specifically for bitten by HCO VIA THE LETTER SENT OUT TO EVERY DRIVER. I appreciate it has been difficult to enforce.</p> <p>Maybe two or three points penalty for ranking at the front of the station would be an easy enforcement method.</p> <p>I'm sure there will be further feedback from myself and others in the meantime. Just wanted to get the above off my chest sooner rather than later :-).</p>
9.	<p>My comment on this is a worry that it will be used to bully some drivers while those protected by large organisations will have much more leeway.</p> <p>I would like to suggest the appeal be looked at by other drivers ,to give a proper independent appeal.</p> <p>I recently found out Brighton Council paid over £50K to a drunk passenger who wasn't wearing a seat belt as an unlicensed person was driving a hackney taxi</p> <p>If such a owner can't keep their licensed taxi from falling into the hands of someone not licensed ,they would have lost their licence.If this isn't worth 24 points im not sure what does, and why was the claim made against the council not the drivers insurance.Is this true?How was no action taken against the owner if not.</p> <p>But we will find petty reasons to allow members of the public to report</p>

	<p>drivers other drivers to carry out vendettas ,where we have no legal recourse against them.</p> <p>I feel the process is already in law without the need for further legislation just to have us live with threats of unlimited reasons and is open to abuse and bullying</p>
<p>10.</p>	<p>I am writing to reject this proposal.</p> <p>Brighton and Hove have some of the most stringent rules and regulations by implementing the Blue Book, this provides a high level of performance that sets us apart from the rest of the UK.</p> <p>The hackney carriage officers who monitor the rules have the ability to act immediately if they deem it necessary. These officers are already overworked with the number of cars that they have to monitor, why add more work for no benefit?</p> <p>With the cross borders being open the hackney carriage officers have no enforcement powers over any cars coming from different county's, this is unfair as they are working in my town and do not have to obey the applicable laws that are already in place – this proposal will only create more conflict – we haven't even resolved the issue with the differing CCTV requirements (especially in the home to school transport between Brighton and Hove and Lewes council) because the criteria is different.</p> <p>It is not fair to subject our drivers to this while other drivers can do what they want in our town, and no one can say anything to them.</p> <p>There have been no visibility studies or any statistical figures that have been raised by the council to reflect that we have a problems that warrant this proposal.</p> <p>Due to all the above I would like to voice my rejection to the above proposal.</p>
<p>11. x15</p>	<p>I am writing to reject this proposal due to the fact that our Blue Book provides a high level of performance that sets us apart from the rest of the UK.</p> <p>With the cross borders being in place the hackney carriage officers have no enforcement powers over any cars coming from out of city this is unfair as they are working in my city and do not have to obey the applicable laws that are already in place – this proposal will only create more conflict and unfair treatment for the local taxis</p> <p>It is very harsh to subject our drivers to this while other drivers can do what they want in our city and no one can say anything to them.</p>

	<p>There have been no visibility studies or any statistical figures that have been raised by the council to reflect that we have a problems that warrant this proposal.</p> <p>Due to all the above I would like to voice my rejection to the above proposal.</p>
12.	<p>Response to the consultation on the taxi and PH Penalty Points Scheme</p> <p>Having fully engaged with licensing officers, following the publication of the initial draft, I can confirm that I support the proposals/scheme in the latest draft.</p> <p>It's worth pointing out, before I detail why I support the proposals, that what officers are proposing is nothing new. They are not requesting councillors to re-invent the wheel. The Penalty Points Scheme is being used in over a hundred councils, some of them for the best part of 30 years. It has been approved by the Department of Transport, the Local Government Association, and the Law Commission. It even gained judicial approval in the case of Singh v Cardiff City Council in 2012.</p> <p>It will have little or no effect on the vast majority of license holders</p> <p>It will come as no surprise to officers and councillors that the vast majority of license holders are, as the law requires them to be, fit and proper. It is my view that at least 95% of the trade will never get a point. Most rarely have any contact with officers, other than when relicensing. Of the other 5%, most will mend their ways once they realised what the outcome could be if they breach their licensing requirements, and the few that don't behave deserve not to be called fit and proper anymore.</p> <p>Transparency and Clarity</p> <p>Most licensed drivers have never read the licensing Blue Book, that's not a criticism of them, merely a fact. They rely on the very few drivers that have. The proposed scheme reduces the 100 pages of the Blue Book down to 3 or 4 pages of A4.</p> <p>For a significant number of licensed drivers English is their second language, therefore reducing 100 pages of legal speak to 3 or 4 pages of A4 is a huge positive step forward in helping those drivers understand the requirements of the council, and the law.</p> <p>Stopping drivers breach licensing requirements (such as reporting in good time to the council following an accident) due to their naivety is a win win situation in my view.</p> <p>It's also worth remembering that every single requirement in the proposed Penalty Points Scheme already exists, there is nothing new being proposed. They have been put in place by a number of licensing committees over the last 40 years in respect of private hire requirements, and over 150 years in respect of taxi bylaws.</p>

	<p>Economic Impact</p> <p>It has been suggested by those opposed to the Penalty Points Scheme that it's adoption would cause significant financial hardship. I do not share those concerns. In fact, I'm struggling to see any negative financial aspects to the proposed scheme. Maybe keeping your car clean is now considered by some to be a negative impact. In my opinion the only negative impact that's being mentioned is by those suggesting two taxi tests a year as an alternative to the Penalty Points Scheme. This suggestion will negatively affect 100% of the trade, down solely to the unlawful actions of a small minority of drivers who really don't care. Not fair in my view.</p> <p>Appeals Process</p> <p>Under the existing enforcement process any license holder that is found to have breached their licensing requirements, and is aggrieved by that, has no option other than to appeal to the courts. This is increasingly costly and long winded, both for the license holder and the council. I welcome the inclusion of an internal appeal process in the proposed Penalty Points Scheme. It is a major step forward.</p> <p>Driver Shortages</p> <p>A few trade reps opposed to the Penalty Points Scheme have suggested that it will lead to driver shortages.</p> <p>Two things come to mind. Firstly, that this scheme hasn't restricted the number of drivers licensed by Lewes District Council, who according to the information passed on by Mr Peters, show an increase of 1000% in the last ten years or so. Secondly, if an applicant is concerned about this scheme enough to be put off from licensing in B&&H then one must wonder if that person is really someone we want in our trade.</p> <p>In conclusion I wish to commend officers for the time they have taken in bringing forward this proposal, and the openness they have shown in listening to those who had concerns at some of the recommendations.</p> <p>Dealing with license holders that breach licensing requirements is no easy task, and if officers believe this scheme will help them keep the residents and visitors to our city safer, then I for one will fully support giving them the required tools to carry out that task.</p>
<p>13.</p>	<p>I am writing this email on behalf of Utda. United Taxi Drivers Association strongly opposes to implement this scheme.</p> <p>Reason:</p> <p>1/ Hackney Carriage and private hire operators, drivers and vehicles are principally governed by the local government(miscellaneous provisions)act 1976, town police clauses act 1847, councils by laws and rules, regulation and conditions set by the licensing Committee which already covers all code of conduct or breach of conditions. This scheme will put additional pressure on drivers on their day to day work which will impact their livelihood whereas the cost of living is already a top concern nationwide.</p>

	<p>2/ There will be a high possibility of misuse of this scheme by the officers, drivers may be subjected of humiliation depending on nature of individual manner rather than law enforcement.</p> <p>3/ If Brighton and Hove Hackney Carriage office implement this scheme, it will be applicable only for the driver, proprietors and operators licensed by BCCC, but vehicles and drivers are working in this city licensed by other councils. In that case, Brighton and Hove drivers will fall into unfair competition whereas we are already victims of multiple hassles caused by the drivers of other councils. also, different rules cannot be applicable for different drivers.</p> <p>4/ OFFENCE/BREACH of condition no 35 or 42 can be used to subject any driver, proprietor of unfair practice and put them into a legal battle to get their right back which will severely impact their livelihood. Doors of discrimination will be open by implementing this scheme.</p> <p>5/ This penalty point scheme will simply be a additional hassle for drivers, proprietors of vehicles and spreaded out a fear within the trade that more injustices are upcoming.</p> <p>6/ Finally implementing the rules will discriminate against the Brighton taxi licence holders. For example, an Uber driver/licence holder from a different council who comes from out of town will not have to comply with these rules because their council has not adopted the same ones.</p>
<p>14.</p>	<p>I am writing to express my deep concern and disappointment regarding the proposed Penalty Points System applying to the taxi drivers in Brighton and Hove.</p> <p>I believe the Proposal could cause significant challenges and hardships for many hardworking taxi drivers in our community. While I understand the importance of maintaining high standards and ensuring passenger safety, I believe that the proposed penalty points system may be excessively punitive and does not take into account the unique circumstances that taxi drivers often face. As members of our local community, taxi drivers provide an essential service, and they play a crucial role in our city's transportation network. My concerns and those of many others in our community are as follows:</p> <ol style="list-style-type: none"> 1. Driver Shortage: We are facing a shortage of new taxi drivers joining the Brighton & Hove taxi trade (they prefer to join Uber with fewer rules), and imposing penalty points could discourage individuals from entering or staying in the profession. 2. Unfairness: With the cross borders being in place, the Hackney Carriage officers have no enforcement powers over any cars coming from outside the city, allowing these outside drivers to get away with violations BH drivers will be punished for. This is unfair, and this proposal will only create more resentment towards the outside-the-city drivers, conflict and unfair treatment for the local taxis. This can also lead to disappointed customers who might think it is BH drivers

who provided dissatisfactory service, when in reality it was out-of-city drivers.

3. Privacy infringement: Under The Proposal, the officers can stop any BH Hackney / Private Hire car at any time. However, as per the vehicle insurance, our cars can be used for private use (time with our families etc) and the vehicle can get messy (we might eat there or move furniture etc). During this time we are private citizens, and should be treated as such.

4. Complex Violations: Some violations by taxi drivers may involve complex circumstances or disputes, that are better addressed through arbitration or mediation, rather than a straightforward penalty points system.

5. Economic Impact: Considering the current economic impact on taxi drivers and the Council itself, The Proposal will cost money to implement, plus the excessive use of penalty points could lead to financial hardship for drivers.

6. Focus on Core Issues: The Council may prioritise addressing more significant issues in the taxi industry, such as safety concerns, vehicle standards, or customer service, and may choose to allocate resources accordingly.

7. Enhancing vehicle standards: By applying a Vehicle suitability test every 6 months, rather than waiting for the driver to commit an offence and issuing him a penalty point.

8. It is already implemented in British Law: If a driver commits a driving offence, he will be issued with penalty points by the Police and if it is serious, the driver will lose his driving licence and the taxi licence at the same time.

9. Blue Book: Brighton and Hove taxi trade rule book, aka 'The Blue Book' already requires a high level of performance from the Taxi Drivers, which sets us apart from the rest of the UK.

10. Monitoring and Improvement: The Council may opt for continuous monitoring and improvement programs for taxi services, where they work closely with drivers to identify and rectify issues without resorting to penalty points.

11. Educate and do not prosecute: Educating taxi drivers effectively through training courses, communication, online seminars and support as prevention, instead of waiting until the driver makes a mistake to be prosecuted.

12. Inconsistent Enforcement: The current application of penalty points (as per the Blue Book) appears to be inconsistent and sometimes arbitrary. Drivers often receive points for minor infractions that do not necessarily pose a threat to passenger safety.

13. Viability: There have been no viability studies or any statistical figures that have been raised by the Council to reflect that we have a problem that warrants this proposal.

	<p>14. Increased anxiety and stress: as professional drivers who spend our work shift behind the wheel, we already face more pressure than regular drivers; we ferry rowdy, drunk or ill passengers in all weather conditions, day or night, as well as navigating traffic and ever-changing roadworks. Coming to work worrying about receiving penalty points would make drivers more anxious and stressed, and this could lead to more accidents.</p> <p>Due to all the above I would like to voice my rejection to the above proposal.</p>
<p>15. X 36</p>	<p>I, am writing to express my deep concern and disappointment regarding the proposed Penalty Points System applying to the taxi drivers in Brighton and Hove.</p> <p>I believe the Proposal could cause significant challenges and hardships for many hardworking taxi drivers in our community. While I understand the importance of maintaining high standards and ensuring passenger safety, I believe that the proposed penalty points system may be excessively punitive and does not take into account the unique circumstances that taxi drivers often face. As members of our local community, taxi drivers provide an essential service, and they play a crucial role in our city's transportation network. My concerns and those of many others in our community are as follows:</p> <ol style="list-style-type: none"> 1. Driver Shortage: We are facing a shortage of new taxi drivers joining the Brighton & Hove taxi trade (they prefer to join Uber with fewer rules), and imposing penalty points could discourage individuals from entering or staying in the profession. 2. Unfairness: With the cross borders being in place, the Hackney Carriage officers have no enforcement powers over any cars coming from outside the city, allowing these outside drivers to get away with violations BH drivers will be punished for. This is unfair, and this proposal will only create more resentment towards the outside-the-city drivers, conflict and unfair treatment for the local taxis. This can also lead to disappointed customers who might think it is BH drivers who provided dissatisfactory service, when in reality it was out-of-city drivers. 3. Privacy infringement: Under The Proposal, the officers can stop any BH Hackney / Private Hire car at any time. However, as per the vehicle insurance, our cars can be used for private use (time with our families etc) and the vehicle can get messy (we might eat there or move furniture etc). During this time we are private citizens, and should be treated as such. 4. Complex Violations: Some violations by taxi drivers may involve complex circumstances or disputes, that are better addressed through arbitration or mediation, rather than a straightforward penalty points system. 5. Economic Impact: Considering the current economic impact on taxi drivers and the Council itself, The Proposal will cost money to

	<p>implement, plus the excessive use of penalty points could lead to financial hardship for drivers.</p> <p>6. Focus on Core Issues: The Council may prioritise addressing more significant issues in the taxi industry, such as safety concerns, vehicle standards, or customer service, and may choose to allocate resources accordingly.</p> <p>7. Enhancing vehicle standards: By applying a Vehicle suitability test every 6 months, rather than waiting for the driver to commit an offence and issuing him a penalty point.</p> <p>8. It is already implemented in British Law: If a driver commits a driving offence, he will be issued with penalty points by the Police and if it is serious, the driver will lose his driving licence and the taxi licence at the same time.</p> <p>9. Blue Book: Brighton and Hove taxi trade rule book, aka 'The Blue Book' already requires a high level of performance from the Taxi Drivers, which sets us apart from the rest of the UK.</p> <p>10. Monitoring and Improvement: The Council may opt for continuous monitoring and improvement programs for taxi services, where they work closely with drivers to identify and rectify issues without resorting to penalty points.</p> <p>11. Educate and do not prosecute: Educating taxi drivers effectively through training courses, communication, online seminars and support as prevention, instead of waiting until the driver makes a mistake to be prosecuted.</p> <p>12. Inconsistent Enforcement: The current application of penalty points (as per the Blue Book) appears to be inconsistent and sometimes arbitrary. Drivers often receive points for minor infractions that do not necessarily pose a threat to passenger safety.</p> <p>13. Viability: There have been no viability studies or any statistical figures that have been raised by the Council to reflect that we have a problem that warrants this proposal.</p> <p>14. Increased anxiety and stress: as professional drivers who spend our work shift behind the wheel, we already face more pressure than regular drivers; we ferry rowdy, drunk or ill passengers in all weather conditions, day or night, as well as navigating traffic and ever-changing roadworks. Coming to work worrying about receiving penalty points would make drivers more anxious and stressed, and this could lead to more accidents.</p> <p>Due to all the above I would like to voice my rejection to the above proposal.</p>
<p>16.</p>	<p>1/ Hackney Carriage and private hire operators, drivers and vehicles are principally governed by the local government(miscellaneous provisions)act 1976, town police clauses act 1847, councils by laws and rules, regulation and conditions set by the licensing Committee which already covers all code of conduct or breach of conditions. This</p>

	<p>scheme will put additional pressure on drivers on their day to day work which will impact their livelihood whereas the cost of living is already a top concern nationwide.</p> <p>2/ There will be a high possibility of misuse of this scheme by the officers, drivers may be subjected of humiliation depending on nature of individual manner rather than law enforcement.</p> <p>3/ If Brighton and Hove Hackney Carriage office implement this scheme, it will be applicable only for the driver, proprietors and operators licensed by BCCC, but vehicles and drivers are working in this city licensed by other councils. In that case , Brighton and Hove drivers will fall into unfair competition whereas we are already victims of multiple hassles caused by the drivers of other councils. also, different rules cannot be applicable for different drivers.</p> <p>4/ OFFENCE/BREACH of condition no 35 or 42 can be used to subject any driver, proprietor of unfair practice and put them into a legal battle to get their right back which will severely impact their livelihood. Doors of discrimination will be open by implementing this scheme.</p> <p>5/ This penalty point scheme will simply be a additional hassle for drivers, proprietors of vehicles and spreaded out a fear within the trade that more injustices are upcoming.</p> <p>6/ Finally implementing the rules will discriminate against the Brighton taxi licence holders. For example, an Uber driver/licence holder from a different council who comes from out of town will not have to comply with these rules because their council has not adopted the same ones.</p>
<p>17.</p>	<p>I personally have not seen any driver who has indicated a positive response from your this penalty point system.. I feel like we are treated like do as you are told because our voices are not been heard and our opinion doesn't matter..</p> <p>Personally, I absolutely love my job and very passionate about it but the same time am increasingly feel scared, vulnerable and voiceless ...</p>
<p>18.</p>	<p>Without knowing the exact numbers there seems to be as many Lewes and Chichester cabs working in the city will they be penalised under this new point system .If not Brighton cabs who pay into the city will be penalised and the out of town will do as they please because the rules will not concern them .I have regularly seen out of town cars sitting on hackney stands and hanging round the station surely if we're being brought to task they should be penalised under the same rules . This would be one of the obvious concerns I see as I notice these parking issues on a regular basis. Personally I'm not in favour of the proposed system as I think we're regulated enough but I</p>

	thought I'd put my concerns forward. Thanks for the chance to reply to your email
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